

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3201-03
Bill No.: HCS for HB 1414
Subject: Children and Minors; Guardians
Type: Original
Date: February 4, 2020

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

FISCAL SUMMARY

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

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Total Estimated Net Effect on <u>All</u> Federal Funds*	\$0	\$0	\$0

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

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 2021	FY 2022	FY 2023
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§210.145 - Development of a joint safety assessment tool

Officials from the **Department of Social Services (DSS), Children's Division (CD)** state §210.145 states CD shall utilize structured decision making protocols, including a standard risk assessment for classification purposes of all child abuse and neglect reports. It also adds CD and the Office of State Courts Administrator (OSCA) develop a joint safety assessment tool before December 31, 2020, to be implemented by January 1, 2022. This will replace the current standard risk assessment.

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, and is currently working with OSCA in developing a joint safety assessment tool. CD anticipates no fiscal impact by adding the risk assessment. CD will work with OSCA to secure funding for the development of a joint safety assessment. The development of a new tool would need to be piloted and validated prior to use and the time frame provided may not be sufficient.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect the no fiscal impact assumed by CD for this section for fiscal note purposes.

§210.566 - Foster parent supervision of family visits

Officials from **CD** state §210.566 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 parents. CD does not currently require foster parents to conduct supervised visits, though they are utilized if willing and able.

Although CD does not have a requirement, they note 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 reflect the no fiscal impact assumed by CD for this section for fiscal note purposes.

ASSUMPTION (continued)

§211.135 - When courts may order a child to appear in court

CD states §211.135 states the court, after considering all information provided by CD and input from the family support team, shall order the child to appear in court only if necessary to make a decision and after considering appropriateness of the courtroom environment for the child and the hardship to be endured by the child and current guardians in regards to the disruption in regular activities.

CD is concerned that implementation of this section may result in a reduction in Missouri's compliance with some amendments to Title IV-E of the Social Security Act that were implemented in recent years.

Oversight does not have any information to the contrary. Oversight notes CD's concern regarding a loss of funds due to non-compliance with provisions in Title IV-E. However, Oversight assumes CD will not be out of compliance with Title IV-E, and, therefore, Oversight will reflect no fiscal impact for CD for fiscal note purposes.

Officials from the **DSS, Division of Legal Services (DLS)**, state they are concerned the implementation of the proposal will result in a reduction in Missouri's compliance with some of the amendments to Title IV-E of the Social Security Act. Federal law requires that "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 U.S.C. § 675 (5)(C)(iii).

Federal law further requires the State agency to implement procedures to ensure that at each permanency hearing regarding the child, the court "ask the child about the desired permanency outcome[.]" 42 U.S.C. 675a(a)(s)(A). DLS is concerned that the proposed bill may result in some courts declining to enter orders permitting foster children to participate in court because they perceive such participation as disruptive or traumatizing. Missouri risks a reduction in federal financial participation in supporting services for foster children if there is a reduction in compliance with these requirements.

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.

ASSUMPTION (continued)

Oversight does not have any information to the contrary. Therefore, Oversight will reflect the FTE costs provided by DLS for fiscal note purposes.

Responses regarding the proposed legislation as a whole

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

Oversight notes OSCA is currently unable to quantify the fiscal impact, if any, to their organization. Oversight assumes OSCA will be able to absorb any costs from this proposal and they will request any necessary funding in future budget requests. 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
GENERAL REVENUE FUND			
<u>Costs - DSS (\$211.135) -</u>			
Personal Service	(\$44,475)	(\$53,904)	(\$54,443)
Fringe benefits	(\$24,370)	(\$29,422)	(\$29,601)
Equipment and expense	<u>(\$11,141)</u>	<u>(\$10,735)</u>	<u>(\$11,002)</u>
Total <u>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
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(\$79,986)</u>	<u>(\$94,061)</u>	<u>(\$95,046)</u>
Estimated Net FTE Change on the General Revenue Fund	1 FTE	1 FTE	1 FTE
 <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

This bill requires the Children's Division within the Department of Social Services to develop and use a child risk assessment for all reports of child abuse and neglect received by the division (§210.145).

Currently, the 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 (§211.135).

The bill prohibits the division from requiring foster parents to conduct or be present for supervised visits with a child in their care (§210.566).

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

SOURCES OF INFORMATION

Department of Social Services
Office of State Courts Administrator



Julie Morff
Director
February 4, 2020



Ross Strope
Assistant Director
February 4, 2020