

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0186H.05C
 Bill No.: HCS for HB 673
 Subject: Children and Minors; Courts, Juvenile; Children's Division; Probation and Parole;
 Health Care; Social Services, Department of
 Type: Original
 Date: March 24, 2021

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

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
General Revenue*	(\$20,904,097 to \$57,290,763)	(\$26,099,879 to \$72,219,329)	(\$27,035,694 to \$74,861,564)
Total Estimated Net Effect on General Revenue**	(\$20,904,097 to \$57,290,763)	(\$26,099,879 to \$72,219,329)	(\$27,035,694 to \$74,861,564)

* 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.**

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on <u>Other State Funds</u>	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Federal*	\$0 to (\$1,654,698)	\$0 to (\$2,035,278)	\$0 to (\$2,086,160)
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0 to (\$1,654,698)	\$0 to (\$2,035,278)	\$0 to (\$2,086,160)

* Income and expenses range from \$21,000 to \$46 million annually and net to \$0: This range is based on former foster youth MO HealthNet waiver approval. The high end of the range in the table above reflects potential loss of funds due to non-compliance with CJA and CAPTA.

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
General Revenue	12 FTE	12 FTE	12 FTE
Total Estimated Net Effect on FTE	12 FTE	12 FTE	12 FTE

- Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§37.710 - Adds provisions to the Office of Child Advocate statutes

Officials from the **Department of Social Services (DSS), Children's Division (CD)** state this section adds language to the Office of Administration (OA), Office of Child Advocate (OCA) statutes that nothing in their statute should preclude them from releasing findings regarding the professional performance of any individual member of the multidisciplinary team as described in §660.520.

There is no fiscal impact to CD as this language applies to the Office of Child Advocate and the State Technical Assistance Team.

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

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

Officials from **OA, OCA** state this bill requires them to create a safety reporting system that will allow employees of the Department of Social Services (DSS), Children's Division (CD) to report concerns about the safety of children served by CD, as well as the safety of CD's employees. Any criminal act reported to OCA through this system must be reported to the appropriate authorities by OCA.

OCA assumes this bill will result in an unknown increase in concerns regarding the safety of children that are reported to OCA. OCA believes existing staff can handle the increase in incoming reports regarding child safety; however, should the increase be greater than expected, additional staff could be required.

Reviewing the safety concerns of Children's Division employees is a new responsibility for OCA, which would require a new complaint process, database changes, and increased investigative responsibilities. OCA believes it will take two (2) Senior Social Services Specialists (\$40,000 annual salary plus fringe benefits each) to implement and maintain this new responsibility.

Oversight does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by OA, OCA.

Officials from **OA, ITSD** state their calculations for this proposal are based on 12 weeks of effort by two staff to develop safety reporting system in §37.717.1 along with additional ongoing support to handle the maintenance of the new application; and two weeks effort by one staff to

develop method for electronic exchange of data between DSS and OA in §210.652 with ongoing maintenance included to support that process going forward.

OA, ITSD assumes every new IT project/system will be bid out because all ITSD resources are at full capacity. IT contract rates for the safety reporting system and data exchange are estimated at \$95/hour. It is assumed the necessary modifications will require 1,123.20 hours for a cost of \$106,704 (1,123.20 * \$95) in FY22. Ongoing support and maintenance costs are estimated to be \$23,516 in FY23 and \$24,063 in FY24; 100% GR.

Officials from DSS, 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.

2. The identity of any individual who reports shall:

- (1) Be sealed from inspection by the public or any other entity or individual who is otherwise provided access to the DSS confidential records;
- (2) Not be subject to discovery or introduction into evidence in any civil proceeding; and
- (3) Be disclosed only as necessary to carry out the purpose of the reporting.

3. Any criminal act reported into the reporting system under subsection 1 of this section shall be disclosed by the DSS to the appropriate law enforcement agency or prosecuting or city attorney.

4. Any investigation conducted as a result of a report made under this section shall be conducted by an unbiased and disinterested investigator.

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 a zero impact in the fiscal note for this section.

