

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 6460-02
Bill No.: Perfected HCB 11
Subject: Children and Minors; Children’s Division; Social Services Department; Courts, Juvenile
Type: Original
Date: April 25, 2018

Bill Summary: This proposal modifies provisions relating to persons under protective custody.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
General Revenue	\$84,425	\$74,856	\$74,856
Total Estimated Net Effect on General Revenue	\$84,425	\$74,856	\$74,856

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on Other State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 12 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Federal *	\$0	\$0	\$0
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

* Income, savings, expenses and losses net to \$0.

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on FTE	0	0	0

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Local Government	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)

FISCAL ANALYSIS

ASSUMPTION

§193.265 - Free certificates for certain children

Officials from the **Department of Health and Senior Services (DHSS)** state Section 193.265.1 of this proposed legislation states no fee shall be required or collected for a certification of birth, death, or marriage if the request is made by the Children's Division (CD) or the Division of Youth Services (DYS) on behalf of a child who has come under juvenile court jurisdiction per section 211.031. Per Section 193.265, RSMo, DHSS receives a fee of \$15 for each certified birth certificate, marriage and divorce statement issued. The fees are distributed into General Revenue (\$4), the Children's Trust Fund (\$5), the Endowed Care Cemetery Audit Fund (\$1) and the Missouri Public Health Services (MOPHS) Fund (\$5).

The DHSS began issuing one free copy of a certified birth certificate to the CD on behalf of a child in foster care starting August 2017. Prior to this date, DHSS issued non-certified administrative use copies only upon the request of the CD. These were provided free of charge and DHSS would recoup the cost of issuance once a certified copy was requested.

The total requests from the Children's Division have increased, on average, 5 percent each year since 2015. Given that this proposed legislation will require DHSS to also provide a free certified copy of deaths and marriages to the CD, a free certified copy of births, deaths, and marriages to the DYS, and the legislation contains no provisions for limiting the number of copies requested per individual under jurisdiction, DHSS estimates a 30 percent increase in requests once the legislation becomes effective. In subsequent years, DHSS anticipates the continued 5 percent increase. As of December 15, 2017, DHSS has received 3,413 requests from the Children's Division for 2017. Using 2017 data as a base, DHSS estimates 4,437 (3,413 requests x 30% increase = **1,024** + 3,413 = 4,437) requests for FY 2019; 4,659 (4,437 x 5% increase = **222** + 4,437 = 4,659) requests for FY 2020; and 4,892 (4,659 x 5% = **233** + 4,659 = 4,892) requests for FY 2021. This equates to a difference from current issuance of 1,024 certificates for FY 2019, 1,246 certificates for FY 2020 (1,024 + 222), and 1,479 certificates for FY 2021 (1,024 + 222 + 233).

The fees collected on certified copies are deposited into the MOPHS fund (\$5 per certificate) and are allocated to the Bureau of Vital Records for program operations. MOPHS revenue supports the maintenance of Missouri's electronic birth and death registration system (MoEVR), staff to process all requests, and specialized print paper. The maintenance of the MoEVR system is critical for the accurate and timely processing of Missouri birth and death certificates and Bureau of Vital Records staff have a current back log of eight weeks. The revenue lost from issuing these additional certificates necessitates the need to seek general revenue funds to supplant the loss.

ASSUMPTION (continued)

	General Revenue (\$4/certificate)	Children’s Trust Fund (\$5/certificate)	Endowed Care Cemetery Audit Fund (\$1/certificate)	Missouri Public Health Services (MOPHS) Fund (\$5/certificate)
FY 2019 (1,024 certificates)	\$4,096	\$5,120	\$1,024	\$5,120
FY 2020 (1,243 certificates)	\$4,984	\$6,230	\$1,246	\$6,230
FY 2021 (1,479 certificates)	\$5,916	\$7,395	\$1,479	\$7,395

With the expected increase in requests, coupled with the current back-log of requests to all customers (eight week turn-around), the additional requests necessitates the need for 0.5 FTE of a Senior Office Support Assistant (\$26,340 annually) to process the requests within a timely manner. Processing entails reviewing the application and making a determination on whether the applicant has provided sufficient information to identify the record, and either reject the application or issue the certified copy. Without additional staff, the back-log of requests will increase the turn-around time to all customers significantly.

