

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3201-06
Bill No.: SCS for HCS for HB 1414
Subject: Children and Minors; Children's Division; Courts; Courts, Juvenile; Health and Senior Services Department; Family Law; Military Affairs; Social Services Department; Vital Statistics
Type: Original
Date: April 30, 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	(\$1,294,832 to \$1,318,931)	(\$316,235 to \$345,153)	(\$328,551 to \$357,469)
Total Estimated Net Effect on General Revenue	(\$1,294,832 to \$1,318,931)	(\$316,235 to \$345,153)	(\$328,551 to \$357,469)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
MOPHS (0298)	\$0	\$0	\$0
Endowed Care Cemetery Audit (0562)	\$0 to (\$2,678)	\$0 to (\$3,213)	\$0 to (\$3,213)
Children's Trust (0694)	\$0 to (\$13,389)	\$0 to (\$16,066)	\$0 to (\$16,066)
Total Estimated Net Effect on <u>Other</u> State Funds	\$0 to (\$16,066)	\$0 to (\$19,278)	\$0 to (\$19,278)

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 25 pages.

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

* Income and costs exceed \$400,000 annually and net to \$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

Due to time constraints, **Oversight** was unable to receive some of the agency responses in a timely manner and performed limited analysis. Oversight has presented this fiscal note on the best current information that we have or on prior year information regarding a similar bill. Upon the receipt of agency responses, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval of the chairperson of the Joint Committee on Legislative Research to publish a new fiscal note.

§193.265 - Free birth certificates for homeless child/youth and unaccompanied youth

In response to similar legislation from the current session (SCS for SB 826), officials from the **Department of Health and Senior Services (DHSS)** stated the proposed legislation states that no fee shall be required for a birth, death, or marriage certificate by a parent or guardian of a homeless child or homeless youth as defined in §167.020.1, an unaccompanied youth as defined in 42 U.S.C. Section 11434a(6).

According to the United States Interagency Council on Homelessness, Missouri had an estimated youth and children homeless population of 32,133 as of January 2018, of which 3,944 were unaccompanied homeless students. The Division of Community and Public Health (DCPH), Bureau of Vital Records (BVR) has no way to estimate how many requests for birth certificates would be submitted. For fiscal impact purposes the impact ranges from zero to 100 percent.

DHSS has no way to estimate how many parents or guardians of a homeless child or homeless youth would submit requests for birth, marriage, or death certificates. The department estimates that not enough homeless children or homeless unaccompanied youth would require access to certified marriage or death certificates to create measurable impact, thus those have not been included in this fiscal note. This will cause a loss of revenue to state funds. The impact ranges from zero utilization of the fee exemption to 100 percent utilization of the fee exemption among the eligible populations.

The estimated loss of fees for requests at 100 percent issuance of the identified populations of 32,133 homeless youth could range from \$0 to \$401,662 for FY 2021 and \$0 to \$481,995 for FY 2022 and FY 2023.

Per §193.265, RSMo, DHSS receives a fee of \$15 for each certified birth certificate 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). General Revenue would be used to replace the MOPHS fees lost.

ASSUMPTION (continued)

The loss of revenue of certificate fees to the state funds listed above is detailed in the table below.

Fund Name	FY2021	FY2022	FY2023
General Revenue	\$0 - \$107,110	\$0 - \$128,532	\$0 - \$128,532
Children’s Trust Fund	\$0 - \$133,887	\$0 - \$160,665	\$0 - \$160,665
Endowed Care Cemetery Audit Fund	\$0 - \$26,778	\$0 - \$32,133	\$0 - \$32,133
MOPHS Fund	\$0 - \$133,887	\$0 - \$160,665	\$0 - \$160,665

The fees that are 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. The loss of funds to MOPHS is estimated at the range of \$0 to \$133,887 in FY2021, and \$0 to \$160,665 in FY2022 and FY2023. 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. The revenue lost from issuing these additional certificates necessitates the need to seek General Revenue funds to supplant the loss.

Based on the additional requests that could be made, up to three (3) Public Health Data Technician (PHDT) FTE may be required. 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. The average annual salary of a PHDT is \$29,448.

