

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5621S.01I
Bill No.: SB 948
Subject: Children and Minors; Elementary and Secondary Education; General Assembly;
Health Care; Law Enforcement Officers and Agencies; Mental Health; Political
Subdivisions; Religion; State Departments; Teachers
Type: Original
Date: January 12, 2026

Bill Summary: This proposal provides that parents shall have the fundamental right to direct the upbringing, education, health care, and mental health of their children free from government interference.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND

FUND AFFECTED	FY 2027	FY 2028	FY 2029
General Revenue*	Could exceed (\$1,056,031)	Could exceed (\$1,237,695)	Could exceed (\$1,250,147)
Total Estimated Net Effect on General Revenue	Could exceed (\$1,056,031)	Could exceed (\$1,237,695)	Could exceed (\$1,250,147)

***Oversight** assumes the total state fiscal impact could exceed \$250,000 due to the potential for civil action for any violations of §§1.340, 1.341 and 431.061.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS

FUND AFFECTED	FY 2027	FY 2028	FY 2029
State Legal Expense Fund (1692)**	\$0	\$0	\$0
Other State Funds***	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
Colleges and Universities***	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
Total Estimated Net Effect on <u>Other</u> State Funds	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)

**Transfers and distributions net to zero.

***The potential fiscal impact to various state funds (and local political subdivisions) stems from a new cause of action that can be brought against the state and other entities in §§1.340, 1.341 and 431.061.

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS

FUND AFFECTED	FY 2027	FY 2028	FY 2029
Federal Funds*	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)

***Oversight** assumes the loss of federal funds could reach the \$250,000 threshold.

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)

FUND AFFECTED	FY 2027	FY 2028	FY 2029
General Revenue	7 FTE	7 FTE	7 FTE
Total Estimated Net Effect on FTE	7 FTE	7 FTE	7 FTE

☒ 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 2027	FY 2028	FY 2029
Local Government*	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)

*Potential litigation costs.

FISCAL ANALYSIS

ASSUMPTION

§§1.340 and 1.341 – Parental Rights

Officials from the **Missouri Office of Prosecution Services** and **Office of the State Courts Administrator** did not respond to **Oversight’s** request for fiscal impact for this proposal.

Officials from the **Department of Social Services (DSS)**, **Division of Legal Services (DLS)** state section 1.340 is new and definitions of both a “child” and a “parent”. It also provides that a parent has a fundamental liberty interest in the care, custody, and control of such parent's child, including the right to direct the upbringing, education, health care, and mental health of the child free from government interference. It further provides that government shall not restrict this fundamental right unless the governmental authority demonstrates that the restriction is essential to further a compelling governmental interest and is the least-restrictive means of furthering that compelling interest. Nothing in the section is to be construed as allowing any person to cause physical injury to another, to possess a weapon otherwise authorized by law, or to fail to provide health care for a child suffering from a life-threatening condition.

Section 1.341: Provides a list of parental rights that are exclusively reserved to a parent of a child without obstruction by or interference from this state, any political subdivision of this state, any other governmental entity, or any other institution. This is to include education and access educational records, as well as various other ideas such as directing the upbringing of a child and making all health care decisions. This also includes to consent in writing before any governmental authority makes a video or audio recording of a child, unless the recording is made as part of a court proceeding, law enforcement investigation, a forensic interview, creation of a photo ID card, and to be “notified promptly if any governmental authority suspects that abuse, neglect, or any criminal offense has been committed against the child, unless the governmental authority reasonably believes that notifying the parent is likely to endanger the life or physical safety of the child”.

Section 1.341.2: This section also provides that “Except for law enforcement personnel, a governmental authority shall not encourage or coerce a child to withhold information from the child's parent; nor shall a governmental authority withhold from a child's parent information that is relevant to the physical, emotional, or mental health of the child.”

Section 1.341.3: Provides for a parental cause of action where a parent who believes his or her rights have been violated under this section or section 1.340. The parent may assert that violation as a claim or defense in a judicial or administrative proceeding, regardless of whether the government is a party to the proceeding, and obtain appropriate relief against the government, including declaratory relief, injunctive relief, compensatory damages, and reasonable attorney's fees and costs.