The DHSS estimates the fiscal impact of this proposal to the General Revenue Fund to be a cost + loss of certificate revenue of \$44,125 for FY 2019; \$43,531 for FY 2020; and \$46,043 for FY 2021. In addition, there will be a loss of certificate revenue to the Children’s Trust Fund, the MOPHS fund and the Endowed Care Cemetery Fund for each year.

Officials from the **Department of Social Services (DSS), Division of Youth Services (DYS), Children’s Division (CD)** and **Division of Legal Services (DLS)** state the **DYS** and **CD** shall not be charged a fee for the issuance of a certification of birth, death or marriage on the behalf of a child who has come under the jurisdiction of the juvenile court under Section 210.031.

DYS officials state the **DYS** requests no more than 100 birth certificates a year for youth in its custody. Currently, the **DYS** is charged \$15 per birth certificate. Therefore, if HCB 11 is enacted, the **DYS** would have a cost savings of up to \$1,500 per year.

Oversight assumes savings up to \$1,500 for the **DSS**, **DYS** to be minimal and will not present these savings for fiscal note purposes.

The **CD** states it is not currently being charged for certification of birth, death or marriage for children in the Division’s custody. Therefore, this legislation would not create a fiscal or programmatic impact on the **CD**.

DLS officials assume the proposal will have no fiscal impact on their division.

ASSUMPTION (continued)

Oversight notes, based on discussions with Department of Social Services personnel, of the number of children that are under the care and control of the department, very few are under the “jurisdiction of the juvenile court” as provided for in 193.265.1 of the proposal. Therefore, Oversight assumes DHSS will not have a significant increase in the number of certificates it issues to the Children’s Division or Division of Youth Services and will not need additional personnel or resources. Oversight assumes the additional expenses (and offsetting savings) incurred as a result of providing certificates provided to the CD and DYS will be absorbable within current funding levels.

§210.003 - Homeless children and complying with immunization requirements

Oversight assumes this proposal would allow a child who is homeless or in the custody of the Department of Social Service’s Children’s Division to enroll in a daycare center, nursery or pre-school if they cannot provide evidence of required immunizations. This proposal requires evidence that the child has all appropriate immunizations or has begun the process of immunization to be presented within 30 days of enrollment.

Officials from the **Department of Health and Senior Services** and the **Department of Social Services** assume the proposal will have no fiscal impact on their organizations.

HA #3 §210.102 - Coordinating Board for Early Childhood

Officials from the **Department of Social Services, Children’s Division** and **Division of Legal Services**, the **Department of Elementary and Secondary Education**, the **Department of Health and Senior Services**, the **Department of Mental Health**, the **Department of Corrections**, the **Department of Labor and Industrial Relations** and the **Department of Public Safety** each assume the proposal would not fiscally impact their respective agencies.

In response to similar legislation from the current session (HB 2098), officials from the **Department of Higher Education** assumed the proposal would not fiscally impact their agency.

§§210.110 and 210.112 - Assessment and treatment services for children entering foster care

Officials from the **Department of Social Services (DSS)** state section 210.110 is amended to include all children, not just children under ten years old.

Section 210.112 amends foster care and the child protection and welfare system. Any contract entered into under this section shall ensure that treatment services may be available for any child, not just children under ten years old.

ASSUMPTION (continued)

The **MO HealthNet Division (MHD)** reports approximately 1,754 foster care kids under 10 years old received more than 2 EPSDT (Early and Periodic Screening, Diagnostic, and Treatment) services in a calendar year. (MHD cannot determine if any of the visits after the 1st visit were due to the current statute or if there was a medical necessity). The average cost of these 1,754 visits is \$72.17 per visit ($1,754 \times \$72.17 = \$126,586$).

If the proposed legislation passes, MHD assumes the 2nd (or any un-medically necessary visit after the initial assessment, following the American Academy of Pediatric guidelines) would no longer be billed to MHD.

MHD estimates a total savings for FY19/FY20/FY21 of \$126,586 (GR \$44,048; FF \$82,538).