Oversight notes from discussions with DHSS officials, DHSS applied a fiscal impact range of 0 - 100% because, while the impact is unknown, they believe the number of qualifying individuals who will apply for a free birth certificate will be minimal due to the target population most likely being unaware of the legislation.

Since DHSS believes the number of individuals actually applying for a free birth certificate will be minimal, Oversight, for fiscal note purposes, assumes it is possible for up to 10% of homeless youth or parents of homeless or unaccompanied youth to request a free birth certificate annually; Oversight does not assume 100% of victims will request a free birth certificate annually, although this legislation does not contain a provision to limit the number issuances. Therefore, Oversight assumes costs could exceed the lower limits of DHSS’ estimate and will present the loss of certificate fees as zero to 10% of the 100% estimate provided by DHSS.

32,133 Homeless Youth & Children x 10% = 3,213 free birth certificates x \$15 = \$48,195 potential lost fees.

ASSUMPTION (continued)

Fund Name	FY2021 (10/12)	FY2022	FY2023
General Revenue (\$4)	\$0 to (\$10,710)	\$0 to (\$12,852)	\$0 to (\$12,852)
Children’s Trust Fund (\$5)	\$0 to (\$13,388)	\$0 to (\$16,065)	\$0 to (\$16,065)
Endowed Care Cemetery Audit Fund (\$1)	\$0 to (\$2,678)	\$0 to (\$3,213)	\$0 to (\$3,213)
MOPHS Fund (\$5)	\$0 to (\$13,388)	\$0 to (\$16,065)	\$0 to (\$16,065)
Total Lost Fees	\$0 to (\$40,164)	\$0 to (\$48,195)	\$0 to (\$48,195)

In addition, language in the proposal does not provide for replacement of funds to the MOPHS Fund for a reduction in revenues received as a result of the issuance of free birth certificates. **Oversight** assumes funds may be replaced and will range replacement of funds as \$0 to the lower limit of funds lost to the MOPHS Fund from the General Revenue Fund.

Oversight also notes DHSS assumes it will need up to three new FTE as a result of the provisions of this proposal. Because Oversight assumes the number of free birth certificates issued may be up to 10% of the homeless/unaccompanied youth population (32,133 homeless x 10% = 3,213 total free birth certificates per year), Oversight further assumes the DHSS will not need additional FTE to issue the minimal number of birth certificates anticipated. However, if these assumptions prove incorrect, DHSS may require additional resources.

In response to similar legislation from the current session (SCS for SB 826), officials from the **Columbia/Boone County Department of Public Health and Human Services (PHHS)** stated this bill would result in a loss of revenue for the PHHS. §193.265.1 of the proposed legislation states no fee will be required for a birth certificate if the request is made by a parent/guardian of a homeless child or youth or an unaccompanied youth.

Per §193.265, RSMo, PHHS receives \$15 for each certified birth certificate statement issued. PHHS estimates a minimum of 25 homeless children in Boone County. For fiscal note purposes, it is estimated that 10 percent of the above population would request a birth certificate resulting in approximately 3 (25 x 10% = 2.5 – rounded to 3) certificates issued annually. If 100 percent of the population requested certificates, approximately 25 could be issued annually (actual numbers could be higher depending on the actual number of homeless children). The combined loss of fees for requests at 10 percent and 100 percent issuance of the identified populations for FY 2021, FY 2022, and FY 2023 are listed in the table below:

ASSUMPTION (continued)

	FY 2021 (10 months) 10% issuance	FY 2021 (10 months) 100% issuance	FY 2022 and FY 2023 10% issuance	FY 2022 and FY 2023 100% issuance
Homeless Youth Requests	\$37.50 - unknown	\$312.50 - unknown	\$45 – unknown for each year	\$375 – unknown for each year

Calculations:

FY 2021, 10% issuance = 3 certificates x \$15 per certificate x (10months/12months) = \$37.50

FY 2021, 100% issuance = 25 certificates x \$15 per certificate x (10months/12months) = \$312.50

FY 2022 and 2023, 10% issuance = 3 certificates x \$15 per certificate = \$45

FY 2022 and 2023, 100% issuance = 25 certificates x \$15 per certificate = \$375

Based on the previous DHSS assumption that the number of individuals actually applying for a free birth certificate will be minimal, **Oversight** assumes, for fiscal note purposes, the fiscal impact to each local public health agency will be minimal and absorbable within current funding levels.

