

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1960S.01I
Bill No.: SB 576
Subject: Attorneys; Children and Minors; Courts; Courts, Juvenile; Domestic Relations;
Family Law; Marriage and Divorce
Type: Original
Date: March 21, 2025

Bill Summary: This proposal modifies provisions relating to guardians ad litem.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
General Revenue*	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
Total Estimated Net Effect on General Revenue	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)

*Oversight assumes OSCA's potential unknown costs will not exceed \$250,000 annually.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
Total Estimated Net Effect on FTE	0	0	0

- ☐ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- ☐ Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§§452.423 & 484.355 – Modifies provisions relating to guardians ad litem

Officials from the **Office of State Courts Administrator (OSCA)** state SB 576 may have some impact but there is no way to quantify that amount currently. Any significant changes will be reflected in future budget requests.

Oversight notes OSCA assumes this proposal may have some impact on their organization although it can't be quantified at this time. As OSCA is unable to provide additional information regarding the potential impact, Oversight assumes the proposed legislation will have a \$0 to (Unknown) cost to the General Revenue Fund. For fiscal note purposes, Oversight also assumes the impact will be under \$250,000 annually. If this assumption is incorrect, this would alter the fiscal impact as presented in this fiscal note. If additional information is received, Oversight will review it to determine if an updated fiscal note should be prepared and seek approval to publish a new fiscal note.

Officials from the **Department of Social Services** assume the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note.

<u>FISCAL IMPACT – State Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028
GENERAL REVENUE FUND			
<u>Costs</u> – OSCA (§§452.423 and 484.355) – potential increase in costs relating to guardians ad litem	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT – Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This act modifies provisions relating to the appointment of a guardian ad litem (GAL) in child custody, dissolution of marriage, or legal separation proceedings. Under current law, a GAL may be appointed in all cases, but shall be appointed in any case where an allegation of abuse or neglect has been made.

Under this act, in cases of discretionary GAL appointment, the appointment may be for a limited purpose if made on the court's own motion, the motion of a party, or by agreement of the parties. The limited purpose shall be specified in the appointment order. If not for a limited purpose, the appointment order shall state the grounds upon which the GAL is appointed. Within 21 days of appointment, the GAL shall meet with the custodial guardians and the child face-to-face, as specified in the act, to ascertain the unobstructed input of the child, free of coercion and manipulation. The GAL shall provide the custodial guardians with a copy of the Missouri Supreme Court standards governing GALs. The GAL shall continue to maintain regular contact with the child following the initial meeting for the duration of the appointment and shall not delegate this obligation to any other person.

All parties shall have the right to one disqualification of a GAL, without cause, within 30 days of appointment. A party may request a disqualification of a GAL for cause outside of the 30-day period or after one disqualification has been made, including, but not limited to, for failure to communicate, failure to present relevant information, failure to investigate reasonable issues of child abuse or neglect, failure to meet with the custodial guardians and the child, and failure to respond to requests for communication.

In order for the court to appoint a GAL in cases where child abuse or neglect have been alleged, the allegation shall have been made by a custodial guardian under oath with specificity. The appointment shall be a limited appointment for the purpose of investigating and substantiating the existence of abuse or neglect, as specified in the act. If the GAL determines the allegations are not substantiated, the GAL shall be discharged by the court and the GAL fees shall be paid by the party that made the unsubstantiated allegations.

Under this act, the GAL shall be awarded a reasonable fee for his or her services, as set by the court. Every 30 days, the GAL shall provide the parties with a statement reflecting services provided. The court may order one or both parties to pay the costs and fees for the services provided, as specified in the act.

The GAL may make informal recommendations in the form of a written report to the court during the pendency of the assignment. The recommendations shall not take effect unless and until so ordered by the court upon a motion by the GAL or one of the parties.

The GAL shall, upon a written request by a party, provide within 30 days of the request an itemized accounting of all the time expended in the case by the GAL up to the date of the requests.


On or before January 1, 2026, the Office of Chief Disciplinary Counsel shall establish and maintain a complaint procedure for parties dissatisfied with the services of a GAL. The complaint procedures shall be in writing and made available to the public.

Finally, this act specifies the standards that a GAL shall adhere to in family and juvenile courts, including standards relating to GAL case loads; the best interests of the child; diligent advocacy for the child; reasonable access to the child and the child's reasonable access to the GAL; the GAL's access to relevant records relating to the child; confidentiality of information; case review; GAL-child interactions; GAL participation in plans, staffings, and orders relating to the child; GAL presence in court proceedings and conferences; and GAL recommendations to the court. (§§452.423 and 484.355)

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Social Services
Office of the State Courts Administrator



Julie Morff
Director
March 21, 2025



Jessica Harris
Assistant Director
March 21, 2025