

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1137-01
Bill No.: HB 371
Subject: Children and Minors; Family Law; Courts
Type: Original
Date: February 25, 2013

Bill Summary: This proposal changes the laws regarding judicial procedure.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

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

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 4 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 **Office of the State Courts Administrator** assume the proposal would not fiscally impact the courts.

Officials from the **Department of Social Services (DOS)** state this bill makes some procedural changes to the requirements for adoption consent.

Section 453.030.4 - Consent to Adoption - currently, written consent to an adoption must be acknowledged before a notary public. Alternatively, this bill allows written consent to be executed in front of a judge.

Section 453.03.50 - Waiver of Consent to Adoption - currently, a parent may waive the necessity of his or her consent to the future adoption of a child; however, such approval cannot be granted until the child is at least two days old. This bill shortens that time period to "at least twenty-four hours old."

Section 453.030.7 - Withdrawal of Written Consent to Adoption - current law allows written consent to be withdrawn anytime until it has been reviewed and accepted by a judge. This bill deletes that provision and makes consent final when executed, unless the consenting party, prior to a final decree of adoption, alleges and proves by clear and convincing evidence that consent was not freely and voluntarily given. The burden of proof rests with the consenting party.

There is no direct fiscal impact to the Department of Social Services. Taken as a whole, these procedures may make the adoption procedure smoother and quicker in some instances, but will not substantively change DOS procedures for adoptions of children in the department's care. Execution of consent before a notary public remains an option.

<u>FISCAL IMPACT - State Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
	<u>\$0</u>	<u>\$0</u>	<u>\$0</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

The proposed legislation appears to have no direct 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 the State Courts Administrator
Department of Social Services



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February 25, 2013