In response to similar legislation from the current session (SCS for SB 826), **B&P** stated the proposal adds parents/guardians of a homeless child/youth and unaccompanied youth to the list of entities for which no fee will be collected for the request of birth, death, or marriage certificates of a child or person under 21 who has come under the jurisdiction of the juvenile court. Insofar as such payments would have been deposited into the state treasury, the legislation could have a negative impact on total state revenue (TSR).

Oversight notes B&P stated that the bill could have a negative impact on TSR, but did not provide details or an estimate of the fiscal impact. Therefore, Oversight assumes the costs associated with this proposal will be minimal and absorbable, resulting in no net fiscal impact for this organization for fiscal note purposes.

§208.151 - Adds homeless youth eligibility language to MO HealthNet provisions

In response to similar legislation from the current session (SCS SB 826), officials from the **DSS, Family Support Division (FSD)** stated §208.151.1(27) is amended to extend MO HealthNet eligibility to any persons who meet the definition of homeless youth as defined in §167.020, RSMo. §167.020, RSMo defines homeless youth as any person less than twenty-one years of age who lacks a fixed, regular and adequate nighttime residence.

ASSUMPTION (continued)

FSD assumes the portion of the population who are under age 19 are already currently eligible under existing eligibility guidelines. 42 CFR 435.118 requires states to provide Medicaid to children under age 19 whose household income is at or below the income standard established.

Section 1902(a)(10)(A)(ii)(I) of the Social Security Act provides that states have the option to make medical assistance available to individuals up to 21 years of age in one or more reasonable classifications as defined in the state plan. A state plan amendment would be required to request homeless status as the eligibility criteria for individuals age 19 and 20.

FSD determined there will be 152 new individuals eligible for MO HealthNet, who are age 19 and 20 and homeless.

FSD arrived at this number in the following manner:

In 2018, the Department of Housing and Urban Development reported 534 unaccompanied homeless youth age 18-24. FSD assumes an approximate equal distribution of homeless youth age 18-24. Therefore, FSD estimates there are approximately 152 ($534/7 \text{ years} * 2 = 152$) homeless youth age 19 and 20 in Missouri.

FSD assumes the applications received for homeless youth age 19 and 20 could be completed with existing staff.

The FSD assumes OA-ITSD will include the system programming costs for the system changes necessary to implement provisions of this bill.

The FSD defers to MO HealthNet Division for costs to the program; therefore, there is no fiscal impact to FSD.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect no impact for FSD for fiscal note purposes.

In response to similar legislation from the current session (SCS SB 826), officials from the **DSS, MO HealthNet Division (MHD)** state, regarding §208.151.1(27), because §167.020 doesn't describe "awaiting foster care placement", MO HealthNet is assuming this legislation is referring to children placed in emergency residential treatment. As a result, these youth are already in custody and have Medicaid. However, there would be additional participants added due to this language for homeless youth aged 19-20.

ASSUMPTION (continued)

FSD estimated there will be 152 new individuals eligible for MO HealthNet. MHD found that this population would fall under the children's eligibility group, and that their PMPM rate would be \$332.39. Therefore, an annual cost for this population is estimated to be \$606,285 (152 newly eligible * \$332.39 PMPM * 12 months). A state plan amendment would be required to request homeless status as the eligibility criteria for individuals aged 19 and 20.

MHD's total costs for the proposed legislation are as follows:

FY21 (10 mos): Total: \$505,238 (GR: \$176,161; Federal: \$329,076)

FY22: Total: \$637,206 (GR: \$222,174; Federal: \$415,031)

FY23: Total: \$669,703 (GR: \$233,505; Federal: \$436,198)

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

Officials from the **DSS, Division of Legal Services (DLS)** state SCS for SB 826 is not expected to have a fiscal impact on DLS because DLS anticipates being able to absorb any impact with currently-available resources.

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

In response to similar legislation from the current session (SCS SB 826), DSS officials provided the response for the **Office of Administration (OA), Information Technology Services Division (ITSD)/DSS**. ITSD/DSS states the Family Assistance Management Information System (FAMIS), the Missouri Eligibility Determination and Enrollment System (MEDES) and the Family and Children Electronic System (FACES) will need to be updated. OA, ITSD/DSS assumes every new IT project/system will be bid out because all ITSD resources are at full capacity.

