

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 3228-05  
Bill No.: HCS for HB 2216  
Subject: Children and Minors; Courts, Juvenile; Children's Division  
Type: Original  
Date: February 28, 2020

Bill Summary: This proposal modifies and creates provisions relating to the preservation of the family.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
General*	Could exceed (\$28,955,171 to \$56,309,159)	Could exceed (\$35,078,348 to \$71,467,722)	Could exceed (\$36,849,240 to \$74,996,506)
<b>Total Estimated Net Effect on General Revenue**</b>	<b>Could exceed (\$28,955,171 to \$56,309,159)</b>	<b>Could exceed (\$35,078,348 to \$71,467,722)</b>	<b>Could exceed (\$36,849,240 to \$74,996,506)</b>

\* "Could exceed" reflects the "unknown" negative impact statements. The high end of the range indicates retroactive MO HealthNet coverage for certain populations.

**\*\*Not included in the totals above are several unknown costs to the departments.**

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
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 (\$13,388)	\$0 to (\$16,065)	\$0 to (\$16,065)
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0 to (\$16,066)</b>	<b>\$0 to (\$19,278)</b>	<b>\$0 to (\$19,278)</b>

Numbers within parentheses: ( ) indicate costs or losses. This fiscal note contains 35 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*	\$0 and \$0 to (\$115,500,000)	\$0 and \$0 to (\$115,500,000)	\$0 and \$0 to (\$115,500,000)
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0 to (\$115,500,000)</b>	<b>\$0 to (\$115,500,000)</b>	<b>\$0 to (\$115,500,000)</b>

\* Income and expenses exceed \$400,000 annually and net to \$0. The high end of the range reflects potential loss of funds due to non-compliance with Title IV-E.

<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	3 FTE	3 FTE	3 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>3 FTE</b>	<b>3 FTE</b>	<b>3 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>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

#### §37.717 - Office of Administration to create a safety reporting system for DSS

Officials from the **Office of Administration (OA)**, **Office of Child Advocate (OCA)** believe this will result in an unknown increase in concerns regarding the safety of a child. OCA believes the increase in incoming calls regarding child safety can be handled by existing staff.

However, in addition, this is a new increase in responsibility to review safety concerns of employees which would require a new complaint process, database changes, and increased investigative responsibilities. OCA believes it will take two (2) Investigators III (\$40,000 annual salary plus fringe benefits each) to implement and maintain this new responsibility.

OCA states **OA, Information Technology Services Division (ITSD)** states the work would entail enhancements to the existing application and while they don't have a specific break down of costs, it would certainly total less than \$100,000.

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

Officials from the **Department of Social Services (DSS), Children's Division (CD)** state this bill creates a new section, which creates a safety reporting system in which employees of DSS may report information regarding the safety of those served by the DSS and the safety of such department's employees.

There is no fiscal impact to CD as this statute is established under the Office of Child Advocate.

**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.

#### §§135.325 to 135.339 and 135.800 - Adoption tax credit

Officials from the **Department of Commerce and Insurance (DCI)** state there could be a potential unknown decrease of premium tax revenues (up to the tax credit limit established in the bill) as a result of the change to the "Adoption Tax Credit Act" tax credit. Premium tax revenue is split 50/50 between General Revenue and County Foreign Insurance Fund except for domestic Stock Property and Casualty Companies who pay premium tax to the County Stock Fund.

ASSUMPTION (continued)

The County Foreign Insurance Fund is later distributed to school districts throughout the state. County Stock Funds are later distributed to the school district and county treasurer of the county in which the principal office of the insurer is located. It is unknown how each of these funds may be impacted by tax credits each year and which insurers will qualify for the tax credit proposed.

DCI will require minimal contract computer programming to add this new tax credit to the premium tax database and can do so under existing appropriation. However, should multiple bills pass that would require additional updates to the premium tax database, DCI may need to request more expense and equipment appropriation through the budget process.

**Oversight** does not have any information to the contrary. Oversight notes DCI states they expect to be able to absorb the costs associated with the programming changes required by this proposal, but if multiple proposals pass during the legislative session requiring additional program changes, cumulatively the effect of all proposals passed may result in DCI needing additional appropriations.

Officials from the **Department of Revenue (DOR)** state, currently, a tax credit is available for taxpayers who adopt a special needs child in an amount up to \$10,000 for nonrecurring adoption expenses. A business entity that provides funds to an employee to enable the employee to adopt a special needs child can also receive a tax credit up to \$10,000 for nonrecurring expenses paid. This proposal, starting January 1, 2021, would remove the restriction that this tax credit be only for the adoption of special needs children and will allow for the adoption of any child.

Currently, this tax credit is capped at \$2,000,000 annually unless an appropriation is made to increase the amount. This proposal does not change the existing cap. According to DOR data, the following amount of credits have been redeemed:

FY 2016	\$231,267
FY 2017	\$127,211
FY 2018	\$88,706
FY 2019	\$19,815

DOR assumes that since the cap was not changed this would not have any additional fiscal impact but could increase utilization of this credit.

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

ASSUMPTION (continued)

Officials from the **OA, Division of Budget & Planning (B&P)** state §135.325 of the proposed legislation modifies the Special Needs Adoption Tax Credit and renames it the Adoption Tax Credit. Any person residing in the state who proceeds with the adoption of a child on or after January 1, 2021, regardless of whether such child has special needs, shall be eligible to receive a tax credit of up to \$10,000 for nonrecurring adoption expenses. This credit is capped at \$2 million but may be increased by appropriation.

These changes could increase participation in the program and could reduce general and total state revenues by up to \$2 million annually. This change may impact the calculation pursuant to Art. X, Sec. 18(e).

**Oversight** notes the Tax Credit Analysis for the existing Special Needs Adoption tax credit already assumes a redemption total of \$108,000 for FY 2021. Therefore, Oversight will reflect a possible increase in utilization of the tax credit from \$0 to \$1,892,000 (\$2 m - \$108,000) in revenue reduction for OA, B&P for fiscal note purposes beginning in FY 2022.