HA #2 and §210.145 - Child abuse and neglect reports

Officials from the **Department of Social Services (DSS), Children's Division (CD)** and **Division of Legal Services (DLS)** state HA 2 adds language to 210.145 that removes the need for additional Children's Service Workers for investigations across state lines. As a result, this section has no fiscal impact on the DSS.

In response to similar provisions from the current session (HB 1862/FN 5532.03), officials from the **Office of State Public Defender** assumed the proposal would not fiscally impact their agency.

§210.1030 - Trauma-Informed Care for Children and Families Task Force

Officials from the **Missouri Senate** anticipate any potential travel costs for committee meetings outside of session can be absorbed using existing resources.

Officials from the **Department of Social Services** and the **Joint Committee on Legislative Research, Legislative Oversight Division** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Department of Elementary and Secondary Education** assume the proposal would not fiscally impact their agency but defer to local school districts for any impact the proposal may have on schools.

In response to the previous version of this proposal, officials from the **Wellsville-Middletown R-1 School District** stated this section leaves open who is responsible for the staffing and training that may be required for schools. As a result, this has the potential to have a substantial negative fiscal impact on the school district for staffing, training and associated resources.

ASSUMPTION (continued)

In response to the previous version of this proposal, officials from the **Summersville R2 School District** assumed this proposal will have little to no fiscal impact on their school district.

Oversight notes the duties of the Task Force is to promote healthy development by promoting comprehensive support systems and interagency cooperation. The task force is to incorporate evidence-based and evidence-informed best practices with respect to early identification, expeditious referral for services and treatment, and the implementation of trauma-informed approaches and interventions in child and youth-serving schools, etc., to foster safe, stable, and nurturing environments. As this may result in costs to schools, Oversight will present a \$0 to (Unknown) fiscal impact to school districts.

In response to the previous version of this proposal, officials from the **Missouri House of Representatives (MHR)** assumed the proposal will have no fiscal impact. It is assumed the MHR can absorb expenses incurred by members and staff associated with the task force.

§211.093 - Order or judgment by the juvenile court takes precedence

Officials from the **Department of Social Services (DSS)** state the Family Support Division (FSD) assumes that cases will be established or enforced only if FSD child support is required to provide child support services according to 454.400.2 (14). FSD will be able to enforce juvenile orders as it does today utilizing existing staff. FSD assumes circuit clerks will follow Section 454.412, RSMo, to enter child support orders entered by the juvenile court into the state case registry (i.e, the Missouri Automated Child Support System); therefore, no impact to FSD.

As of January 1, 2017, the Children's Division (CD) estimates there were approximately 232 children who could be released from custody if the juvenile courts were allowed to modify court orders as defined in this legislation. The majority of these children are placed with a parent, but the juvenile court has not released custody. The primary expenditure disbursed in regards to these children may be the annual clothing allowance available. The estimated number of children by age group who would be impacted by this legislation and the annual clothing allowance by age is as follows:

- 0-5 – 83 Children x \$250 per year = \$20,750
- 6-12 – 113 Children x \$290 per year = \$32,770
- 13-Over – 36 Children x \$480 per year = \$17,280
- GRAND TOTAL 272 Children = \$70,800 (Cost Savings - split between GR and Federal)

After the initial year, it is anticipated that 150 children per year would not enter CD custody and that the clothing allowance for those children would be avoided. The ongoing annual cost avoidance would be \$45,710 (split between General Revenue and Federal Funds).

ASSUMPTION (continued)

The CD cannot put an exact figure on the costs savings this bill may have, but expects that currently some children remain in the legal and/or physical custody of the CD for the sole purpose of ensuring that the child's safety and well-being is not jeopardized by the court terminating its jurisdiction and allowing the judgments and orders that were in place prior to the juvenile court assuming jurisdiction to return to full force and effect.

The ability of the juvenile court to issue orders expressly ensuring its orders remain in full force an effect after terminating juvenile court proceedings has the potential to reduce the length of time children remain in state custody in future cases as well.

Bill as a whole

Officials from the **Office of Attorney General (AGO)** assume any potential costs arising from this proposal can be absorbed with existing resources. The AGO may seek additional appropriations if the proposal results in a significant increase in litigation.