The estimated time for requirements gathering and analysis to make a determination on the impact to FAMIS is approximately 25.92 hours. IT contract rates for FAMIS are estimated at \$95/hour. This will incur a cost of \$2,462 (25.92 * \$95), split 53% GR; 47% Federal.

§208.151.1(27) would require changes to the Missouri Eligibility Determination and Enrollment System (MEDES) to provide MO HealthNet coverage to homeless children or homeless youths up to the age of 21. MEDES performs eligibility determinations and provides case management functions for the family Medicaid and Children's Health Insurance Program (CHIP) using the Modified Adjusted Gross Income Criteria established by the Patient Protection and Affordable Care Act of 2010. The system is currently programmed to only allow coverage for children up to age 19.

ASSUMPTION (continued)

The changes are primarily needed to determine eligibility for homeless youth who are either over the age of 17 or are emancipated minors as FSD is otherwise required to report homeless children to the Children's Division. Presumably these younger children would receive coverage through the alternative care system (FACES) under existing policy and rules.

The following modifications to MEDES will be required to provide coverage to homeless children and youth up to age 21: allow the homeless indicator to be set for children; modify rules to allow individuals to up to age 21 to be eligible; add a new type of evidence to verify homeless status; add new conditions and closing reasons for 21 year olds; modify notices for the approval, change in circumstance and closing processes; create statistical management reports.

The existing MAGI and CHIP programs will continue to work under the existing rules with the exception of homeless status and age requirements which will be added on to the existing rules. Design, development and implementation (DDI) services will be provided via Project Assessment Quotation (PAQ) under Redmane contract #C2170849002 with a total project duration of about 22 weeks so systems work and expenditures will occur in SFY21 exclusively.

The federal match rate will be 90% for DDI under the CMS "Seven Conditions and Standards for Enhanced Funding".

Modifications for the MEDES system must be performed by Redmane. Hourly IT costs under this contract vary by IT consultant type and it is estimated to take 1,522 hours for a total cost of \$274,998 (10% GR; 90% Federal) in FY 21.

The FACES system would require an enhancement/change to the existing FACES application. IT contract rates for FACES are estimated at \$95/hour. It is assumed FACES modifications will require 397.44 hours for a cost of \$37,757 (397.44 * \$95), split 66% GR; 34% Federal.

Therefore, total FAMIS, MEDES and FACES system upgrades will cost \$315,217 (\$53,725 GR; \$261,492 Federal) in FY 21.

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

Officials from the **Department of Mental Health (DMH)** state Subdivision 27 creates a new MO HealthNet eligibility category for children and youth under age 21 who meet the definition of homeless §167.020. This will allow children and youth not eligible in an existing category to receive MO HealthNet coverage. This is subject to approval of a state plan amendment by the Centers for Medicare and Medicaid Services.

ASSUMPTION (continued)

The anticipated fiscal impact to DMH for community psychiatric rehabilitation (CPR), Comprehensive Substance Treatment Abuse and Rehabilitation (CSTAR) and Developmentally Disabled (DD) waiver services are included in the DSS estimate.

Oversight does not have any information to the contrary. Therefore, Oversight will assume that any costs or savings incurred by DMH for this legislation will be reflected in the DSS response.

§210.109 and 210.150 - Child protection system; reporting, monitoring, measuring outcomes

Officials from the **DSS, Children's Division (CD)** state these sections will have no fiscal impact on their organization.

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

§210.112 - DSS services to children and child placement provisions

CD states this section requires CD to create a response and evaluation team. CD does not anticipate fiscal impact as a result of the creation of a response and evaluation team. These duties would be absorbed by existing staff.

This bill also removes a large section regarding contracts which does not create an impact for the Division.

CD also states this section requires the payment to contracted children's services providers and agencies to be made based on the reasonable costs of services, including responsibilities necessary to execute the contract. Any reimbursement increases made through enhanced appropriations for services shall be allocated to providers regardless of whether the provider is public or private. Such increases shall be considered additive to the existing contracts. In addition to payments reflecting the cost of services, contracts shall include incentives provided in recognition of performance based on the evaluation tool and the corresponding savings for the State. The response and evaluation team shall review a formula to distribute such payments, as recommended by the division. This matches CD's existing process.