**DSS** states this bill modifies §§135.325, 135.326, 135.327, 135.335, and 135.800.

§135.325 currently cites §§135.325 to 135.339 as "Special Needs Adoption Tax Credit Act". This bill removes "special needs" and cites as "Adoption Tax Credit Act".

This bill adds §135.327 subsection 3 which provides that, on or after January 1, 2021, any person residing in this state who proceeds in good faith with the adoption of a child, regardless of whether such child is a special needs child, shall be eligible to receive a tax credit of up to \$10,000 for nonrecurring adoption expenses for each child that may be applied to taxes.

The tax credit shall be allowed regardless of whether the child adopted is a resident or ward of a resident of this state at the time the adoption is initiated.

§§135.325 through 135.327, 135.335, and 135.800 allows for credit for children adopted from outside Missouri and non-special needs children, thereby reducing the amount in the pool for Missouri adoptions and special needs adoption.

DSS does not anticipate a fiscal impact for CD. This tax credit has always been available for children in foster care.

ASSUMPTION (continued)

The chart below represents the number of finalized adoptions in Missouri, through CD in FY 2014 to FY 2019. This does not include privatized and foreign adoptions.

<b>Fiscal Year</b>	<b>Finalized Adoptions</b>
FY14	1250
FY15	1243
FY16	1462
FY17	1504
FY18	1621
FY19	1667

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

§§160.250 and 160.261 - Provisions relating to school district personnel; reports of abuse

**DSS** states this bill deletes provisions starting in subsections 10 through 21 of §160.261. The CD procedure for conducting investigations and making findings are provided in chapter 210. The sections deleted in this bill contained provisions which deferred certain specific investigation responsibilities to school administration. These deletions would require the Children's Division to investigate these reports according to Chapter 210 statute. CD would continue to work in conjunction with the schools in these cases.

There is no fiscal impact to CD.

**Oversight** does not have any information to the contrary. Oversight notes the deleted portions of §160.261 included school administration responsibilities in conjunction with CD's role in investigating and reporting on abuse and misconduct reports. Because the provisions under Chapter 210 already contained CD's guidelines for investigations, their workload is largely unchanged by the provisions of this section. Therefore, Oversight will reflect the no fiscal impact assumed by CD for fiscal note purposes.

§191.737 - Health care provider reports of a child's exposure to controlled substances

**DSS** states §191.737 provides any physician or health care provider may refer to the Children's Division families in which children who may have been exposed to a controlled substance as evidenced by a written assessment, made or approved by a physician, health care provider, or by CD, that documents the child as being at risk of abuse or neglect.

ASSUMPTION (continued)

Currently, CD accepts referrals called “newborn crisis assessment referrals” from physicians or health care providers regarding children may have been exposed to a controlled substance listed in §195.017, schedules I, II and III, or alcohol as evidenced by a written assessment, made or approved by a physician, health care provider, or by CD, that documents the child as being at risk of abuse or neglect and either:

- Medical documentation of signs and symptoms consistent with controlled substances or alcohol exposure in the child at birth; or
- Results of a confirmed toxicology test for controlled substances performed at birth on the mother or the child.

These provisions would codify CD's current policy and procedure. This would not create a 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 CD for fiscal note purposes.

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

Officials from the **Department of Health and Senior Services (DHSS)** state 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.

ASSUMPTION (continued)

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.

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.



ASSUMPTION (continued)

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

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)
<b>Total Lost Fees</b>	<b>\$0 to (\$40,164)</b>	<b>\$0 to (\$48,195)</b>	<b>\$0 to (\$48,195)</b>

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.

Officials from the **Columbia/Boone County Department of Public Health and Human Services (PHHS)** state this bill would result in a loss of revenue for the PHSS. §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.

ASSUMPTION (continued)

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:

	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.

Officials from **B&P** state 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.

ASSUMPTION (continued)

§208.151 - Persons eligible for MO HealthNet

Officials from **CD** state this bill modifies §208.151.1. subdivision (26) which modifies the requirement for eligibility for MO HealthNet for a youth who has been in foster care, by allowing any person who was in foster care under the responsibility of the state of Missouri at any time when such persons were thirteen years of age or older, without regard to income or assets, if such persons:

- (a) Are under 26 years of age;
- (b) Are not eligible for coverage under another mandatory coverage group; and
- © Were covered by Medicaid while they were in foster care;

This bill provides health care for children who were in care any time after 13 years of age to 26. This is a benefit to foster children who may not have the parental support available after having been released from care. Of those that were in foster care ages 13-26 without regard to income or assets, approximately 794 children would be eligible based on the new language. This would have a fiscal impact on MO HealthNet, however, the Children's Division does not anticipate a fiscal impact for CD.

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

Officials from the **DSS, MO HealthNet Division (MHD)** state, regarding §208.151.1(26), it is unclear from the bill language whether the enrollment would be considered retroactive to include liability on the part of the state for any medical claims not otherwise covered by third party liability (TPL) for claims prior to August 28, 2020. If the intent of this bill is to make those formerly in foster care eligible for enrollment as of August 28, 2020, with no retroactive state liability for medical claims, then the MHD would assume a range starting at fifty percent of the population (8,568). The assumption would be the foster care-eligible individuals would need to apply to be eligible. If only fifty percent of the 8,568 (4,284) applied, the cost would be \$27,329,890 annually.

If the intent of this bill is to make those formerly in foster care eligible for enrollment as of August 28, 2020, with retroactive state liability for medical claims, then the parameters of this legislation would have an impact. CD reports that a total of 794 children in FY19 between the ages of 13 and 17 exited foster care provided by CD and did not re-enter. These 794 children would now be eligible for MHD services while they are not eligible currently. Moreover, children that were aged between 13 and 25 need to be realized for all years dating back to 2008

ASSUMPTION (continued)

(the year where a child would have been 13 at the time, but is now 25). CD found that the total number of eligible children would be 8,568. MHD found that a per member per month (PMPM) MO HealthNet rate for foster care persons is \$637.95. Therefore, an annual cost for this new legislation is estimated to be \$65,591,736 (8,568 newly eligible \* \$637.95 PMPM \* 12 months).