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

CD states school districts retain a small percentage of reports that fall under §160.261. The communication and documentation CD currently completes to coordinate compliance with §160.261 would approximate the workload anticipated by the changes.

The Children's Division does not anticipate a fiscal impact.

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 this section for fiscal note purposes.

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

Officials from **CD** state federal eligibility for Child Abuse Prevention and Treatment Act (CAPTA) grants requires that all health care providers must notify state child protective services of all infants born and identified as affected by substance abuse, withdrawal symptoms resulting from prenatal drug exposure, or Fetal alcohol Spectrum disorder. 191.737.2(2)

CD states this proposal would make such referrals permissive for infants born to women who are undergoing medication-assisted treatment. With the addition of the proposed subsection, there is potential that funding could under the supervision of a health care provider. In 2018, failure to make all such referrals mandatory under Missouri law prompted the Administration of Children and Families (ACF) to inform Children's Division (CD) that ACF would be forced to withhold—and if left unresolved deny—Missouri its CAPTA grant or Children's Justice Act (CJA) grant funding for FY19.

Children's Division received roughly \$314,000 in CJA grants and \$1,671,637 in CAPTA grants last year. In addition, §191.737.2(2) may render CD ineligible from receiving any of the \$350,000,000 new CAPTA funding that was just enacted by Congress under section 2205 of the American Rescue Plan Act of 2021.

Oversight does not have information to the contrary and therefore, Oversight will reflect the potential losses due to CJA and CAPTA grant non-compliance as a range from \$0 to (\$1,985,637) for this section for fiscal note purposes.

§208.151 - Persons eligible for MO HealthNet; changes to former foster care youth provisions

Officials from **CD** state this bill provides health care for children were in care any time after 13 years of age to 26 from not just Missouri, but any state. This is a benefit to foster children who may not have the parental support available after having been released from care.

CD notes estimates from previous versions of this proposal stated approximately 806 children would have been eligible based on the language in this section. Although more recent language changes could mean this number would be significantly higher, CD is using the 806 estimate as the basis for its fiscal impact response.

If Children's Division is the agency that will determine and manage eligibility, there will need to be systems changes to FACES to identify those individuals on a daily basis, and to maintain the eligibility piece to age 26. This will require additional FACES staff and time. This would also increase the workload of the CD Missouri HealthNet/Managed Care liaison or require additional staffing to administer and manage the increased eligibility group.

Number of Eligible Children Ages 13-17 for Medicaid (until 26):

AGE	# YOUTH	# of years Medicaid Eligible	
13	142	13	1,846
14	146	12	1,752
15	160	11	1,760
16	169	10	1,690
17	189	9	1,701
	806		8,749

Oversight notes the Children’s Division’s possible future need of additional staffing as a result of the provisions of this section. Because CD did not specify the number staff or associated costs for this section, Oversight assumes CD could absorb the costs related to this section. If multiple bills pass which require additional staffing and duties at substantial costs, CD could request funding through the appropriation process. Therefore, Oversight will reflect no impact for CD for this section for fiscal note purposes.

Officials from the **DSS, Family Support Division (FSD)** state §208.151.1(26) is amended to allow persons who were in foster care under the responsibility of any state at any time from the age of thirteen or older to be eligible for MO HealthNet without regard to income or assets if they are; under age twenty-six, are not eligible under another mandatory coverage group and do not have access to any other private insurance, and were covered by Medicaid while in foster care.

[Section 1902 \(a\)\(10\)\(i\)\(IX\) of the Social Security Act and 42 CFR 435.150](#) requires states to make medical assistance available to individuals who were in foster care under the responsibility of the State on the date of attaining eighteen years of age until the individual turns twenty-six years of age. However, the federal law does not allow persons who were not in foster care on the date of attaining eighteen to be eligible without regard to assets or income.

The federal law does not list having access to any other private insurance an eligibility factor for this population. Missouri Statute [RSMo 208.215](#) requires MO HealthNet to be the payer of last resort and states anything MO HealthNet pays for that can be covered by the private insurance is a debt due the state. Missouri would need to apply and be approved for an 1115 waiver in order to add not having access to private insurance as an eligibility factor for former foster care youth.