May result in programmatic and policy changes; however, no fiscal impact to Children's Division. These changes may have changes to the Family And Children Electronic System (FACES). CD defers to ITSD for impact.

ASSUMPTION (continued)

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.

In response to similar legislation from this session (HB 2216), **Office of Administration (OA), Information Technology Services Division (ITSD)/DSS** stated §§210.112 and 210.145 of the proposed legislation will result in required updates to the Family And Children Electronic System (FACES).

These changes include, but are not limited to: development of new screens, data elements and database tables; navigational functionality allowing for the transfer of data; modifications to intertwined components and subsystems; and updated security access.

Oversight notes ITSD assumed that every new IT project/system will be bid out because all their resources are at full capacity. For this bill, ITSD assumed they will contract out the programming changes needed for FACES. ITSD estimated the project would take 10,368 hours at a contract rate of \$95 for a total cost of **\$984,960** (100% GR). Oversight notes that an average salary for a current IT Specialist within ITSD is approximately \$54,641, which totals roughly \$85,000 per year when fringe benefits are added. Assuming that all ITSD resources are at full capacity, Oversight assumes ITSD may (instead of contracting out the programming) hire 11 additional IT Specialists to perform the work required from this bill; however, for fiscal note purposes, Oversight will reflect the ITSD estimated cost of \$984,960 in FY 2021 exclusively.

§210.123 - Child placement and reporting

CD states this section defines "temporary alternative placement agreement", as a voluntary agreement between CD, a relative of the child, and the parent or guardian of the child to provide a temporary, out of home placement for a child if the parent or guardian is temporarily unable to provide care or support for the child and the child is not in imminent danger of death or serious bodily injury, or being sexually abused such that the division determines a referral to the juvenile office with a recommendation to file a petition or to remove the child is not appropriate. This bill lists the required contents of the temporary alternative placement agreement.

In addition to a number of other requirements and guidelines, this section requires CD to submit a written report to Juvenile Office, no later than 10 days before the termination of the temporary alternative placement agreement. CD shall also provide a copy of the report to the placement provider and the child's parent or guardian.

While these provisions may result in programmatic and policy changes; no fiscal impact to CD is anticipated for this section.

ASSUMPTION (continued)

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.

§210.135 - Immunity from civil liability from an employee's participation in investigations

DSS state the provisions of this section state an employee, including a contracted employee, of a state-funded child assessment center, shall be immune from any civil liability that arises from the employee's participation in the investigation process and services by the child assessment center, unless such person acted in bad faith.

There will be no fiscal impact to the Children's Division

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

§210.145 - Development of a joint safety assessment tool

CD states §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.

§210.160 - Relating to Guardians ad Litem

CD states this section now includes guardians ad litem establishing a relationship with the child face to face in a private setting to assess and observe the child and the child's needs and wishes. This shall take place within seven business days following appointment. They shall continue to maintain contact with the child for the duration of the appointment of guardian ad litem for the child. It also includes that guardian ad litem shall attend as appropriate and necessary all family support team meetings.

ASSUMPTION (continued)

This will have no fiscal impact on the Children's Division.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for this section of the proposal.

Oversight also notes that according to the Department of Social Services:

- Guardians Ad Litem are paid by the local county government for children in the Children's Division custody up until the termination of parental rights. After the termination of parental rights, the court may order the Children's Division to pay.
- The Children's Division uses existing foster care and adoption appropriations to cover guardian ad litem costs.

§§210.201 - 210.254 and 210.1080 - Child care facilities

DHSS states §210.201(5) of the proposed legislation adds a definition for Montessori schools, which would require these programs to be accredited by the American Montessori Society (AMS) or the Association of Montessori International (AMI). §201.211.1(8) exempts accredited Montessori schools from the child care facility licensing requirements. Those not currently accredited would need to become accredited by either AMS or AMI, or the school would be required to become licensed.

The Division of Regulation and Licensure, Section for Child Care Regulation (SCCR) is responsible for licensing and inspecting child care facilities. Currently, SCCR has granted exemption determinations for approximately thirty-three Montessori schools in Missouri; however, only five of the thirty-three are currently accredited with AMS or AMI. It is unknown whether the remaining unaccredited schools will seek accreditation or licensure. However, any Montessori schools applying for licensure under the proposed legislation would fall under the same requirements as other licensed facilities and is within the normal ebb and flow for SCCR, so minimal time and expense will be required to conduct the requirements of the proposed legislation.