There is no federal match for medical assistance for former foster children aged 13-17 without considering assets or income. Therefore, these newly eligible individuals would all need to be covered with GR funds unless they qualify for another MHD service. A 5.1% inflation rate was used for FY 2022 and FY 2023. A range is used to reflect whether enrollment needs to be added retroactively or not.

FY21 (10 mos): Total: \$27,329,890 to \$54,659,780 (100% GR)  
FY22: Total: \$34,468,457 to \$68,936,915 (100% GR)  
FY23: Total: \$36,226,349 to \$72,452,697 (100% GR)

Regarding §208.151.1(27), because §167.020 does not 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.

FSD estimated there will be 152 new individuals eligible for MO HealthNet. 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 years \* 2 = 152) homeless youth age 19 and 20 in Missouri.

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); split approximately 35%/65% or \$212,200 GR and \$394,085 Federal]. A state plan amendment would be required to request homeless status as the eligibility criteria for individuals aged 19 and 20.

FY21 (10 mos): Total: \$505,238 (\$176,161 GR; \$329,077 Federal)  
FY22: Total: \$637,206 (\$222,174 GR; \$415,032 Federal)  
FY23: Total: \$669,704 (\$233,505 GR; \$436,199 Federal)

ASSUMPTION (continued)

MHD's total costs for the proposed legislation (homeless youth + former foster care) are as follows:

FY 2021 (10 mos): Total: \$27,835,128 to \$55,165,018 (GR: \$27,506,051 to \$54,835,941; Federal: \$329,076)

FY 2022: Total: \$35,105,663 to \$69,574,120 (GR: \$34,690,632 to \$69,159,089; Federal: \$415,031)

FY 2023: Total: \$36,896,052 to \$73,122,400 (GR: \$36,459,854 to \$72,686,203; 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.

In response to similar legislation from the current session (SB 826), DSS officials provided the response for the **Office of Administration (OA), Information Technology Services Division (ITSD)/DSS**. ITSD/DSS stated 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 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.

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.

ASSUMPTION (continued)

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 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 FY 2021 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 2021.

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 2021.

**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 is added to §208.151.1 to create 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.

The anticipated fiscal impact to the Department of Mental Health (DMH) for Community Psychiatric Rehabilitation (CPR), Comprehensive Substance Treatment and Rehabilitation (CSTAR), and Developmental Disability (DD) waiver services are included in the Department of Social Services (DSS) estimate. DMH defers to DSS.

**Oversight** notes DMH's deferral to DSS for a statement of fiscal impact; for fiscal note purposes, Oversight assumes no fiscal impact for DMH.

ASSUMPTION (continued)

§210.001 - DSS to address needs of families-in-conflict

**CD** states §210.001 contains provisions which require DSS to address the needs of homeless, dependent and neglected children in the supervision and custody of CD and to their families-in-conflict in accordance with federal law.

§210.001 contains provisions in monitoring and measuring success in preventing harm to children and out-of-home placements; preserving and restoring families of origin, using foster care when appropriate; and helping children be adopted into new families as appropriate. It is unclear of the intent on how to monitor and measure success in "preventing harm". The language is vague.

This language possesses a potential impact to CD's workload and ITSD to build data collection elements into the information system. The amount of fiscal impact is unknown. CD defers to ITSD for a fiscal impact.

**Oversight** notes CD's deferral to OA, ITSD/DSS for a statement of fiscal impact. For fiscal note purposes, Oversight assumes no fiscal impact for CD. OA, ITSD/DSS officials did not respond to Oversight's request for a statement of fiscal impact. In discussions with DSS officials, they indicated the provisions of this section, in combination with other pieces of this proposal, could result in large system changes with a currently undetermined fiscal impact. Therefore, Oversight assumes the provisions of this section will have an unknown fiscal impact for FY 2021, FY 2022 and FY 2023 on OA, ITSD/DSS.

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

**CD** states §210.109 establishes a child protection system for the whole state. In response to these provisions in §210.109, CD states it is charged with establishing a child protection system for the state of Missouri by following priorities in §210.001. Additionally, CD would be required to maintain a central registry of: all reports of child abuse or neglect; activities undertaken in response to such reports; registry of persons ineligible for child placements; and maintain all data regarding child placements.

The Central Registry houses names of individuals that have a 'Substantiated' or 'Court Adjudicated' finding of abuse and/or neglect. The Central Registry does not house all 'reports'. The Central Registry does not include child placement information or persons ineligible for placement.

ASSUMPTION (continued)

These provisions conflict with §210.110, which defines the central registry as a list of persons. "All data" regarding child placements is not defined. It is not clear what this includes. If data is to be captured differently than the current method in FACES, this would mean ITSD changes. It is also unclear what monitoring is required or how to implement it. CD defers to ITSD for fiscal impact.

The impact is unknown to Children's Division.

**Oversight** notes CD's deferral to OA, ITSD/DSS for a statement of fiscal impact; for fiscal note purposes, Oversight assumes no fiscal impact for CD since the potential impact appears to relate to potential updates to the central registry.

In response to a previous version of the bill, **OA, ITSD/DSS** stated this component will require the development of a new screen for entry of data elements and a new database table for storing of new data elements. Additional analysis and evaluation of impact will be necessary as details become further defined.

**Oversight** notes OA, ITSD/DSS's fiscal impact to this section is included under §210.188. Oversight does not have any information to the contrary. Therefore, Oversight will reflect the costs provided by OA, ITSD/DSS for fiscal note purposes.

§210.112 - DSS services to children; CAP and child placement provisions

**CD** states §210.112 provides that a "Child Assistance Plan" (CAP) is designed to reflect the goals and activities delineated in this section and that the documentation of reasonable efforts under §211.183 shall be filed with the court at the adjudication hearing and updated each time a child is moved to a new placement, or at least annually. This section is more restrictive than federal law/regulations. If documentation is not done properly at all times, DSS could potentially lose federal funding for programs.

Additionally, expectations are unclear here as this language is different than other language used in reference to the CAP. As referenced here, this is a significant impact on workload and time restraints. It is unclear what the "CAP" looks like and how it works with case plan requirements, which are required at least every six months.