FSD assumes “having access to any other private insurance” would be defined in the same manner as the existing requirement for the premium level Children’s Health Insurance Program (CHIP) cases that states individuals cannot have access to affordable health insurance through employment, a group membership, or from a private company. §208.640 outlines the affordability standard as:

- For households with gross income above 150% up to and including 185% of FPL the affordability standard is based upon a monthly premium amount of 3% of 150% of the FPL for a household of three
- For households with gross income above 185% up to and including 225% of FPL the affordability standard is based upon a monthly premium amount of 4% of 185% of the FPL for a household of three
- For households with gross income above 225% up to and including 300% of FPL the affordability standard is based upon a monthly premium amount of 5% of 225% of FPL for a household of three

Missouri currently has an 1115 demonstration waiver pending approval from The Centers for Medicare and Medicaid Services (CMS) titled “Missouri Former Foster Care Youth” which requests authority for Missouri to provide MO HealthNet coverage to Missouri residents who are former foster care youth under age 26, who were in foster care under the responsibility of another state for at least six months as of the date they turned 18, and were enrolled in Medicaid while they were in foster care.

In FY20, there were 806 children age 13 to 17 who left foster care in Missouri and did not reenter and 78 children who were placed in Missouri who were under the responsibility of another state for at least 6 months. For the purpose of this bill, FSD is estimating all children age 13 to 17 who left foster care or were in foster care under the responsibility of another state for at least 6 months are eligible for this coverage through age 26. It is unknown how many of these children have access to affordable insurance, so FSD estimates 0 to 884 (806 + 78) may no longer qualify under this legislation.

FSD assumes the additional work as a result of this legislation can be accomplished with existing staff.

FSD defers to the Office of Administration (OA), Information Technology Services Division (ITSD)/DSS for any system changes necessary to implement provisions of this bill.

FSD defers to MO HealthNet Division for the costs to the MO HealthNet program if the provisions of this section are enacted.

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 this section for fiscal note purposes.

Officials from **DSS, MO HealthNet Division (MHD)** state 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 TPL for claims prior to August 28, 2021.

If the intent of this bill was to make those formerly in foster care eligible for enrollment August 28, 2021 with no retroactive state liability for medical claims, then the MHD would assume a range starting at fifty percent of the population. The assumption would be that the foster care eligible individuals would need to apply to be eligible, and if only approximately fifty percent applied, the cost would be \$37,018,716.

If the intent of this bill was to make those formerly in foster care eligible for enrollment August 28, 2021 with retroactive state liability for medical claims, then the parameters of this legislation would have a higher impact. CD reports that a total of 806 children in FY20 between the ages of 13 and 17 exited foster care provided by CD and did not re-enter. These 806 children would now be eligible for MHD services that are not currently. Moreover, children that were aged between 13 and 25 need to be realized for all years dating back to 2012 (the year where a child would have been 13 at the time, but is now 25). CD found the total number of years these children would be eligible multiplied by the number of eligible children would be 8,749. MHD found that a per member per month (PMPM) rate for foster care services is \$705.20. Therefore, an annual cost for this new legislation is estimated to be \$74,037,432 (8,749 newly eligible * \$705.20 PMPM * 12 months).

FSD estimated there will be a range of 0 to 884 individuals with access to affordable insurance and therefore not eligible for MO HealthNet coverage. MHD found this population would fall under the foster care eligibility group, and their PMPM rate would be \$705.20. Therefore, an annual cost reduction for this population is estimated to be \$7,497,676 (886 individuals with access to affordable insurance * \$705.20 PMPM * 12 months).

