

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0826-01  
Bill No.: HB 121  
Subject: Children and Minors; Courts; Guardians  
Type: Original  
Date: April 8, 2013

Bill Summary: This proposal allows the court discretion in the appointment of a guardian ad litem in certain circumstances.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
General Revenue	\$0 or (Less than \$100,000)	\$0 or (Less than \$100,000)	\$0 or (Less than \$100,000)
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0 or (Less than \$100,000)</b>	<b>\$0 or (Less than \$100,000)</b>	<b>\$0 or (Less than \$100,000)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 4 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

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).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**FISCAL ANALYSIS**

**ASSUMPTION**

Officials from the **Office of the State Courts Administrator** and the **Department of Social Services - Division of Legal Services** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Department of Social Services (DOS) - Children’s Division** state in Section 210.160.1(1) current law requires in every case involving an abused or neglected child which results in a judicial proceeding, a judge will appoint a guardian ad litem to represent a child who is the subject of proceedings pursuant to Section 210.110 to 210.165. This bill adds an exception for proceedings under subsection 5 of 210.152, in which the judge has discretion to appoint a guardian ad litem (GAL).

Section 210.152 subsection 5 refers to administrative reviews before the CA/N Review Board, which is not a judicial proceeding. Currently the courts are appointing GALs in these cases. However, since the bill specifically allows the courts the discretion to do so, CD could potentially have to pay GAL fees, as with many other proceedings. The frequency with which this situation would arise is unknown therefore the fiscal impact is unknown but less than \$100,000.

In Section 455.513.2 current law requires the court to appoint a guardian ad litem or court-appointed special advocate in an ex parte order of protection to represent a child victim. This bill adds the exception that when the allegation is stalking, the appointment of a guardian ad litem or court-appointed special advocate is at the discretion of the court. If a child is in the legal custody of the Division and is involved in an ex parte proceeding as a victim of stalking, the child would already have a GAL. This provision would not create a fiscal impact for the Children's Division.

<u>FISCAL IMPACT - State Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
<b>GENERAL REVENUE</b>			
<u>Costs - DOS Children’s Division</u>	\$0 or (Less than	\$0 or (Less than	\$0 or (Less than
potential costs for guardian ad litem fees	<u>\$100,000)</u>	<u>\$100,000)</u>	<u>\$100,000)</u>
<b>ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND</b>	<b><u>\$0 or (Less than \$100,000)</u></b>	<b><u>\$0 or (Less than \$100,000)</u></b>	<b><u>\$0 or (Less than \$100,000)</u></b>

<u>FISCAL IMPACT - Local Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
	<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

Currently, in any action for the administrative review of the determination whether to retain certain identifying information relating to reports of abuse or neglect received by the Children's Division of the Department of Social Services, the appointment of a guardian ad litem is mandatory. This bill makes the appointment of a guardian ad litem discretionary.

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 the State Courts Administrator  
Department of Social Services



Ross Strobe  
Acting Director  
April 8, 2013