§ 210.221.1(1) of the proposed legislation removes the requirement of renewing of a license when expired and the stipulation that no license shall be granted for a term exceeding two years. The current license term is two years. Time saved from not renewing licenses would be transferred into core duties of conducting inspections, compliance monitoring, investigating complaints, enforcement and disciplinary actions, deliver training and technical assistance to child care providers, etc.

The DHSS anticipates being able to absorb these costs. However, until the FY21 budget is final, the DHSS cannot identify specific funding sources.

ASSUMPTION (continued)

A non-expiring license would create a cost savings to the Child Care and Development Fund through the reduction in the number of Denial of Renewal certified letters. Currently, these letters are mailed to child care programs that are in non-compliance with child care regulations. The proposed legislation removes this requirement, so these letters will no longer need to be sent. SCCR processes and sends approximately 60 Denial of Renewal letters each month for an estimated 720 letters each year ($60 \times 12 = 720$). It is assumed at a cost of \$8.32 per certified letter, the Child Care and Development Fund will realize a cost savings of approximately \$4,992 ($\$8.32 \times 720 \times 10/12 = \$4,992$) for FY21, \$6,050 for FY22, and \$6,111 for FY23 (assuming a one percent increase each year for FY22 and FY23).

Oversight does not have any information to the contrary. Oversight assumes the cost and savings estimated by the DHSS to be minimal and will reflect no fiscal impact to the department for fiscal note purposes.

CD states this these sections will have no fiscal impact on CD.

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

§210.566 - Foster parent supervision of family visits

CD states §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.

§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.

ASSUMPTION (continued)

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.

CD indicates that the potential loss in federal funds could be up to:

FY 21: \$115,500,000
FY 22: \$118,387,500
FY 23: \$121,347,188

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.

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

ASSUMPTION (continued)

§211.171 - Foster parent access to certain foster children records

CD states this section adds that if a foster parent alleges the court failed to allow the foster parent to be heard orally or by submission of correspondence at any hearing regarding a child in their care, the foster parent has the right to seek remedial writ relief.

This bill provides that no docket fee shall be required to be paid by the foster parent. This bill prohibits children's division from removing the child from placement with a foster parent based solely upon the foster parent's filing of a petition, unless removal is necessary to ensure the health and safety of the child.

The Children's Division does not anticipate a fiscal impact as a result of this section of the proposed legislation.

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

MHD states the Interstate Compact allows states to exchange information/payments for foster kids placed out of state. CD (MHD believes) is already paying a vendor for this service since a child could be placed in any state and the vendor works across the U.S. to distribute funds.

§431.056 - Modifies provisions relating to a minor's ability to contract for certain purposes

CD states §431.056 of this bill modifies provisions relating to a minor's ability to contract for certain purposes. §431.056 adds 'mental health' services when referring to a minor contracting services and changes the minimum age to 15 from 16. It adds additional requirements relating to unaccompanied youth including:

Implied consent, in addition to the actions described in subparagraph a. of this paragraph, may also be demonstrated by a letter signed by the following persons verifying that the minor is an unaccompanied youth as defined in 42 U.S.C Section 11434a(6):

- (i) A director or designee of a governmental or nonprofit agency that receives public or private funding to provide services to homeless persons;
- (ii) A local education agency liaison for homeless children and youth designated under 42 U.S.C. Section 11432(g)(1)(J)(ii), or a school social worker or counselor; or
- (iii) A licensed attorney representing the minor in any legal matter.

ASSUMPTION (continued)

Subsection 4 is added and states that any legally-constituted entity or licensed provider who contracts with a minor under subsection 1 of this section shall be immune from any civil or criminal liability based on the entity's or provider's determination to contract with the minor; provided that, if an entity's or provider's determination of compliance with subsection 1 of this section, or conduct in contracting with the minor, is the result of the entity's or provider's gross negligence or willful or wanton acts or omissions, the entity or provider may be held liable for their gross negligence or willful or wanton acts or omissions. Consent given under this section shall not be subject to later disaffirmance by reason of the minor's age.

