

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1028-03
Bill No.: HCS for HB 252
Subject: Children and Minors; Family Services Division; Vital Statistics
Type: Original
Date: March 6, 2013

Bill Summary: This proposal changes the laws regarding adoptions.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
General Revenue	\$10,182	\$12,570	\$13,005
Total Estimated Net Effect on General Revenue Fund	\$10,182	\$12,570	\$13,005

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Children's Trust	\$15,750	\$19,375	\$19,955
Endowed Cemetery	\$3,150	\$3,875	\$3,991
MO Public Health Services	\$15,750	\$19,375	\$19,955
Total Estimated Net Effect on Other State Funds	\$34,650	\$42,625	\$43,901

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 8 pages.

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

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
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 2014	FY 2015	FY 2016
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Health and Senior Services (DHSS)** provide the following assumptions for this proposal:

§§ 193.132, 453.510 & 453.515 - Contact Preference and Medical History Forms and Obtaining Birth Records:

The legislation would require the Bureau of Vital Records, State Registrar to develop (1) a contact preference form, (2) a medical history form, (3) a form for birth parents to communicate their wish to maintain the confidentiality of the original birth certificate, and (4) a consent form for birth parents to release the original birth certificate to an adopted adult. The first two forms would be printed at an estimated cost of \$1,060 (60,000 copies X \$0.02 each). The second two forms would be made available to courts on a secure website, so no printing would be required. Currently, the Bureau of Vital Records responds to approximately 10 to 15 inquiries and requests daily regarding access to sealed adoption records. Inquiries and requests for certified copies of original birth certificates are expected to double from the current amount, with an increase of approximately 3,780 requests annually (15 requests X average of 21 working days per month X 12 months/year = 3,780 requests). There is currently one Senior Office Support Assistant-Keyboarding (SOSA) working on adoptions. An additional SOSA (\$25,068 annually) would be needed to handle the additional requests.

This position would assist internal and external customers through written correspondence, in person, and over the telephone primarily regarding adoptions, vital events and related matters. The staff would perform moderate to difficult clerical and technical functions involving a significant amount of public contact. Duties include processing documents related to births, including adoption decrees (domestic and foreign); legitimating affidavits; amending or creating new certificates as instructed by affidavit or court order; processing delayed applications; performing manual and computer searches; updating the system mainframe; and issuing certified copies as requested. Standard expense and equipment costs are included for one FTE. In addition, approximately \$1,701 would be needed for postage (3,780 requests X \$0.45/envelope).

For fiscal note purposes, DHSS assumes that the State Registrar will charge a fee for the uncertified copy of the original birth certificate. Per Section 193.265, RSMo, the cost per birth certificate statement is \$15 to be distributed as follows: Children's Trust Fund - \$5; General Revenue - \$4; Endowed Cemetery Fund - \$1; and Missouri Public Health Services Fund (MOPHS) - \$5. The increase in annual revenue is estimated for 3,780 requests X \$15 per request, for a total of \$56,700, adjusted to \$47,250 for a 10-month period in FY 2014. This revenue will be split between four funds (GR-\$12,600; Children's Trust Fund-\$15,750; Endowed Cemetery Fund-\$3,150; and Missouri Public Health Services Fund-\$15,750).

ASSUMPTION (continued)

The DHSS assumes this proposal would result in net costs to the General Revenue Fund of \$33,004 for FY 14; \$32,986 for FY 15; and, \$33,007 for FY 16.

Oversight assumes the DHSS could absorb the additional workload resulting from this proposal. Any significant increase in the workload of the DHSS would be reflected in future budget requests.

Officials from the **Department of Social Services (DSS) - Children's Division (CD)** assume the proposal will have a minimal fiscal impact on the CD, but provide the following sectional information:

§§ 453.065 and 453.080 - Post Adoption Contract Agreements:

This proposal provides that prospective adoptive parents and parents of a prospective adoptee may enter into a written post adoption contract agreement to allow contact after the adoption between the parents, siblings, or other relatives of the adoptee and the adoptive parents.

The CD does not anticipate a fiscal or programmatic impact as a result of this legislation.

§ 453.080.5 - Standardized Adoption Checklist:

The CD will only need to ensure that the required documentation has been submitted and the completed form signed by the judge, along with any attachments, are maintained in the adoption record to comply with this new section.

The addition of this section does not fiscally impact the CD as its requirements are directed to the Supreme Court and the judge presiding over the adoption proceedings. However, the CD may need to update its policy to accommodate this new provision and put it into practice.

§§ 452.510 and 453.510 - Adoptee/Lineal Decedents Requests for Birth Certificates:

This proposed legislation allows the CD to refer the adopted person, or the adopted person's lineal descendants if the adopted person is deceased, to the child placing agency or court if the CD does not have sufficient information or the resources to conduct the searches, and allows the CD, the child placing agency or the court to charge actual costs of the search to the adopted person or the adopted person's lineal descendants, if the adopted person is deceased.

The CD would anticipate fielding the anticipated requests, determining whether or not the CD has sufficient information and resources to conduct the search, and appropriately referring the adopted adult or lineal descendant when necessary. The CD could absorb these duties with current resources.