FY22 (10 mos.) Total: \$0 - \$6,233,959 (GR: \$2,184,379 to \$6,233,959; Fed: \$0 to \$4,049,580)

FY23 Total: \$0 - \$6,464,616 (GR: \$2,265,201 to \$6,464,616; Fed: \$0 to \$4,199,414)

FY24 Total: \$0 - \$6,703,806 (GR: \$2,349,014 to \$6,703,806; Fed: \$0 to \$4,354,793)

§208.151.1(26) states if participants were in foster care in any state for at least six months at any time when they were thirteen years of age or older, and are residing in MO and are at least eighteen years of age but under twenty six and do not have other insurance, they can qualify for MO HealthNet benefits. CD estimated 78 eligible participants would qualify under this proposed legislation. The MHD found that this population would fall under the foster care eligibility group, and that their PMPM rate would be \$705.20. Therefore, an annual cost for this population is estimated to be \$550,055. MHD assumes a waiver would need to be approved by CMS before a federal match would be approved, therefore a range is used to reflect costs with and without CMS approval.

FY22 (10 mos.) Total: \$550,055 (GR: \$192,739 to \$550,055; Fed: \$0 to \$357,316)

FY23 Total: \$684,489 (GR: \$239,845 to \$684,489; Fed: \$0 to \$444,644)

FY24 Total: \$709,815 (GR: \$248,719 to \$709,815; Fed: \$0 to \$461,096)

For former foster children aged 13-17, without considering assets or income, there is not a federal match for their medical assistance. Therefore, these newly eligible would need to be

covered all with GR funds, unless they qualify for another MHD service. A 3.7% inflation rate was used for FY23 and FY24. A range is used to reflect whether enrollment needs to be added retroactively or not.

FY22 (10 mos.) Total: \$31,398,985 to \$56,013,956 (GR: \$19,627,290 to \$56,013,956; Fed: \$0 to \$36,386,666)

FY23 Total: \$39,072,897 to \$70,996,690 (GR: \$24,877,240 to \$70,996,690; Fed: \$0 to \$46,119,450)

FY24 Total: \$40,518,594 to \$73,623,568 (GR: \$25,797,698 to \$73,623,568; Fed: \$0 to \$47,825,869)

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

Officials from **OA, ITSD/DSS** state changes to the Family and Children Electronic System (FACES) will be needed to implement this section of the proposal. These changes include the age for former children in regard to their eligibility for Medicaid through FACES. The assumption is that this item will require changes in FACES and is included in the costs listed below. It may also require changes to FAMIS/MEDES.

OA, ITSD/DSS assumes every new IT project/system will be bid out because all ITSD resources are at full capacity. IT contract rates for FACES are estimated at \$95/hour. It is assumed the modifications required for §§208.151; 210.001; 210.762 and 559.120, will require 2,209.68 hours for a cost of \$209,920 (2,209.68 * \$95), split 50% GR; 50% Federal for FY22. The ongoing costs are estimated at \$43,034 for FY23, and \$44,110 for FY24, split 50% GR; 50% Federal.

Oversight notes the estimated costs for updates to FACES as the result of this proposal were not broken down by section and the costs included in the estimate are total costs for §§208.151; 210.001; 210.762 and 559.120. Oversight assumes OA, ITSD/DSS will be able to perform any additional duties required by this proposal with current staff and resources. Oversight also assumes OA, ITSD/DSS may seek additional appropriations if any sections of this proposal results in a significant increase in costs. Therefore, Oversight will reflect the costs provided by OA, ITSD/DSS for fiscal note purposes for these sections only.

Officials from the **Department of Mental Health (DMH)** state subdivision 26 of §208.151.1 is changed to allow persons ages 18 through 25 to be covered by MO HealthNet if the person was covered by Medicaid while in foster care for at least 6 months in any state after turning age 13. The subdivision is also changed to add a requirement that former foster children not have access to other private health insurance. The proposed changes will expand the current MO HealthNet for former foster children under age 26 which currently is limited to children who left Missouri foster care within 30 days of turning age 18 or later, but restrict to those who do not have access to other insurance.

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

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

Officials from **OA, B&P** state this legislation would extend MO HealthNet coverage to kids who aged out of any state's foster care system, are residing in Missouri, and are between the ages of 18-26 without any other access to private insurance. B&P defers to DSS for any fiscal impact related to this provision.

Oversight notes OA, B&P's deferral to DSS for a statement of fiscal impact; for fiscal note purposes, Oversight assumes no fiscal impact for OA, B&P for this section.