Officials from the **Office of State Courts Administrator (OSCA)** state this proposal may have some impact, but there is no way to quantify that impact at the present time. Any significant changes will be reflected in future budget requests.

Officials from the **Department of Insurance, Financial Institutions and Professional Registration**, the **Department of Mental Health**, the **Department of Corrections**, the **Department of Public Safety (DPS)**, **Director's Office** and **Legislative Research** each assume the proposal would not fiscally impact their respective agencies.

In response to the previous version of this proposal, officials from the **DPS**, **Missouri State Highway Patrol**, the **Office of Administration**, **Office of Child Advocate** and the **Division of Purchasing and Materials Management** each assumed the proposal would not fiscally impact their respective agencies.

In response to the previous version of this proposal, officials from the following **school districts**: Alton R-IV, Arcadia Valley R-2, Ash Grove R-IV, Ava R-1, Avilla R-13, Bakersfield R-4, Belton School District #124, Benton County R-2, Bismark R-5, Bloomfield R-14, Blue Springs, Bolivar R-I, Bowling Green R-1, Bradleyville R-1, Branson, Brentwood, Bronaugh R-7, Campbell R-2, Carrollton R-7, Caruthersville, Central R-III, Chilhowee R-4, Chillicothe R-II, Clarkton C-4, Cole R-I, Columbia, Concordia R-2, Couch R-1, Crawford County R-1, Crawford County R-2, Crocker R-II, Delta C-7, East Carter R-2, East Lynne 40, East Newton R-6, Eldon R-I, Fair Play, Fayette R-3, Forsyth R-3, Fox C-6, Fredericktown R-I, Fulton, Gasconade County

ASSUMPTION (continued)

R-1, Glenwood R-8, Grain Valley, Green City R-1, Green Ridge R-8, Hallsville R-IV, Hancock Place, Hannibal School District #60, Harrisonburg R-8, Harrisonville, Hartville R-11, Hazelwood, Henry County R-1, Hillsboro R-3, Holcomb R-III, Hollister R-5, Humansville R-4, Hurley R-1, Independence, Jasper R-5, Jefferson City, Kansas City, Kennett #39, King City R-1, Kirbyville R-VI, Kirksville, Lafayette Preparatory Academy, Lathrop R-2, Lee Summit, Leeton R-10, Lewis County C-1, Liberty, Lincoln R-2, Lindbergh, Livingston County R-III, Lonedell R-14, Macon County R-1, Macon County R-IV, Madison C-3, Malta Bend, Maplewood Richmond Heights, Marshfield R-1, Maryville R-II, Maysville R-1, Meadville R-IV, Mehville School District R-9, Meramec Valley R-3, Mexico, Middle Grove C-1, Midway R-1, Milan C-2, Miller R-11, Moberly, Montgomery County R-11, Morgan County R-2, Mountain Grove R-III, Mt. Vernon R-V, New Bloomfield R-III, New Haven, Niangua R-5, Nixa, North Harrison R-3, North Kansas City, North St. Francois Co. R-1, Northeast Nodaway R-5, Northwest R-1, Oak Ridge R-6, Odessa R-VII, Oregon-Howell R-III, Orrick R-11, Osage County, Osage R-2, Osborn R-O, Parkway, Pattonville, Pettis County R-12, Pierce City R-6, Plato R-5, Polo R-VII, Prairie Home R-5, Princeton R-5, Purdy R-II, Raymore-Peculiar R-III, Raytown, Reeds Springs R-IV, Renick R-5, Republic R-III, Rich Hill R-IV, Richards R-5, Richland R-1, Richmond R-XVI, Riverview Gardens, Rockwood School District, Salisbury R-4, Sarcoxie R-2, Scotland County R-I, Scott City R-1, Sedalia, Seymour R-2, Shell Knob #78, Sherwood Cass R-5, Sikeston, Silex, Smithville R-2, South Harrison R-11, Southland C-9, Sparta R-III, Special School District of St. Louis County, Spickard R-II, Spokane R-VII, Springfield, St Joseph, St Louis, St. Charles, St. Elizabeth R-4, Stanberry R-III, Stewartsville C-2, Sullivan, Sweet Springs, Trenton R-1x, Valley Park, Valley R-6, Verona R-7, Warren County R-3, Warrensburg R-6, Warsaw R-IX, Waynesville, Webster Groves, Wentzville R-IV, West Plains R-VII, Westran R-1, Westview C-6, Willard R-2 and the Wright City R-2 School District did not respond to **Oversight's** request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
GENERAL REVENUE FUND			
<u>Savings - DSS (§§210.110 and 210.112)</u>			
Reduction in EPSDT services (p. 6)	\$36,707	\$44,048	\$44,048
<u>Savings - DSS (§211.093)</u>			
Annual clothing allowance (p. 7)	<u>\$47,718</u>	<u>\$30,808</u>	<u>\$30,808</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>\$84,425</u>	<u>\$74,856</u>	<u>\$74,856</u>