These additions to the statute in regard to minors and contracted services will not have a fiscal impact on the Children's Division.

Officials from **FSD** and **MHD** state the provisions of §431.056 have no fiscal impact on their divisions.

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

DMH states §431.056 adds 'mental health' care to the conditions under which a minor, age 16 or 17, may engage in a contract for certain services. This bill adds that any entity that engages in a contract with a minor is immune from civil or criminal liability under the conditions of the legislation. The anticipated fiscal impact to DMH for CPR, CSTAR, and DD waiver services are included in the DSS estimate.

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

§453.121 - Identifying information

CD states this section adds: "Notwithstanding any provision of law, all information, including identifying information, shall be released to an adopted adult if the adopted adult's biological parent lost his or her parental rights through a nonconsensual termination of parental rights proceeding."

This will have no fiscal impact on the Children's Division.

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

ASSUMPTION (continued)

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.

Officials from Office of Prosecution Services (OPS) state they anticipate to measurable fiscal impact to their organization.

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

Officials from the Hume R-VIII Schools responded, but did not provide a statement of fiscal impact. Therefore, **Oversight** will assume no fiscal impact for the Hume R-VIII Schools for fiscal note purposes.

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.

Oversight assumes JCAR will be able to administer any rules resulting from this proposal with existing resources.

In response to similar pieces of legislation from the current session, officials from the **Office of the Secretary of State (SOS)** assumed many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS 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 \$5,000. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes 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 with the 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.

ASSUMPTION (continued)

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could require additional resources.

Oversight notes the **Attorney General's Office**, the **Department of Commerce and Insurance**, the **Department of Corrections**, the **Department of Elementary and Secondary Education**, the **Department of Higher Education and Workforce Development**, the **Department of Public Safety, Division of Fire Safety and Missouri State Highway Patrol**, the **Department of Revenue**, the **Missouri House of Representatives**, the **Missouri Senate**, the **Office of Prosecution Services**, the **State Public Defender's Office**, the **State Treasure's Office** and the **St. Louis County Department of Public Health** have stated the proposal would not have a direct fiscal impact on their organizations. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these organizations.

In response to similar legislation, **Oversight** notes the **Governor's Office** and the **Office of Administration** have stated the proposals would not have a direct fiscal impact on their organizations. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these organizations.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other counties, sheriffs, hospitals, schools and local public health agencies were requested to respond to this proposed legislation but did not. A general listing of political subdivisions included in our database is available upon request.

<u>FISCAL IMPACT - State Government</u>	FY 2021	FY 2022	FY 2023
	(10 Mo.)		
GENERAL REVENUE FUND			
<u>Transfer-out - DHSS</u> (§193.265) Transfer to MOPHS for maintenance of MoEVR to replace fees lost due to free birth certificates pp. 3-5	\$0 to (\$13,388)	\$0 to (\$16,065)	\$0 to (\$16,065)
<u>Costs - DSS/MHD</u> (§208.151) Program distributions for homeless youth pp. 6-8	(\$176,161)	(\$222,174)	(\$233,505)
<u>Costs - OA, ITSD</u> (§208.151) pp. 8-9			
FAMIS system changes	(\$1,305)	\$0	\$0
MEDES system changes	(\$27,500)	\$0	\$0
FACES system changes	(\$24,920)	\$0	\$0
Total <u>Costs - OA, ITSD</u>	<u>(\$53,725)</u>	<u>\$0</u>	<u>\$0</u>
<u>Costs - OA, ITSD/DSS</u> (§§210.112 and 210.145) FACES system changes pp. 10-11	(\$984,960)	\$0	\$0
<u>Costs - DSS</u> (§211.135) p. 15			
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)
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
<u>Loss - DHSS</u> (§193.265) Reduction in birth certificate fee revenue pp. 3-5	<u>\$0 to (\$10,711)</u>	<u>\$0 to (\$12,853)</u>	<u>\$0 to (\$12,853)</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(\$1,294,832 to \$1,318,931)</u>	<u>(\$316,235 to \$345,153)</u>	<u>(\$328,551 to \$357,469)</u>
Estimated Net FTE Change on the General Revenue Fund	1 FTE	1 FTE	1 FTE

