

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0633-01
Bill No.: HB 314
Subject: Children and Minors; Courts; Family Law; Marriage and Divorce; Uniform Laws
Type: Original
Date: March 12, 2009

Bill Summary: The proposal modifies the use and disclosure of Social Security Numbers on certain court documents.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Department of Health and Senior Services** assume the proposal would have no fiscal impact on their agency.

Officials from the **Department of Social Services – Family Support Division (DOS – FSD)** assume the amendment to section 210.841 removes any requirement for the Social Security numbers of the parties to be recorded in the records relating to a paternity action. 42 USC, section 666(a)(13) requires that the Social Security number of any individual who is subject to a paternity determination be placed in the records relating to the matter. 42 USC, section 666(a)(13) states:

- (13) Recording of Social Security numbers in certain family matters. Procedures requiring that the Social Security number of—
 - (A) any applicant for a professional license, driver's license, occupational license, recreational license, or marriage license be recorded on the application;
 - (B) any individual who is subject to a divorce decree, support order, or paternity determination or acknowledgment be placed in the records relating to the matter; and
 - (C) any individual who has died be placed in the records relating to the death and be recorded on the death certificate.

For purposes of subparagraph (A), if a state allows the use of a number other than the Social Security number to be used on the face of the document while the Social Security number is kept on file at the agency, the state shall so advise any applicants.

ASSUMPTION (continued)

This proposed legislation is inconsistent with federal law and would likely result in the federal government finding that Missouri is out of compliance with Title IV-D State Plan requirements. Failure to comply with Title IV-D State Plan requirements will result in a total loss of federal funding including incentives. This amount for federal fiscal year 2008 was approximately \$63 million. Any loss of federal funding would have to be replaced by General Revenue. A federally approved IV-D State Plan is also a requirement to receive the TANF (Temporary Assistance for Needy Families) block grant. So, a disapproved IV-D State Plan could also jeopardize federal TANF funding.

The amendments to sections 452.305, 452.310, and 452.312 remove the requirements for the Social Security numbers and other identifying information of the parties to be recorded in the related petitions and orders. The amendments provide that Social Security numbers and other identifying information of the parties will instead be recorded in a family court information sheet. The amended law provides that the court may release information contained in the family court information sheets for good cause shown. DOS – FSD and other state IV-D agencies have statutory authority to receive Social Security numbers under 454.440 and 454.412, RSMo. DOS – FSD and other state IV-D agencies also have current authority to receive the other identifying information referenced in these sections of the law. However, it is unclear to the DOS – FSD whether it is the intent of the proposed legislation to prohibit the division's access to data recorded on the family court information sheets. If the legislation serves to limit the division's access to information recorded on the information sheets, it would adversely affect the division's ability to determine such information and, therefore, impact the division's ability to affectively provide support enforcement services. The fiscal impact for this change is unknown.

42 USC, Section 666(f) requires states to have in effect the Uniform Interstate Family Support Act as approved by the American Bar Association on February 9, 1993, and as in effect on August 22, 1996, including any amendments officially adopted as of such date by the National Conference of Commissioners on Uniform State Laws. 42 USC, Section 666(f) states:

(f) Uniform Interstate Family Support Act

In order to satisfy section 654(20)(A) of this title, on and after January 1, 1998, each State must have in effect the Uniform Interstate Family Support Act, as approved by the American Bar Association on February 9, 1993, and as in effect on August 22, 1996, including any amendments officially adopted as of such date by the National Conference of Commissioners on Uniform State Laws.

ASSUMPTION (continued)

The proposed amendments to sections 454.905 and 454.951, RSMo are inconsistent with the Uniform Interstate Family Support Act and would likely result in the federal government finding that Missouri is out of compliance with Title IV-D State Plan requirements. Failure to comply with Title IV-D State Plan requirements will result in a total loss of federal funding including incentives. This amount for federal fiscal year 2008 was approximately \$63 million. Any loss of federal funding would have to be replaced by General Revenue. A federally approved IV-D State Plan is also a requirement to receive the TANF block grant. So, a disapproved IV-D State Plan could also jeopardize federal TANF funding.

In summary, DOS – DFS assumes the proposal would result in a loss of federal funds in the amount of \$63,000,000. This loss would be replaced by General Revenue funds in the amount of \$63,000,000.

Oversight assumes the intent of the legislation is not to make the Department of Social Services – Division of Family Services (DOS – DFS) out of compliance with federal Title IV-D State Plan requirements. DOS – DFS assumption that the proposal would jeopardize federal funding is speculative. Therefore, Oversight is reflecting no fiscal impact to the DOS – DFS for this fiscal note. If DOS – DFS is found to be out of compliance with Title IV-D State Plan requirements, then the proposal could result in a loss of federal funding.

<u>FISCAL IMPACT - State Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
	<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.

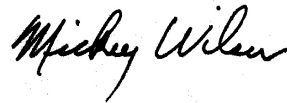
FISCAL DESCRIPTION

The proposed legislation appears to have no fiscal impact.

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 State Courts Administrator
Department of Health and Senior Services
Department of Social Services

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
March 12, 2009