Federal law requires courts to consult with children ages 14 and older in an age appropriate manner. There doesn't seem to be an exception here for older youth.



ASSUMPTION (continued)

By placing this CAP requirement in §210.112, it is applicable only to those children who are served by a contracted case manager, not those served by a CD case manager. Subsection 3 requires in detail an evaluation tool for the purpose of providing transparent evaluation of metrics for services provided under this section as part of the CAP and for CAP outcomes.

As written, this proposal conflicts with the Family First Preservation Act (FFSPA). If the language remains, Missouri will be out of compliance with FFSPA upon implementation.

Subsection 4 creates a “response and evaluation team” and provides the composition of its members. Before January 1, 2021, members shall be appointed and the team shall hold its first meeting.

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.

Subsection 7, which requires payment to CD and providers and agencies to be made based on the reasonable costs of services, including responsibilities necessary to execute the contract.

CD does not anticipate fiscal impact in regards to payments for providers providing case management services as there is currently a regulation for when an incentive payment is made.

**Oversight** does not have any information to the contrary. Oversight notes FFSPA falls under Title IV-E funding. In response to this section from a previous version of this bill, CD stated if the Children's Division is not in compliance with Title IV-E requirements, the potential fiscal impact of losing federal dollars is approximately \$115.5 million. Therefore, Oversight will reflect the potential losses due to Title IV-E non-compliance as a range from \$0 to (\$115.5 million) for this section for fiscal note purposes.

**DSS/CD** assumes no fiscal impact for §§160.250; 160.261; 210.110; 210.113; 210.116 to 210.118; 210.130; 210.135; 210.147; 210.160; 211.038; 211.444; 211.447; 431.056; 452.402; 452.403; 453;040; 453.080; 453.121; 453.350 and 492.304. Therefore, **Oversight** will reflect the no fiscal impact for these sections assumed by DSS/CD for fiscal note purposes.

In response to a previous version of this bill, officials from **OA, ITSD/DSS** stated this component (Individualized Service Plan (ISP), now the “CAP” in this version) would require the development of a new screen for the collection of data elements. The new screen will require navigational functionality to be developed allowing for the transferring of data and user accessibility to adjoining subsystem within the application. A new database table will be necessary to storing of all data collected. With the size and complexity of the FACES application, a multi-layered testing approach will be necessary.

ASSUMPTION (continued)

The Title IV-E eligibility component would require new batch development along with modifications to several existing batch programs. Multiple intertwined components and subsystems would require modifications. Since multiple components will be impacted, a multi-layered testing approach will be necessary for quality assurance.

**Oversight** notes OA, ITSD/DSS's fiscal impact to this section is included under §210.188. Oversight does not have any information to the contrary. Therefore, Oversight will reflect the costs provided by OA, ITSD/DSS for fiscal note purposes.

§210.119 - DSS to create and maintain a comprehensive child welfare information system

Officials from **DSS** state §210.119 is new and requires DSS to create and maintain a comprehensive child welfare information system (CCWIS) that shall serve as the statewide information system for documenting and reporting child welfare information. The CCWIS shall maintain data between counties, business partners, and state departments and allow real-time information sharing and measurable data retrieval at the county and agency level that is critical to administering the child welfare program of Missouri.

Public and private foster care case management organizations shall have real-time access to child and family specific information, financial data, and aggregate program information to efficiently and effectively track outcomes, monitor county and agency performance and compliance, and make business decisions based on accurate and timely information.

§210.119 describes the information system ITSD is currently transitioning to CCWIS. CD does not see any fiscal impact beyond what has already been planned for with federal partners for their transition to CCWIS. Therefore, CD defers to OA, ITSD/DSS for the fiscal impact of this section.

**Oversight** notes CD's deferral to OA, ITSD/DSS for a statement of fiscal impact; for fiscal note purposes, Oversight assumes no fiscal impact for CD. OA, ITSD/DSS officials did not respond to Oversight's request for a statement of fiscal impact. CD does not foresee an impact beyond changes that are already in progress. According to the Title IV-B Annual Progress and Service Reports from 2017 to 2019, created by CD and submitted to the Department of Health and Human Services, the FACES program began preparation, including funding, to meet the CCWIS requirements when the federal rules were changed in 2016 under 45 CFR §1355. Therefore, Oversight assumes this section of the proposal will have no fiscal impact on OA, ITSD/DSS.

ASSUMPTION (continued)

§210.145 - CD to maintain a system to collect abuse reports and deficiencies in the child protection system

**CD** states this bill updates §210.145 by removing the requirement to develop protocols and replacing it with CD to maintain a system of child abuse or neglect and deficiencies in the child protection system of the state.

Although CD is unclear what §210.145.3(2) means by "ensure the division assists to obtain appropriate power of attorney...", CD assumes the division will not pay for the power of attorney and assumes no fiscal impact.

§210.145.3 would require CD to monitor these cases on-going. This would be intrusive for families who CD has no concerns about and would increase the workload for staff.

**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 a previous version of this bill, OA, ITSD/DSS stated this section requires the ability to accept reports of deficiencies in FACES. This component would require the development of a new application within the FACES system. The new application will require a new screen, new database table, security access, and multi-layered testing process.

**Oversight** notes OA, ITSD/DSS's fiscal impact to this section is included under §210.188. Oversight does not have any information to the contrary. Therefore, Oversight will reflect the costs provided by OA, ITSD/DSS for fiscal note purposes.

§210.157 - "Birth Match Program"

Officials from the **Department of Health and Senior Services (DHSS)** state §210.157.3 of the proposed legislation would require the director of DHSS to provide the director of the Department of Social Services (DSS) birth record information for a child born to an individual whose identifying information is provided to the director of the DHSS from the director of DSS. Vital Records are not currently kept in a system where parents' information can be entered and a child or children related to the parent can be identified. Changes to the electronic record keeping system would be required.