<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
MISSOURI PUBLIC HEALTH SERVICE FUND (0298)			
<u>Transfer-in</u> - DHSS (§193.265) Transfer-in from General Revenue for maintenance of MoEVR to replace fees lost due to free birth certificates pp. 3-5	\$0 to \$13,389	\$0 to \$16,066	\$0 to \$16,066
<u>Loss</u> - DHSS (§193.265) Reduction in birth certificate fee revenue pp. 3-5	<u>\$0 to (\$13,389)</u>	<u>\$0 to (\$16,066)</u>	<u>\$0 to (\$16,066)</u>
ESTIMATED NET EFFECT ON THE MISSOURI PUBLIC HEALTH SERVICES FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
ENDOWED CARE CEMETERY AUDIT FUND (0562)			
<u>Loss</u> - DHSS (§193.265) Reduction in birth certificate fee revenue pp. 3-5	<u>\$0 to (\$2,678)</u>	<u>\$0 to (\$3,213)</u>	<u>\$0 to (\$3,213)</u>
ESTIMATED NET EFFECT ON THE ENDOWED CARE CEMETERY AUDIT FUND	<u>\$0 to (\$2,678)</u>	<u>\$0 to (\$3,213)</u>	<u>\$0 to (\$3,213)</u>
CHILDREN'S TRUST FUND (0694)			
<u>Loss</u> - DHSS (§193.265) Reduction in birth certificate fee revenue pp. 3-5	<u>\$0 to (\$13,389)</u>	<u>\$0 to (\$16,066)</u>	<u>\$0 to (\$16,066)</u>
ESTIMATED NET EFFECT ON THE CHILDREN'S TRUST FUND	<u>\$0 to (\$13,389)</u>	<u>\$0 to (\$16,066)</u>	<u>\$0 to (\$16,066)</u>

<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
FEDERAL FUNDS			
<u>Income - DSS/MHD (§208.151)</u>			
Reimbursement for program distributions for homeless youth pp. 6-8	\$329,076	\$415,031	\$436,198
<u>Income - OA, ITSD (§208.151)</u>			
Reimbursement for FAMIS, MEDES and FACES system updates pp. 8-9	\$261,492	\$0	\$0
<u>Costs - DSS/MHD (§208.151) Program</u>			
distributions for homeless youth pp. 6-8	(\$329,076)	(\$415,031)	(\$436,198)
<u>Costs - OA, ITSD (§208.151) pp. 8-9</u>			
FAMIS system changes	(\$1,157)	\$0	\$0
MEDES system changes	(\$247,498)	\$0	\$0
FACES system changes	<u>(\$12,837)</u>	<u>\$0</u>	<u>\$0</u>
Total <u>Costs</u> - OA, ITSD	<u>(\$261,492)</u>	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON FEDERAL FUNDS	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<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

Under this act, a parent or guardian of a homeless child or homeless youth or an unaccompanied youth shall not be charged a fee for copies of vital records. An unaccompanied youth shall not be required to have the consent or signature of his or her parent or guardian for a certification or a copy of his or her own birth record (§193.265)

Under this act, any homeless child or homeless youth shall be eligible for MO HealthNet benefits (§208.151).

This act requires the Children's Division to attempt to ascertain whether the suspected perpetrator or any person responsible for the care, custody, and control of a child is a member of the Armed Forces after receiving a report on alleged abuse or neglect of a child.

This act allows appropriate staff of the United States Department of Defense to receive access to investigation records contained in the central registry of the Children's Division and records maintained by the Children's Division following a report of child abuse and neglect in cases where the suspected perpetrator or any person responsible for the care, custody, and control of the subject child is a member of the Armed Forces (§210.109 and 210.150).

Additionally, this act requires the Division to report findings in cases where the person responsible for the care, custody, and control of a child is a member of the Armed Forces to the most relevant family advocacy program or other relevant person authorized by the United States Department of Defense to receive reports.

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).

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).

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).

SOURCES OF INFORMATION (continued)

Office of Secretary of State
State Public Defender's Office
State Treasure's Office
Hume R-VIII Schools
Columbia/Boone County Department of Public Health and Human Services
St. Louis County Department of Public Health



Julie Morff
Director
April 30, 2020



Ross Strobe
Assistant Director
April 30, 2020