§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 requiring DSS, when prioritizing positive outcomes for children, to monitor and measure its success by preventing harm to children and limiting out of community placements, preserving and restoring families of origin, using foster care when appropriate, and helping children be adopted into new families when appropriate. At all times, the safety of the child shall be the priority.

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. Therefore, Oversight will reflect a zero impact for this section for CD in the fiscal note.

Officials from **OA, ITSD/DSS** state this section will require additional fields to be added to the FACES application.

Oversight notes the estimated costs for updates to FACES as the result of this proposal were not broken down by section and the costs included in the OA, ITSD/DSS estimate are total costs for §§208.151; 210.001; 210.762 and 559.120. The costs presented by OA, ITSD/DSS are listed under the agency's response for §208.151. Therefore, Oversight will reflect the costs provided by OA, ITSD/DSS for fiscal note purposes for these sections only.

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

Officials from **DLS** anticipate a fiscal impact due to the possible increased need for litigation support and legal guidance regarding record retention, possible redactions, and attorney time for case reviews. DLS is requesting one attorney based on 2,080 hours required to enter into and track all cases as contemplated by this legislation. DLS also requests one Document Management Unit (DMU) FTE cover 520 hours to complete data entry and prepare reports regarding all actions taken in reported cases related to this section of the proposal. This expense is detailed in the DLS response under §210.160.

Oversight does not have information to the contrary. Oversight notes DLS's request for one FTE (Attorney) at an annual salary of \$60,461 plus fringe benefits to cover the provisions of this section. Oversight will reflect the estimates as provided by DLS.

Officials from **CD** do not anticipate a fiscal impact for this section.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this section for the Children's Division.

§210.110 – Terms and definitions

Officials from **CD** state this section modifies definitions including:

- (1) "Abuse" – updates reference to federal statute - "22 U.S.C. 78 Section 7102, as amended"
- (6) Adds Department, The Department of Social Services.
- (16) "Report", the communication of an allegation of child abuse or neglect to the division pursuant to section 210.115. This bill adds including any telephone call or electronic report made under section 210.145;

The fiscal impact of this section depends on whether any changes to §210.118.2 are also made to §210.110(3). Amending §210.118's qualifying offenses without amending §210.110(3)'s qualifying offenses invites litigation that could produce unexpected results. Failure to align the qualifying offenses will also require CD and its special counsel to draft policy guidance and further require special counsel and the CANRB liaison to spend more time staffing court adjudication referrals.

Oversight does not have any information to the contrary. Oversight notes that no specified funding impact was indicated for this section. Therefore, Oversight will reflect a zero impact for CD in the fiscal note for this section.

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

Officials from **DSS** state §210.119 requires DSS to create and maintain a comprehensive child welfare information system (CCWIS) to 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
- 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.

The Children’s Division FACES system has interfaces with other state agencies such as child support, FAMIS and MO HealthNet. Foster Care Case Management private agencies have full, real-time access to FACES. FACES does not produce outcome data but this is something that is done by DSS Research and Evaluation as a support agency. Research and Evaluation has access to all FACES database tables to be able to produce real-time reports as needed. Thus, the Children’s Division does not anticipate any additional fiscal impact.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact for CD for this section.

Officials from **DLS** state, if this proposed legislation is to allow access to the child welfare system by private, non-contracted entities, who are not agents of DSS, this will increase the need for legal assistance by DLS, including the facilitation of data use and system access memorandums and compliance as a business associate, to include compliance with any data breach requirements in state and federal law.

DLS defers to CD to assess costs of this section, including maintaining “real-time access to child and family specific information, financial data, and aggregate program information.”

DLS requests one Privacy Officer for the following:

- §210.119 - ½ FTE 1,040 hours to handle data sharing agreements, contracts, and interfacing with IT/CD/OA and attendant privacy issues including breaches, and §210.160 advice to Document Management Unit (DMU), plus
- §210.188 - ½ FTE 1,040 hours for gathering, redacting, reporting to General Assembly the anonymized reports of adoptions, etc.

Oversight notes DLS's request for 1 FTE at an annual salary of \$55,584 plus fringe benefits to cover the provisions of §§210.119; 210.160 and 210.188. Oversight does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by DLS.