Per information provided by DSS, an average of 2,185 parents have their rights terminated per year in Missouri. Based on the anticipated number of data requests, one Public Health Data Technician I would be required to handle the additional duties. The average annual salary of a

ASSUMPTION (continued)

Public Health Data Technician I in the Division of Community and Public Health is \$29,448 as of January 1, 2020. The duties of the technician would include maintaining a list of individuals whose identifying information was provided by DSS, searching for the information and documentation, and processing the vital record information for submission to DSS.

**Oversight** notes DHSS assumes it will need a total of one (1) new FTE as a result of the provisions of this section of the proposal. Oversight assumes the additional FTE can be housed within current DHSS locations. However, if multiple proposals pass during the legislative session requiring additional FTE, cumulatively the effect of all proposals passed may result in the DHSS needing additional rental space.

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

Officials from DHSS provided the response for the **Office of Administration, Information Technology Services Division (OA, ITSD)**. OA, ITSD/DHSS assume changes to the electronic vital record keeping system requires birth records prior to the implementation of MoEVR and a modification to an existing search application on the mainframe vital records environment will need to be done to accomplish the requirement.

OA, ITSD/DHSS assumes every new IT project/system will be bid out because all ITSD resources are at full capacity. IT contract rates are estimated at \$95/hour. It is assumed vital records system modifications will require 432 hours for a cost of \$41,040 (432 \* \$95), 100 % GR in FY 2021 exclusively.

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

Officials from **CD** state this bill creates §210.157, known and cited as the "Birth Match Program".

This bill requires the director of DSS to provide to the director of DHSS information regarding an individual who, as to any child, has had his or her parental rights terminated and has been identified in the central registry as being responsible for abuse or neglect.

CD states §210.157 creates the Birth Match Program with no fiscal impact to CD.

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

ASSUMPTION (continued)

In response to a previous version of this legislation, **OA, ITSD/DSS** stated the Birth Match Program component of this bill requires DSS to send termination of parental rights files to DHSS. This will require the development of a new batch process and modification to the existing batch programs. Additional modifications will be necessary to the existing FACES application.

**Oversight** notes OA, ITSD/DSS's fiscal impact to this section is included under §210.188. Oversight does not have any information to the contrary. Therefore, Oversight will reflect the costs provided by OA, ITSD/DSS for fiscal note purposes

§210.188 - Information to be included in DSS report to Governor & General Assembly

**CD** states §210.188 contains information to be included in a DSS report to the Governor and General Assembly and, if applicable, such information shall be broken down by county and agencies managing cases on behalf of the department.

§210.188 requires CD to compile individual-level anonymized data for the prior calendar year that allows researchers to track children through the child protection system and allows analysis of outcomes and comparisons.

In response to the provisions of §210.188, CD states this section requires individual-level anonymized data to the Missouri research institution in order for them to produce a report containing various metrics.

CD further states the data required to be provided will not be sufficient to produce the required report. There will be a fiscal impact for a Missouri research institution to produce this report estimated to be \$200,000. CD does not have existing resources to produce this report.

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

In response to a previous version of this legislation, **OA, ITSD/DSS** stated §§210.109; 210.110; 210.112; 210.145; 210.157; and 210.188 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; updated security access; new batch process for the "Birth Match Program"; and a new process to report data to any Missouri research institution.

ASSUMPTION (continued)

**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 assumes they will contract out the programming changes needed for FACES. ITSD estimates 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.

§210.950 - "Safe Place for Newborns Act of 2002" and newborn safety incubators

Officials from **DSS** state this bill modifies §210.950.2 by adding the term "Newborn safety incubator", defined as a medical device used to maintain an optimal environment for the care of a newborn infant. This bill adds the option to deliver the child safely to a newborn safety incubator as defined under this section.

This legislation does not specify where these safety incubators might be located and how many would be made available. Current law requires these children to be delivered into the physical custody of authorized individuals. Children's Division (CD) is notified and takes physical custody of the child. This law would allow a parent to deposit the child in an incubator anonymously, without having direct contact with authorized personnel, which could result in an increase of children coming into care.

In FY 2018, 12 children were taken into care as a result of being delivered to authorized personnel in accordance to this law. In FY 2019, four (4) were delivered into care. The average of FY 2018 and FY 2019 is approximately eight (8) per year. Based on this average, CD assumes the number of children entering Foster Care (FC) could be anywhere from an additional 0 to 8 children per year under this law.

As a result of children entering Foster Care, program costs including Children's Treatment Services (CTS), FC, and Residential Treatment Services (RTX) would be incurred ranging from \$0 to \$55,282. CTS services utilized could be for the parent or child. CD assumes that 25% of the children would need to be placed as an emergency placement resulting in RTX costs with 75% of the children being immediately placed with a resource parent resulting in FC costs. Below is the breakdown of program costs.

ASSUMPTION (continued)

	12-mo	10-mo
CTS	\$7,662.00	\$6,385.00
FC	\$29,306.00	\$24,421.67
RTX	\$18,314.00	\$15,261.67
	\$55,282.00	\$46,068.33

CD assumes that existing staff and resources could absorb the number of children coming into care as a result of this legislation.

**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.

§211.183 - Juvenile court proceedings regarding the removal of a child

CD states §211.183 expands the definition of "reasonable efforts" to include "as delineated in the social service plan as defined under 210.110."

Including services from the CAP in the reasonable efforts definition is more restrictive than the federal definition. Reasonable efforts must be identified in every court order. The CAP is required to be completed prior to the protective custody hearing, at adjudication, and at every move. It is not expected that CD would receive a court order at each of these junctures, causing the state to be out of compliance as federal regulations state. As such, Missouri risks a reduction in federal financial participation in supporting services for foster children if there is a reduction in compliance as a result of more restrictive language. If the Children's Division is not in compliance with Title IV-E requirements, the potential fiscal impact of losing federal dollars is approximately \$115.5 million.

**Oversight** does not have any information to the contrary. Therefore, Oversight will reflect the potential losses due to Title IV-E non-compliance as a range from \$0 to (\$115.5 million) as provided by DSS for fiscal note purposes.

