

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 3201-01  
Bill No.: HB 1414  
Subject: Children and Minors; Guardians  
Type: Original  
Date: January 6, 2020

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Bill Summary: This proposal modifies provisions relating to the protection of children.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
General Revenue	(\$79,986)	(\$94,061)	(\$95,046)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(\$79,986)</b>	<b>(\$94,061)</b>	<b>(\$95,046)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
<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 6 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Federal Funds*	\$0 to (\$115,500,000)	\$0 to (\$115,500,000)	\$0 to (\$115,500,000)
<b>Total Estimated Net Effect on All Federal Funds*</b>	<b>\$0 to (\$115,500,000)</b>	<b>\$0 to (\$115,500,000)</b>	<b>\$0 to (\$115,500,000)</b>

\* Potential loss of federal funding if DSS is determined to be out of compliance.

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
General Revenue	1 FTE	1 FTE	1 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>1 FTE</b>	<b>1 FTE</b>	<b>1 FTE</b>

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

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Local Government	\$0	\$0	\$0

## FISCAL ANALYSIS

### ASSUMPTION

#### §210.152 - Provides that DSS/CD shall develop a risk assessment

Officials from the **Department of Social Services (DSS), Children's Division (CD)** state Section 210.152 adds Subsection 2 stating that the Division shall develop and use a child risk assessment of any report of child abuse or neglect received by CD. CD currently uses a risk assessment when assessing on child abuse and neglect reports. CD began implementation of the risk assessment tool on November 1, 2019. CD anticipates no fiscal impact.

**Oversight** does not have any information to the contrary. Therefore, Oversight will not reflect an impact for this section of the proposal.

#### §210.564 - "Foster Care Bill of Rights"

Officials from the **DSS, Division of Legal Services (DLS)** state, to insure foster children have access to participation in their court cases, DLS will be required to draft, file, and argue motions. DLS estimates that 12 of the 31 full-time employee attorneys will have an increase in their workload, which is 39% of the full-time attorney staff. It is estimated that those attorneys will have to shift 10% of their time to get court orders so DSS complies with federal funding requirements. It is estimated that DLS can expect an increase of 4% in its workload should this bill pass. DLS is requesting 1 FTE for the increased workload.

**CD** notes Federal law states "procedural safeguards shall be applied to assure that in any permanency hearing held with respect to the child, including any hearing regarding the transition of the child from foster care to a successful adulthood, the court or administrative body conducting the hearing consults, in an age-appropriate manner, with the child regarding the proposed permanency or transition plan for the child". 42 USC Section 675(5)(C)(iii). Federal law further requires that when the court re-determines appropriateness of the placement, the State agency shall implement procedures to ensure that, at each permanency hearing held with respect to the child, the court, or administrative body appointed or approved by the court, conducting the hearing on the permanency plan for the child does the following: "Ask the child about the desired permanency outcome for the child." 42 USC 675a(a)(2)(A).

Federal law requires that the case plan for any child in foster care under the responsibility of the State who has attained 14 years of age shall include a document that describes the rights of the child with respect to education, health, visitation, and court participation, the right to be provided with the documents specified in section 675(5)(I) of this title in accordance with that section, and the right to stay safe and avoid exploitation. 42 USC Section 675a(b)(1).

ASSUMPTION (continued)

If CD is determined not to be in compliance with Title IV-E requirements, there is the potential of losing approximately \$115.5 million in federal funds. This estimate is based on FFY19 assumptions and included federal funds for Foster Care, Adoption, Guardianship, Chaffee, Education Training Vouchers and Adoption Incentives.

**Oversight** does not have any information to the contrary. Since it is unknown whether DSS/CD will be considered to be out of compliance by the federal government, Oversight will present the potential loss as \$0 to (\$115.5 million).

§210.566 - Foster parent supervision of family visits

Officials from **DSS/CD** state Section 210.566, Subsection 3 adds that CD shall not require foster parents to conduct supervised visits or be present during any supervised visits between the child and the child's siblings or biological family. The Children's Division does not currently require foster parents to conduct supervised visits or be present during any supervised visits between the child and the child's siblings or biological family. Though not a requirement, many foster parents willingly participate in supervised visitation between parents and/or siblings as they can help facilitate meaningful interaction between the child and parent/sibling as well as contribute their knowledge of the child and the child's behavior to the parent. Policy reflecting Roles and Responsibilities of the Resource Parents is found in Section 6, Chapter 20, subsection 3 of the Child Welfare Manual stating that one of the resource parent's responsibilities include "to be flexible and cooperative with regard to family visitation, including family contacts and communication through phone calls and letters as appropriate". Again, CD does not have a requirement, but notes the potential benefits in taking a team approach to permanency for the child. Given this is not a requirement at this time, CD anticipates no fiscal impact.

**Oversight** does not have any information to the contrary. Therefore, Oversight will not reflect an impact for fiscal note purposes for this section.

Responses regarding the proposed legislation as a whole

**Oversight** notes the **Office of State Courts Administrator** has stated the proposal would not have a direct fiscal impact on their organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this organization.

<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
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**GENERAL REVENUE FUND**

<u>Costs - DSS (\$210,564) -</u>			
Personal Service	(\$44,475)	(\$53,904)	(\$54,443)
Fringe benefits	(\$24,370)	(\$29,422)	(\$29,601)
Equipment and expense	(\$11,141)	(\$10,735)	(\$11,002)
<u>Total Costs - DSS</u>	<u>(\$79,986)</u>	<u>(\$94,061)</u>	<u>(\$95,046)</u>
FTE Change - DSS, DLS	1 FTE	1 FTE	1 FTE

<b>ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND</b>	<b><u>(\$79,986)</u></b>	<b><u>(\$94,061)</u></b>	<b><u>(\$95,046)</u></b>
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Estimated Net FTE Change on the General Revenue Fund	1 FTE	1 FTE	1 FTE
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**FEDERAL FUNDS**

<u>Loss - DSS (\$210,564) - Potential loss due to non-compliance with Title IV-E provisions</u>	<u>\$0 to (\$115,500,000)</u>	<u>\$0 to (\$115,500,000)</u>	<u>\$0 to (\$115,500,000)</u>
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<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>	<b><u>\$0 to (\$115,500,000)</u></b>	<b><u>\$0 to (\$115,500,000)</u></b>	<b><u>\$0 to (\$115,500,000)</u></b>
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<u>FISCAL IMPACT - Local Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
	<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, the Children's Division is required to support all children 12 years of age or older in state custody to attend any hearings pertaining to the child's placement, custody, or care, provided that the child is willing and able to attend such hearings, and that attending such hearings is in the best interests of the child. This bill modifies this requirement to all children in state custody only if the court orders that the child be present at such hearings (§210.564).

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

Department of Social Services  
Office of State Courts Administrator



Julie Morff  
Director  
January 6, 2020



Ross Strope  
Assistant Director  
January 6, 2020