There is an anticipated fiscal impact of seven (7) FTE (one for each geographic region) in DLS-litigation for additional attorneys. Should this bill pass, litigation attorneys would spend additional time briefing and in court. Additionally, as the language in section 1.341.3 purports to make governmental entities liable in proceedings where they are not parties for alleged violations, DLS litigation attorneys may be required to attend many hearings where they otherwise would not attend.

Oversight does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by the DSS/DLS.

Officials from the **Office of Administration (OA)** state this legislation creates provisions and damages relating to governmental interference of all parental rights. This has the potential to increase costs to the Legal Expense Fund (LEF) but would be subject to judicial construction; therefore, the cost is unknown.

Oversight does not have any information contrary to that provided by OA. Therefore, Oversight will reflect OA's potential unknown impact for fiscal note purposes to the State Legal Expense Fund. Oversight notes the Legal Expense Fund is funded by the General Revenue Fund as well as other state funds and federal funds. Oversight notes this possible litigation exposure as described by OA could also apply to colleges and universities and local political subdivisions.

Officials from the **Richland R-I School District** assume the provisions allowing parents to make "reasonable choices within public schools" for a child's education create an open-ended and undefined obligation for school districts that could result in unknown and potentially significant costs.

Unlike existing mandates tied to disability or statutory programs, these provisions may require districts to respond to individualized instructional requests based solely on parental preference, including alternative materials, pacing, instructional methods, or supervision, without clear limits or funding mechanisms. Additionally, restrictions on video and voice recordings absent written parental consent may increase staffing, documentation, compliance tracking, and administrative burdens while reducing operational efficiency in instruction, supervision, discipline, and investigations.

Because the scope, frequency, and complexity of such requests cannot be reasonably projected, district officials are unable to estimate the fiscal impact, which would be borne by local districts and could be significant, particularly for districts with limited staffing capacity.

Officials from the **Republic R-III School District** state if this proposal were to become law, it would absolutely have a fiscal impact to school districts (it is hard to quantify but it will happen). The last few sentences grease the tracks for attorneys to take this and run with it, which will eventually increase costs for liability insurance companies, school districts, and perhaps even taxpayers.

Officials from the **High Point R-III School District** indicate they anticipate a fiscal impact, but do not elaborate on the specifics of any potential costs.

Based on the responses from the Richland R-I School District and Republic R-III School District indicating potential litigation related costs and broad variety of possible school district obligations, **Oversight** will show a cost of \$0 or Unknown to schools for potential increased costs in the fiscal note.

Officials from the **Department of Commerce and Insurance, Department of Corrections, Department of Elementary and Secondary Education, Department of Health and Senior Services, Department of Higher Education and Workforce Development, Department of Labor and Industrial Relations, Department of Mental Health, Department of Public Safety - Missouri Highway Patrol, Missouri Consolidated Health Care Plan, Missouri Department of Conservation, Missouri Department of Transportation, Office of Administration, Office of Administration - Administrative Hearing Commission, City of Kansas City, Newton County Health Department, Phelps County Sheriff's Department, Branson Police Department, Kansas City Police Department, Northwest Missouri State University and University Of Central Missouri** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other cities, counties, local health departments, circuit clerks, public administrators, law enforcement agencies, schools, and colleges were requested to respond to this proposed legislation but did not. Upon the receipt of additional responses, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval to publish a new fiscal note. A general listing of political subdivisions included in our database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029
GENERAL REVENUE			
<u>Cost – DSS/CD (§§1.340 and 1.341) p.3-4</u>			
Personal service	(\$613,208)	(\$743,208)	(\$750,640)
Fringe benefits	(\$341,926)	(\$413,270)	(\$416,259)
Equipment and expense	(\$100,897)	(\$81,217)	(\$83,248)
<u>Total Costs - DSS/CD</u>	(\$1,056,031)	(\$1,237,695)	(\$1,250,147)
FTE Change - DSS/CD	7 FTE	7 FTE	7 FTE