§211.505 - "Safe Baby Court"

**CD** states §211.505 defines "safe baby court" as a specialized court program operated by circuit court staff that is designed to provide parents of children under age 3 intensive family support and alternative case management. CD shall be responsible for recording and tracking movement of the child in the system and legal changes in the case.

ASSUMPTION (continued)

CD is unclear what this looks like, who is funding it or what CD's role is. CD cannot establish a new program within the courts.

CD does not currently have a system to record and track movement of children in the legal system and the various changes that occur in the case. Substantial ITSD changes would have to occur. CD defers to OA, ITSD/DSS for the fiscal impact of those changes.

**Oversight** notes CD's deferral to OA, ITSD/DSS for a statement of fiscal impact. For fiscal note purposes, Oversight assumes no fiscal impact for CD. OA, ITSD/DSS officials did not respond to Oversight's request for a statement of fiscal impact. In discussions with DSS officials, they indicated the provisions of this section in combination with other pieces of this proposal could result in large system changes with a currently undetermined fiscal impact. Therefore, Oversight assumes the proposal will have an unknown fiscal impact for FY 2021, FY 2022 and FY 2023 on OA, ITSD/DSS for this section.

§217.779 - Allows certain offenders to be eligible for community-based sentencing

Officials from the **Department of Corrections (DOC)** state this bill stipulates that certain offenders complete a community corrections program administered by DOC. It is unknown whether this refers only to probation cases, the use of existing programming, or if DOC would need to develop and administer an entirely new program.

In addition, it is unknown how many offenders the courts will sentence to community-based supervision. The judges are already allowed to consider many factors when considering sentences. DOC has no way to determine how many of the offenders meeting this criteria also meet the stipulation of being the primary caregiver of a child. Therefore, DOC is unable to determine a fiscal impact.

**Oversight** notes, in December 2019 the DOC reevaluated the calculation used for computing the Probation and Parole average daily cost of supervision and revised the cost calculation to be used for 2020 fiscal notes. For the purposes of fiscal note calculations, the DOC averaged district caseloads across the state and came up with an average caseload of 51 offender cases per officer. The new calculation assumes that an increase/decrease of 51 cases would result in a change in costs/cost avoidance equal to the cost of one FTE staff person. Increases/decreases smaller than 51 offenders are assumed to be absorbable.

In instances where the proposed legislation would only affect a specific caseload, such as sex offenders, the DOC will use the average caseload figure for that specific type of offender to calculate cost increases/decreases. For instances where the proposed legislation affects a less specific caseload, DOC projects the impact based on prior year(s) actual data for DOC's 44 probation and parole districts.



ASSUMPTION (continued)

The DOC cost of incarceration is \$17.496 per day or an annual cost of \$6,386 per offender. The DOC cost of probation or parole is determined by the number of P&P Officer II positions that would be needed to cover the new caseload.

Because DOC is unable to determine the number of offenders and the program structure of the community-based sentencing as outlined in this proposal, they are unable to estimate a cost or a savings. Therefore, **Oversight** will reflect the unknown fiscal impact provided by DOC for fiscal note purposes.

Officials from **CD** state §217.779 is a new section which pertains to community-based sentencing. It introduces several terms defined for the purposes of this section and provides that the court shall determine whether an offender is eligible for a community-based sentence.

DSS shall report once per year to the general assembly number of children entering foster care as the result of the revocation of a community-based primary caretaker sentence. DSS will coordinate with DOC to generate the report. This would be absorbed by existing staff.

**Oversight** notes DSS states it can absorb any costs of this section and does not have any information to the contrary. Therefore, Oversight will reflect the no fiscal impact assumed by DSS for this section for fiscal note purposes.

Officials from **OA, B&P** state §217.779 of this proposal allows courts to sentence guilty non-violent offenders who are primary caretakers of dependent persons to a community-based sentence rather than incarceration. B&P defers to DOC for any fiscal impact related to this provision.

**Oversight** does not have any information to the contrary. Therefore, Oversight will assume any fiscal impact for this section for OA, B&P will be reflected the impact provided by DOC for fiscal note purposes.

§453.030 - Courts and adoption fees

**OA, B&P** states §453.030 of this proposal eliminates the requirement that adoptive parents or the relevant child placing agency bear the cost of attorney fees incurred during the adoption process. The bill does not make clear who or what entity will be responsible for compensating birth parents for the cost of attorney fees. This proposal will have no direct impact on Budget and Planning and will not impact the calculation pursuant to Art. X, Sec. 18(e).

ASSUMPTION (continued)

B&P assumes that legal representation appointed by the court for birth parents during the adoption process will be provided pro bono. In the event that these services are not provided pro bono, B&P assumes that the cost of legal fees will be borne by some other entity which could include the State of Missouri.

**Oversight** does not have any information to the contrary. Oversight notes B&P assumes legal representation for adoption cases will likely be provided pro bono, therefore, for fiscal note purposes, Oversight assumes no fiscal impact for B&P for this section.

Officials from **CD** state §453.030 removes the following in subsection 12: Except in cases where the court determines that the adoptive parents are unable to pay reasonable attorney fees and appoints pro bono counsel for the birth parents, the court shall order the costs of the attorney fees incurred pursuant to subsection 11 of this section to be paid by the prospective adoptive parents or the child-placing agency.

CD assumes no fiscal impact.

**Oversight** does not have any information to the contrary. Therefore, Oversight will reflect the no fiscal impact assumed by DSS for this section 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** does not have any information to the contrary. Therefore, Oversight assumes OSCA will be able to implement the February 24, 2020 provisions of this proposal with existing staff and resources and will indicate no fiscal impact to OSCA at this time for fiscal note purposes.

Officials from the **Shell Knob School District** stated that the bill would have a negative impact on their organization, 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.

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.

ASSUMPTION (continued)

In response to a previous version of this legislation, 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.

**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 Elementary and Secondary Education**, the **Department of Higher Education and Workforce Development**, the **Department of Public Safety**, **Missouri Highway Patrol**, the **Governor's Office**, the **Missouri House of Representatives**, the **Missouri Senate**, the **Office of Prosecution Services**, the **State Public Defender's Office**, the **Tax Commission**, the **Springfield Police Department**, the **Columbia/Boone County Department of Public Health and Human Services**, the **St. Louis County Department of Public Health** and the **St. Louis County Department of Justice Services** 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.