In response to a previous version of this bill, officials from **OA, ITSD/DSS** stated this section includes wording about building and maintaining a CCWIS system. FACES is currently in the process of converting from SACWIS to CCWIS. There is no cost estimated unless the plan is to replace FACES with a new system.

Oversight notes this section was not mentioned in the response to this version of the bill. Oversight assumes the conversion to CCWIS will be sufficient to satisfy the requirements of this proposal and no additional costs will be incurred by OA, ITSD/DSS for this section. Therefore, Oversight will reflect a zero impact for this section in the fiscal note for OA, ITSD/DSS.

§210.135 - Immunity from liability for DSS employees complying with §§210.109 to 210.165

Officials from **CD** state this section states any DSS employee complying with the provisions of §§210.109 to 210.165 in the making of a report, the taking of color photographs, or the making of radiologic examinations pursuant to §§210.109 to 210.165 and chapter 211, or the removal or retaining a child pursuant to §§210.109 to 210.165 and chapter 211, or in cooperating with CD with a qualified individual working under §210.715, or any other law enforcement agency, juvenile office, court, or child protective service agency of this or any other state, in any of the activities pursuant to §§210.109 to 210.165 and chapter 211, or any other allegation of child abuse, neglect or assault, pursuant to §§568.045 to 568.060 shall have immunity from any liability, civil or criminal, that otherwise might result in such actions.

The Children's Division does not anticipate a fiscal impact at this time.

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

§210.145 - An information system capable of receiving and maintaining reports of child abuse or neglect

CD officials state it appears this section makes changes to the electronic hotline reporting system. This is previously prescribed by §210.130.2. Therefore, Children's Division does not anticipate any additional fiscal impact.

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

§210.152 – OCA may release findings about any member of the multidisciplinary team

Officials from the **Children’s Division** state this section adds language that nothing in the section shall preclude the Office of Child Advocate from releasing findings regarding the professional performance of any individual member of the multidisciplinary team as described in §660.520.

CD does not anticipate a fiscal impact at this time.

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

§210.160 - A guardian ad litem may conduct well-child checks in certain situations

Officials from **DSS** state this section removes the requirement of automatic appointment of guardians ad litem (GAL) in divorce, custody and dissolution cases. Subsection 3 requires CD, law enforcement and officers of the court to respond to an inquiry from the GAL within 48 hours. It seems that this should not change the regular course of business for CD workers who are handling foster care cases. Subsection 8 allows a GAL to conduct well-child checks in emergency situations under a court order. This section could be interpreted to allow courts to authorize GALs to conduct these checks pursuant to court orders in child-protection cases under §§455.550 to 455.538.

DLS states the 48-hour turnaround time will have a fiscal impact on DLS litigation support due to an increased need for on-call counsel available for redaction consultation in case questions arise as to what the guardian ad litem is legally entitled to know/have in the form of documents. The phrase “fully inform” does not explicitly say records, but records are likely necessary in order to “fully inform.” The following FTEs are requested:

One Attorney based on 520 hours to advise the DMU re: redactions and 1,040 hours to defend the additional Termination of Parental Rights (TPR) cases filed by guardians ad litem across the state plus (for §211.032) 520 hours for additional court time and provision of legal services to CD regarding new requirement of monthly hearings for certain families.

One DMU based on 1,040 hours to request all records from CD, receive, redact and provide records to guardians ad litem within 48 hours of inquiry plus for (§210.188) 520 hours to assist with redaction of records for report to General Assembly for anonymized reports and (for §210.109) 520 hours to complete data entry and prepare reports regarding all action taken in reported cases.

Oversight notes DLS’s request for 2 FTEs: One Attorney at an annual salary of \$60,461 plus fringe benefits to cover the provisions of §§210.160 and 211.032; and one DMU FTE at an annual salary of \$33,994 plus fringe benefits to cover the provisions of §§210.109; 210.160 and

210.188). Oversight does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by DLS.

CD does not anticipate a fiscal impact.

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

Officials from **OA, B&P** state that if a guardian ad litem files a petition for termination of parental rights under this section, cost shall be assigned to DSS. B&P defers to DSS for any fiscal impact related to this provision.