The CD would anticipate a minimal fiscal impact as a result of the proposed legislation.

ASSUMPTION (continued)

Officials from the **Office of Secretary of State (SOS)** state many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The Secretary of State's office is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$2,500. The SOS recognizes this is a small amount and does not expect that additional funding would be required to meet these costs. However, it is also recognized that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain within its core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Officials from the **Office of Attorney General** assume any potential costs arising from this proposal can be absorbed with existing resources.

Officials from the **Joint Committee on Administrative Rules (JCAR)** state the legislation is not anticipated to cause a fiscal impact to JCAR beyond its current appropriation.

Officials from the **Office of Administration - Administrative Hearing Commission** and **Office of State Courts Administrator** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **St. Louis Recorder's Office** did not respond to **Oversight's** request for a statement of fiscal impact.

This proposal could increase Total State Revenue.

<u>FISCAL IMPACT - State Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
GENERAL REVENUE FUND			
<u>Income - DHSS</u>			
Birth certificate fees	\$12,600	\$15,500	\$15,964
<u>Costs - DHSS</u>			
Printing and postage	(\$2,418)	(\$2,930)	(\$2,959)
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>\$10,182</u>	<u>\$12,570</u>	<u>\$13,005</u>

<u>FISCAL IMPACT - State Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
CHILDREN'S TRUST FUND			
<u>Income - DHSS</u>			
Birth certificate fees	<u>\$15,750</u>	<u>\$19,375</u>	<u>\$19,955</u>
ESTIMATED NET EFFECT ON THE CHILDREN'S TRUST FUND	<u>\$15,750</u>	<u>\$19,375</u>	<u>\$19,955</u>
ENDOWED CEMETERY FUND			
<u>Income - DHSS</u>			
Birth certificate fees	<u>\$3,150</u>	<u>\$3,875</u>	<u>\$3,991</u>
ESTIMATED NET EFFECT ON THE ENDOWED CEMETERY FUND	<u>\$3,150</u>	<u>\$3,875</u>	<u>\$3,991</u>
MO PUBLIC HEALTH SERVICES FUND			
<u>Income - DHSS</u>			
Birth certificate fees	<u>\$15,750</u>	<u>\$19,375</u>	<u>\$19,955</u>
ESTIMATED NET EFFECT ON THE MO PUBLIC HEALTH SERVICES FUND	<u>\$15,750</u>	<u>\$19,375</u>	<u>\$19,955</u>
<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

This proposal changes the laws regarding adoptions. The proposal: (1) Requires the State Registrar within the Department of Health and Senior Services to develop and provide each birth parent of an adoptee with a contact preference form and a medical history form and (2) Requires

FISCAL DESCRIPTION (continued)

the State Registrar, upon receipt of the completed contact preference and medical history forms, to attach the forms to the original birth certificate of the adopted person. A completed contact preference form and medical history form have the same level of confidentiality as the original birth certificate.

For adoptions completed after August 28, 2013, the proposal: (1) Allows any adopted person who is at least 18 years of age, born in Missouri, and who provides proof of identification or the adopted person's descendants if the adopted person is deceased to obtain a copy of the adopted person's original birth certificate unless the birth mother or birth father has objected; (2) Requires the court to provide each birth parent with a confidentiality preference form prior to the entry of any adoption decree; (3) Requires, if a birth parent objects, the court to provide the form to the State Registrar to be filed with the original birth certificate of the adopted person; (4) Specifies that if a birth mother or birth father has objected to the disclosure of the original certificate, the person can request the Department of Social Services, the child-placing agency which processed the adoption, or the court personnel to make reasonable efforts to notify the birth mother and birth father of the request for its disclosure. The requestee may be charged for the actual costs of attempting the notification; (5) Specifies that a copy of the original birth certificate cannot be released if the birth mother and birth father cannot be located or if they do not consent to its release. Another request for the release can only be made at least three years after the original or any future request; and (6) Specifies that if the birth mother or birth father had objected, a copy of the original birth certificate can be obtained upon the birth mother's and birth father's death.

For adoptions completed on or prior to August 28, 2013, the proposal: (1) Allows any adopted person who is at least 18 years of age, born in Missouri, and who provides proof of identification or the adopted person's descendants if the adopted person is deceased to obtain a copy of the adopted person's original birth certificate unless the birth mother or birth father has objected. If a birth mother or birth father has objected, the person can request the Department of Social Services, the child-placing agency which processed the adoption, or the court personnel to make reasonable efforts to notify the birth mother and birth father of the request for its disclosure. The requestee may be charged for the actual costs of attempting the notification; (2) Specifies that a copy of the original birth certificate cannot be released if the birth mother and birth father cannot be located or if they do not consent to its release. Another request for the release can only be made at least three years after the original or any future requests; and (3) Specifies that a copy of the original birth certificate can be obtained by the adopted person or his or her descendant upon the birth mother's and birth father's death.

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 -
 Administrative Hearing Commission
Office of State Courts Administrator
Department of Health and Senior Services
Department of Social Services -
 Children's Division
Joint Committee on Administrative Rules
Office of Secretary of State



Ross Strope
Acting Director
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