<u>FISCAL IMPACT - State Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
FEDERAL FUNDS			
<u>Savings</u> - DSS (§§210.110 and 210.112)			
Reduction in EPSDT service costs (p. 6)	\$68,781	\$82,538	\$82,538
<u>Savings</u> - DSS (§211.093)			
Annual clothing allowance (p. 7)	\$23,082	\$14,902	\$14,902
<u>Loss</u> - DSS (§§210.110 and 210.112)			
Reduction in reimbursements for EPSDT services (p. 6)	(\$68,781)	(\$82,538)	(\$82,538)
<u>Loss</u> - DSS (§211.093)			
Annual clothing allowance (p. 7)	<u>(\$23,082)</u>	<u>(\$14,902)</u>	<u>(\$14,902)</u>
ESTIMATED NET EFFECT ON FEDERAL FUNDS	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
LOCAL GOVERNMENTS - SCHOOL DISTRICTS			
<u>Costs</u> - School Districts (§210.1030)			
Trauma-informed approach and intervention costs	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>
ESTIMATED NET EFFECT ON LOCAL GOVERNMENTS - SCHOOL DISTRICTS	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This bill requires that no fee shall be collected for birth, death, or marriage certificates requested by the Children's Division or the Division of Youth Services on behalf of a child who has come under the jurisdiction of the juvenile court. (§193.265)

This bill changes the law regarding assessment and treatment services for children in foster care. The bill specifies that assessment and treatment services must be completed in accordance with the periodicity schedule set forth by the American Academy of Pediatrics. The bill also requires assessment and treatment services for all children in foster care; previously such services were only needed for children under ten. (§§210.110 and 210.112)

Currently, any order or judgment entered by the juvenile court takes precedence over any order or judgment concerning status or custody of a child under 21 years of age, as long as the order or judgment remains in effect. This bill specifies that the order or judgment by the juvenile court shall take precedence over other orders concerning status or custody of a child under 21 years of age, or orders of guardianship, so long as the juvenile court exercises continuing jurisdiction. The bill also specifies additional powers a court exercising jurisdiction over a child under 21 shall have. The bill further provides provisions regarding custody, support, or visitation orders entered by a court having jurisdiction over a child under 21. (§211.093)

This legislation is not federally mandated and would not duplicate any other program but would require additional capital improvements or rental space.

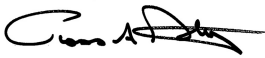
SOURCES OF INFORMATION

Department of Social Services -
 Children's Division
 Division of Youth Services
 Family Support Division
 MO HealthNet Division
 Division of Legal Services
Department of Health and Senior Services
Office of Attorney General
Department of Elementary and Secondary Education
Department of Insurance, Financial Institutions and Professional Registration
Department of Mental Health
Department of Corrections
Department of Public Safety -
 Director's Office
 Missouri State Highway Patrol

SOURCES OF INFORMATION (continued)

Legislative Research
Legislative Oversight Division
Missouri House of Representatives
Office of Administration -
 Office of Child Advocate
 Division of Purchasing and Materials Management
 Facilities Management, Design and Construction
Office of State Courts Administrator
Missouri Senate
Office of State Public Defender
Summersville R2 School District
Wellsville-Middletown R-1 School District

Ross Strope



Acting Director
April 25, 2018