**Oversight** only reflects the responses that we have received from state agencies and political subdivisions; however, other counties, sheriffs, police departments, fire departments, ambulance districts, hospitals, local public health agencies and schools 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 (10 Mo.)	FY 2022	FY 2023
<b>GENERAL REVENUE</b>			
<u>Revenue Reduction - (\$135.325)</u>			
Reduction in revenue due to increased adoption tax credit participation p. 5	\$0	\$0 to (\$1,892,000)	\$0 to (\$1,892,000)
<u>Transfer-out - DHSS (\$193.265) Transfer to MOPHS for maintenance of MoEVR to replace fees lost due to free birth certificates pp. 8-9</u>			
	\$0 to (\$13,388)	\$0 to (\$16,065)	\$0 to (16,065)
<u>Costs - OA, OCA (\$37.717) p. 3</u>			
Personal service	(\$66,667)	(\$80,800)	(\$81,608)
Fringe benefits	(\$41,340)	(\$49,874)	(\$50,142)
Equipment and expense	(\$6,796)	(\$1,640)	(\$1,681)
Total <u>Costs - OA, OCA</u>	<u>(\$114,803)</u>	<u>(\$132,314)</u>	<u>(\$133,431)</u>
FTE Changes OA, OCA	2 FTE	2 FTE	2 FTE
<u>Costs - OA, ITSD/OCA (\$37.717) System programming changes p. 3</u>			
	Less than (\$100,000)	Less than (\$100,000)	Less than (\$100,000)
<u>Costs - DSS/MHD (\$208.151) pp. 11-13</u>			
Program distributions - homeless youth	(\$176,161)	(\$222,174)	(\$233,505)
Program distributions - former foster care youth	(\$27,329,890 to \$54,659,780)	(\$34,468,458 to \$68,936,915)	(\$36,226,349 to \$72,452,698)
Total <u>Costs - DSS/MHD</u>	<u>(\$27,506,051 to \$54,835,941)</u>	<u>(\$34,690,632 to \$69,159,089)</u>	<u>(\$36,459,854 to \$72,686,203)</u>
<u>Costs - OA, ITSD/DSS (\$208.151) pp. 13-14</u>			
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 (§§210.001 and 211.505) system changes pp. 15 and 24</u>			
	(Unknown)	(Unknown)	(Unknown)

<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
<b>GENERAL REVENUE (continued)</b>			
<u>Costs - DHSS (§210.157) pp. 19-20</u>			
Personal service	(\$24,540)	(\$29,742)	(\$30,040)
Fringe benefits	(\$17,750)	(\$19,477)	(\$19,576)
Equipment and expense	<u>(\$12,302)</u>	<u>(\$6,183)</u>	<u>(\$6,339)</u>
<u>Total Costs - DHSS</u>	<u>(\$54,592)</u>	<u>(\$55,402)</u>	<u>(\$55,955)</u>
FTE Changes DHSS	1 FTE	1 FTE	1 FTE
 <u>Costs - OA, ITSD/DHSS (§210.157)</u>			
Vital records system changes p. 20	(\$41,040)	\$0	\$0
 <u>Costs - DSS/CD (§210.188) Contract with an institution for report to the Governor and General Assembly p. 21</u>	(\$200,000)	(\$200,000)	(\$200,000)
 <u>Costs - OA, ITSD/DSS (§§210.109; 210.110; 210.112; 210.145; 210.157; and 210.188) FACES system changes pp. 21-22</u>	(\$984,960)	\$0	\$0
 <u>Costs - DSS (§211.505) - Safe baby court p. 24</u>	(Unknown)	(Unknown)	(Unknown)
 <u>Costs and /or Savings - DOC (§217.779) Community-based sentencing pp. 24-25</u>	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)
 <u>Loss - DHSS (§193.265) Reduction in birth certificate fee revenue pp. 8-9</u>	<u>\$0 to (\$10,710)</u>	<u>\$0 to (\$12,852)</u>	<u>\$0 to (\$12,852)</u>
 <b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	 <b><u>Could exceed</u></b> <b><u>(\$28,955,171 to</u></b> <b><u>\$56,309,159)</u></b>	 <b><u>Could exceed</u></b> <b><u>(\$35,078,348 to</u></b> <b><u>\$71,467,722)</u></b>	 <b><u>Could exceed</u></b> <b><u>(\$36,849,240 to</u></b> <b><u>\$74,996,506)</u></b>
 Estimated Net FTE Change on the General Revenue Fund	3 FTE	3 FTE	3 FTE

<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
<b>MISSOURI PUBLIC HEALTH SERVICE FUND (0298)</b>			
<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. 8-9	\$0 to \$13,388	\$0 to \$16,065	\$0 to \$16,065
<u>Loss</u> - DHSS (§193.265) Reduction in birth certificate fee revenue pp. 8-9	<u>\$0 to (\$13,388)</u>	<u>\$0 to (\$16,065)</u>	<u>\$0 to (\$16,065)</u>
<b>ESTIMATED NET EFFECT ON THE MISSOURI PUBLIC HEALTH SERVICES FUND</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
<b>ENDOWED CARE CEMETERY AUDIT FUND (0562)</b>			
<u>Loss</u> - DHSS (§193.265) Reduction in birth certificate fee revenue pp. 8-9	<u>\$0 to (\$2,678)</u>	<u>\$0 to (\$3,213)</u>	<u>\$0 to (\$3,213)</u>
<b>ESTIMATED NET EFFECT ON THE ENDOWED CARE CEMETERY AUDIT FUND</b>	<b><u>\$0 to (\$2,678)</u></b>	<b><u>\$0 to (\$3,213)</u></b>	<b><u>\$0 to (\$3,213)</u></b>
<b>CHILDREN'S TRUST FUND (0694)</b>			
<u>Loss</u> - DHSS (§193.265) Reduction in birth certificate fee revenue pp. 8-9	<u>\$0 to (\$13,388)</u>	<u>\$0 to (\$16,065)</u>	<u>\$0 to (\$16,065)</u>
<b>ESTIMATED NET EFFECT ON THE CHILDREN'S TRUST FUND</b>	<b><u>\$0 to (\$13,388)</u></b>	<b><u>\$0 to (\$16,065)</u></b>	<b><u>\$0 to (\$16,065)</u></b>

