

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0324-11
Bill No.: HCS for SCS for SBs 44 & 59
Subject: Promotes adoption awareness and expedites the adoption of foster children.
Type: Original
Date: May 16, 2001

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
General Revenue*	(\$89,338) to (Unknown)	(\$94,686) to (Unknown)	(\$97,525) to (Unknown)
Missouri CASA Fund*	\$0	\$0	\$0
Total Estimated Net Effect on All State Funds	(\$89,338) to (Unknown)	(\$94,686) to (Unknown)	(\$97,525) to (Unknown)

* Subject to Appropriation

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Total Estimated Net Effect on All Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 7 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Attorney General**, the **Office of State Public Defender**, the **Department of Corrections**, the **Office of State Treasurer**, and the **Department of Health** assume the proposed legislation will not fiscally impact their agencies.

Officials from the **Office of State Courts Administrator (CTS)** stated the proposed legislation would provide for expedited adoptions, create the "Safe Place for Newborns Act of 2001," and create a "Missouri CASA Fund." The legislation imposes a \$1.00 surcharge on all domestic relations cases to be collected for the fund.

In FY 00, there were 100,468 domestic relations cases filed in the courts. Assuming a 100% collection rate, which is unlikely, there would be \$100,468 available for the fund.

Officials from the **Office of Administration** assume the proposed legislation should not result in additional costs or savings to their organization.

Officials from the **Office of Prosecution Services (OPS)** did not respond to our request for fiscal impact.

Oversight assumes the proposed legislation would not fiscally impact the OPS.

Officials from the **Office of Secretary of State (SOS)** stated this bill requires the Division of Maternal, Child and Family Health to promulgate rules to implement the Adoption Awareness Law. Based on experience with other divisions, the rules, regulations and forms issued by the Department of Elementary and Secondary Education could require as many as approximately 22 pages in the Code of State Regulations. For any given rule, roughly half again as many pages are published in the Missouri Register as in the Code because cost statements, fiscal notes and the like are not repeated in the Code. These costs are estimated. The estimated cost of a page in the Missouri Register is \$23.00. The estimated cost of a page in the Code of State Regulations is \$27.00. The actual costs could be more or less than the numbers given. The impact of this legislation in future years is unknown and depends upon the frequency and length of rules filed, amended, rescinded and withdrawn. Therefore, the officials from the SOS estimated the fiscal impact for FY 2002 to be \$1,353 [(22 pgs. X \$27) + (33 pgs. X \$23)].

Oversight assumes the SOS could absorb the cost of printing and distributing the regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

ASSUMPTION (continued)

Officials from the **Department of Social Services (DOS) - Division of Family Services (DFS) - Children's Services Unit (CSU)** provided the following assumptions:

- The adoption awareness materials would be a cost that would be solely incurred by the DOS. This cost would be subject to appropriations. The DFS would be responsible for developing brochures, educational materials and a toll free number. The DFS estimates the costs to develop brochures and printing to be approximately \$100,000. The cost for developing a video would be approximately \$7,000. To duplicate the videos for dissemination, the cost would be \$10 per video. The DFS estimates the distribution of approximately 500 videos for a total cost of \$5,000 for duplication.
- There would be no fiscal impact for the DFS for the following:
 - Extending custody beyond a child's 18th birthday;
 - Shortening the waiting periods for foster parents to adopt;
 - Deleting the out of state expenditure reporting requirement for adoptive families receiving adoption subsidy;
 - Development of the CASA fund; and
 - Deleting the section addressing consideration of race, culture and ethnicity in the placement of children.
- The DFS will also be responsible for providing information on the "Safe Place for Newborns Act of 2001" to the public via a toll-free number and general public service announcements. The estimated costs of this public awareness campaign is \$240,000, which is based on costs provided by the Department of Health (DOH) for their TEL-LINK hotline. The DOH has a contracted annual rate of \$240,000 to have brochures, posters, television/radio ads, bus boards in metropolitan areas, and billboards produced and disseminated statewide. This contract allows multimedia agencies, who have contracted with the State, to broadcast information statewide. Greater coverage is accessed through this contract.

The DOS-DFS estimates total costs associated with this proposal to be \$352,000 for FY 02, \$348,150 for FY 03, and \$351,395 for FY 04.

Based on fiscal note responses from the DOS and the Department of Health (DOH) for similar legislation proposed during the current session, **Oversight** assumes the DOS could prepare a pamphlet that addresses adoption and foster care as an alternative to abortion.

Oversight assumes, based on the Department of Health - Division of Maternal, Child and Family Health FY 2001 response to previous legislation, there would be approximately 25,500 mailings to include private adoption agencies, DOH physicians, family planning clinics, DOH clinics, abortion clinics, and any other person or entity that requests such materials. If 50 pamphlets
ASSUMPTION (continued)

were provided to the 25,500 entities per year, on a black and white tri-fold brochure, the cost for printing would be approximately \$39,398. No new employees were expected to be needed and the costs would be charged to the General Revenue Fund. Printing costs would be approximately \$40,580 and \$41,797 for FY 03 and FY 04, respectively.