<u>FISCAL IMPACT – State Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029
<u>Transfer Out – OA (§§1.340 and 1.341)</u> To the State Legal Expense Fund for potential increase in litigation p.4	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
ESTIMATED NET EFFECT ON GENERAL REVENUE	Could exceed (\$1,056,031)	Could exceed (\$1,237,695)	Could exceed (\$1,250,147)
Estimated Net FTE Change on General Revenue	7 FTE	7 FTE	7 FTE
STATE LEGAL EXPENSE FUND (1692)			
<u>Transfer In – (§§1.340 and 1.341) From</u> General Revenue and other State and Federal funds p.4	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
<u>Cost – OA (§§1.340 and 1.341)</u> Potential increase in litigation p.4	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
ESTIMATED NET EFFECT ON THE STATE LEGAL EXPENSE FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
OTHER STATE FUNDS			
<u>Transfer Out – OA (§§1.340 and 1.341)</u> To the State Legal Expense Fund for potential increase in litigation p.4	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
ESTIMATED NET EFFECT OTHER STATE FUNDS	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>
COLLEGES AND UNIVERSITIES			
<u>Cost – (§§1.340 and 1.341) Potential</u> increase in litigation p.4	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)

<u>FISCAL IMPACT – State Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029
ESTIMATED NET EFFECT ON COLLEGES AND UNIVERSITIES	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
FEDERAL FUNDS			
<u>Transfer Out – OA (§§1.340 and 1.341)</u> To the State Legal Expense Fund for potential increase in litigation p.4	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
ESTIMATED NET EFFECT TO FEDERAL FUNDS	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)

<u>FISCAL IMPACT – Local Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029
LOCAL POLITICAL SUBDIVISIONS			
<u>Cost – Schools (§§1.340, 1.341 and 431.061)</u> Potential costs related to litigation and possible school district obligations p.4-5	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
ESTIMATED NET EFFECT LOCAL POLITICAL SUBDIVISIONS	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

This act provides that a parent has a fundamental right to direct the upbringing, education, health care, and mental health of such parent's child free from government interference. A governmental authority shall not restrict parental rights unless such authority demonstrates that the restriction is essential to further a compelling governmental interest and is the least restrictive means of furthering that compelling interest. This provision applies to all state and local laws,

resolutions, and ordinances and to the implementation of such laws, resolutions, and ordinances. (Section 1.340)

The act outlines certain parental rights that are exclusively reserved to a parent without obstruction by or interference from this state, any political subdivision of the state, any governmental entity, or any other institution. Such rights include, among others specified in the act:

- (1) The right to access and review all written and electronic educational records of a child;
- (2) The right to direct the child's moral or religious training;
- (3) The right to consent in writing to all physical and mental health care decisions for the child and to access and review all health and medical records of the child;
- (4) The right to consent in writing before a biometric scan of the child is made, shared, or stored;
- (5) The right to be notified promptly if a governmental authority suspects that abuse, neglect, or a criminal offense has been committed against the child, unless such notification is reasonably believed to be likely to endanger the life or physical safety of the child;
- (6) The right to opt the child out of any personal analysis, evaluation, survey, or data collection by a school district except what is necessary and essential for establishing a student's educational record;
- (7) The right to excuse a child from school attendance for religious purposes; and
- (8) The right to participate in parent-teacher organizations and other school organizations that are sanctioned by the board of education of a school district.

Except for law enforcement personnel, a governmental authority shall not encourage or coerce a child to withhold information from the child's parent; nor shall a governmental authority withhold from a child's parent information that is relevant to the physical, emotional, or mental health of the child.

A parent who believes his or her rights have been violated under this act may assert that violation as a claim or defense in a judicial or administrative proceeding, regardless of whether the government is a party to the proceeding, and obtain appropriate relief against the government, including declaratory relief, injunctive relief, compensatory damages, and reasonable attorney's fees and costs. (Section 1.341)

The act additionally repeals provisions authorizing minors to consent to medical treatment or procedures involving venereal disease and drug or substance abuse. (Section 431.061)

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

SOURCES OF INFORMATION

Department of Commerce and Insurance

Department of Corrections

Department of Elementary and Secondary Education

Department of Higher Education and Workforce Development
Department of Health and Senior Services
Department of Mental Health
Department of Corrections
Department of Labor and Industrial Relations
Department of Public Safety - Missouri Highway Patrol
Department of Social Services
Missouri Consolidated Health Care Plan
Missouri Department of Conservation
Missouri Department of Transportation
Office of Administration - Administrative Hearing Commission
City of Kansas City
Newton County Health Department
Phelps County Sheriff's Department
Branson Police Department
Kansas City Police Department
High Point R-III School District
Republic R-III School District
Richland R-I School District
Northwest Missouri State University
University Of Central Missouri



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