<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
<b>FEDERAL FUNDS</b>			
<u>Income</u> - DSS/MHD (§208.151)			
Reimbursement for program distributions - homeless youth pp. 12-13	\$329,077	\$415,032	\$436,199
<u>Income</u> - OA, ITSD (§208.151)			
Reimbursement for FAMIS, MEDES and FACES system updates pp. 13-14	\$261,492	\$0	\$0
<u>Costs</u> - DSS/MHD (§208.151) Program distributions - homeless youth pp. 12-13			
	(\$329,077)	(\$415,032)	(\$436,199)
<u>Costs</u> - OA, ITSD (§208.151) pp. 13-14			
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>
<u>Costs</u> - OA, ITSD/DSS (§§210.001 and 211.505) system changes pp. 15 and 24			
	(Unknown)	(Unknown)	(Unknown)
<u>Losses</u> - DSS/CD (§§210.112 and 211.183) Potential loss of federal funds due to non-compliance with Title IV-E pp. 17 and 23			
	<u>\$0 to</u> <u>(\$115,500,000)</u>	<u>\$0 to</u> <u>(\$115,500,000)</u>	<u>\$0 to</u> <u>(\$115,500,000)</u>
<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>	<b><u>\$0 to</u></b> <b><u>(\$115,500,000)</u></b>	<b><u>\$0 to</u></b> <b><u>(\$115,500,000)</u></b>	<b><u>\$0 to</u></b> <b><u>(\$115,500,000)</u></b>
 <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 modifies many sections of current statute relating to child protection, foster care and adoption, and treatment of caretakers.

### SAFETY REPORTING SYSTEM

This section details the provisions for the Office of Administration to create a safety reporting system in which employees of the Department of Social Services may report information regarding the safety of those served by the department of social services and the safety of such department's employees (§37.717).

### ADOPTION

The bill eliminates the "special needs" requirement in the adoption tax credit and makes it available to any family in Missouri adopting any child.

It also eliminates the requirement for adoptive parents to pay the legal fees of the birth parents and opens all adoption records in cases of involuntary termination of parental rights.

Finally, it lowers the time limit to be considered willful abandonment of a child to 60 days for a child under the age of three (§§135.325, 326, 327, 335 and 800; and 453.030, 040, and 121 RSMo).

### SCHOOL DISTRICT PERSONNEL AND REPORTS OF ABUSE

These sections modify provisions which deferred investigation responsibility to school administration and detailed the special processes around investigation that school personnel get. The changes would require the Children's Division to investigate these reports according to Chapter 210 statute (§160.250 and 261).



## FISCAL DESCRIPTION (continued)

### CHILD PROTECTION SYSTEM GOALS AND PRIORITIES

These sections refine the goals and priorities of the Department of Social Services and the Children's Division of the department to prioritize safety of children, birth or adoptive families, kinship placements, foster families, and other institutional settings. It also requires more data collection and reporting by the department and the division to provide individual-level anonymized data to the University of Missouri that allows researchers to track children through the system (§§210.001, 210.109, 210.188, 210.950).

### CHILD PROTECTION REPORTING AND CASE MANAGEMENT

The bill modifies the required practices of the department to include creation of a "Child Assistance Plan" or "CAP", with time requirements and expectations for everyone with care, custody and control of the child, for each child that enters the child protection system.

It also requires the department to create a response and evaluation team of division personnel, academic experts and service agency personnel that will develop an evaluation tool with which to provide a transparent system of review for the division and all contractors of the division (§§210.110, 112, 113, 117, 118, 119, 145, and 147).

### ELECTRONIC SHARING

Allows the division to exchange electronic reports with other states (§210.116).

### BIRTH MATCH PROGRAM

Creates a data sharing system between the department and the Department of Health and Senior Services to compare birth reports with reports of parents who have been convicted of certain crimes or have a termination of parental rights (§210.157).

### ALIGNMENT OF COURT PRACTICES

Revisions in court practices are necessary to effect the changes in Chapter 210. Specifically, the bill updates crimes to be considered when placing or removing children from homes, the role of the guardian ad litem, conditions required for abandonment of an infant or young child, and when the court shall consider filing a petition for termination of parental rights (§§211.038, 183, 444, 447).

FISCAL DESCRIPTION (continued)

COMMUNITY-BASED SENTENCING

Requires courts to consider alternatives to incarceration for convictions of non-violent offenses for primary caretakers of dependent persons (§217.779).

Portions of this legislation are federally mandated under the Family First Prevention Services Act Public Law 115-123. Family First amended Title IV-E and Title IV-B of the Social Security Act to child welfare programs and policy. This proposal would not duplicate any other program and would not require additional capital improvements. Rental space would be required for additional FTE.

SOURCES OF INFORMATION

Attorney General's Office  
Department of Commerce and Insurance  
Department of Corrections  
Department of Elementary and Secondary Education  
Department of Health and Senior Services  
Department of Higher Education and Workforce Development  
Department of Mental Health  
Department of Public Safety - Missouri Highway Patrol  
Department of Revenue  
Department of Social Services  
Governor's Office  
Joint Committee on Administrative Rules  
Missouri House of Representatives  
Missouri Senate  
Office of Administration - Budget and Planning  
Office of Child Advocate  
Office of Prosecution Services  
Office of Secretary of State  
Office of State Courts Administrator  
State Public Defender's Office  
Tax Commission  
Columbia/Boone County Department of Public Health and Human Services

SOURCES OF INFORMATION (continued)

Shell Knob School District  
Springfield Police Department  
St. Louis County Department of Justice Services  
St. Louis County Department of Public Health



Julie Morff  
Director  
February 28, 2020



Ross Strobe  
Assistant Director  
February 28, 2020