Oversight assumes the estimated costs for postage for an initial mailing to all doctors, family planning clinics, prenatal clinics, privately funded adoption agencies, Title X agencies, abortion facilities, and any other person or entity who requests such material at \$47,940. Subsequent mailing to the estimated 25,500 entities would result in postage expense of \$54,106 and \$55,729 for fiscal years 2003 and 2004, respectively.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
GENERAL REVENUE FUND			
<u>Transfer out - To Missouri CASA Fund*</u>	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>
 <u>Costs - Department of Social Services</u> <u>Division of Family Services</u>			
Printing Pamphlets	(\$39,398)	(\$40,580)	(\$41,796)
Postage and Supplies	<u>(\$49,940)</u>	<u>(\$54,106)</u>	<u>(\$55,729)</u>
Total <u>Costs</u> - Department of Social Services	<u>(\$89,338)</u>	<u>(\$94,686)</u>	<u>(\$97,525)</u>
 TOTAL ESTIMATED EFFECT ON GENERAL REVENUE FUND	 <u>(\$89,338) to (Unknown)</u>	 <u>(\$94,686) to (Unknown)</u>	 <u>(\$97,525) to (Unknown)</u>

- SUBJECT TO APPROPRIATION -

DESCRIPTION (continued)

The Division of Family Services may request an extension of foster care beyond a child's eighteenth birthday by showing good cause. Any ruling must be completed prior to the child's eighteenth birthday.

This proposal, known as the "Safe Newborns Act of 2001", would protect a newborn from injury and death caused by abandonment by a parent and provide safe and secure alternatives to such abandonment. The legislation provides an affirmative defense to the parents against prosecution of abandonment, for leaving a child in the physical custody of the staff of a licensed medical facility, firefighter or emergency medical technician, on-duty law enforcement officer, member of the clergy, employee of the DFS, or employee of the DYS, if the child is no more than 30 days old and has not been abused or neglected by the parent. The person will be able to take physical custody of a child believed to be no more than 30 days old without a court order and will be immune from civil, criminal and administrative liability for discharging in good faith the duties provided for in Section 210.950. If the delivery of the newborn takes place at any place other than a 24-hour medical facility, the person taking physical custody of the child shall arrange for the immediate transportation of the child to the nearest licensed medical facility. The medical facility shall perform any act necessary, in accordance with generally accepted standards of professional practice, to protect the physical health or safety of the child. The parent's voluntary delivery of the child shall constitute the parent's implied consent to any such act.

The Division of Family Services must also provide information and answer questions about the process established by Section 210.950 on the statewide, toll-free telephone number maintained pursuant to Section 210.145, RSMo. In addition, it must provide information by way of public service announcements, or by other ways to deliver information about the process. Current law outlines procedures for petitioning to adopt a child and states that the court shall not deny or delay the placement of a child when an approved family is available. New language adds a provision to expedite the placement of a child for adoption in cases in which the child is already under court custody. (Section 453.010).

This act does not require reasonable efforts to be made when a child is abused by a person other than the parent and circumstances indicate the parent knew or should have known about it. Section 211.183, RSMo, currently defines "reasonable efforts" as reasonable diligence and care by the Division of Family Services to utilize all available resources to meet the needs of the juvenile and the family.

Current law also gives permission to foster parents to apply for adoption if they have cared for a child for twelve months or longer. The adoption agency and court must give preference and first consideration to foster parents. New language changes the twelve-month period to nine months.

DESCRIPTION (continued)

The court is currently required to conduct a hearing during the adoption of a child and to ascertain, among other things, that the child has been in custody of the petitioning adoptive parent for at least six months prior to entry of the decree. New language waives the six-month waiting period for children in court custody when the petitioner is a foster parent.

This act establishes the Missouri CASA Fund in the state treasury. The General Assembly may appropriate moneys into the Fund to support the court-appointed special advocate (CASA) program throughout the state. The State Courts Administrator shall disburse moneys in the Fund. Every CASA program shall receive a base rate allocation, based upon the number of children with abuse or neglect cases. All CASA programs considered for funding shall be affiliated with the state and national CASA associations. In addition to all other court costs for domestic relations cases, the circuit clerk will collect an addition \$1 surcharge for each domestic relations petition which will be deposited into the Missouri CASA Fund. Moneys remaining in the Fund shall not revert to general revenue at the end of the biennium.

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

Office of Attorney General
Office of Administration - Division of Budget and Planning
Office of State Courts Administrator
Department of Corrections
Department of Health
Department of Social Services
Office of State Treasurer
Office of State Public Defender
Office of Secretary of State

NOT RESPONDING: Office of Prosecution Services



Jeanne Jarrett, CPA
Director
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