Oversight notes OA, B&P's deferral to DSS for a statement of fiscal impact; for fiscal note purposes, Oversight assumes no fiscal impact for OA, B&P for this section.

§210.188 - Information to be included in the DSS report to the 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 DSS.

§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 DSS Research and Evaluation works on this report, so any adjustments to these report or development of additional reports would be a cost to them. There would be additional staff time for the Children's Division Quality Assurance Unit to assist Research and Evaluation in the creation of the reports and the validation of the data. 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.

Officials from **DLS** state the requirement to make de-identified data available to researchers will require DLS involvement, in conjunction with the DSS Privacy Officer, to review and revise data use memorandums with research and add specifications on the use of the data, including a prohibition on attempting to pair the data with other sources to identify the client(s).

Oversight notes that the Privacy Officer duties in this section have already been discussed and reflected in the FTE request under the DLS response for §210.119 and no additional FTE are being requested for this section. Therefore, Oversight will reflect a zero additional impact in the fiscal note for DLS for this section.

Officials from **OA, ITSD/DSS** state this section possibly changes the way annual reports are completed. OA, ITSD/DSS assumes this reporting would continue to be done by the DSS Research & Evaluation team and that OA, ITSD/DSS would have no role in these possible changes.

Oversight notes OA, ITSD/DSS assumes the proposal will have no fiscal impact on their organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact for this section for OA, ITSD/DSS in the fiscal note.

§210.652 – Computerized method for the electronic exchange of data required by ICPC

This section of the proposal requires DSS to transition to an electronic system for submission of cases related to the Interstate Compact on the Placement of Children (ICPC).

Officials from **CD** state this has been completed and there is no new fiscal impact. However, there is an existing fiscal impact of dues in the amount of \$8,500 annually to maintain access to the national Association of Administrators of the Interstate Compact on the Placement of Children (AAICPC) system.

Oversight notes that CD assumes this section of the proposal will have no new fiscal impacts on their organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for CD for this section.

Officials from **OA, ITSD** state this section of the proposal will require two weeks effort by one staff to develop method for electronic exchange of data between DSS and OA with ongoing maintenance included to support that process going forward. These costs have already been included in the OA, ITSD response under §37.717.

Oversight does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by the OA, ITSD under §37.717.

Officials from **OA, B&P** state OA and DSS shall implement a computerized method for electronic exchange of information required by the Interstate Compact on the Placement of Children to place children across state lines. B&P defers to DSS and OA, ITSD for any fiscal impact related to this provision.

Oversight notes OA, B&P's deferral to DSS and OA, ITSD/DSS for a statement of fiscal impact; for fiscal note purposes, Oversight assumes no fiscal impact for OA, B&P for this section.

§210.715 – Provisions regarding the Family First Prevention and Services Act

Officials from CD state this section relates to language around implementation of the Family First Prevention and Services Act (FFPSA). This requires the Children’s Division to establish the qualifications of the “qualified individual” doing the independent assessment by regulation. This also authorizes CD to promulgate rules, including emergency rules to implement provisions in this section and of the federal FFPSA act.

CD states these changes are needed to implement the FFPSA; if this language is not implemented, there could be a negative impact, as it could impact DSS’ ability to earn federal funds.

There may be positive and negative fiscal impact due to the federal FFPSA act, however these costs are unknown at this time. The Children’s Division will provide follow up information in the future.

Oversight does not have any information to the contrary. Oversight notes CD is not presenting any savings or losses at this time. Therefore, Oversight will reflect a zero impact in the fiscal note for this section.

Officials from **OA, ITSD/DSS** state the Family First Prevention and Safety Act will require changes to FACES but the costs associated with these changes are indeterminable at this time. These costs will be estimated at a later date when the actual requirements are defined by the Children’s Division.

Oversight assumes OA, ITSD/DSS may seek additional appropriations if FFPSA provisions result in a significant increase in costs. Therefore, Oversight will reflect no fiscal impact to this organization for this section.

Officials from OA, B&P state the proposed legislation requires that the Department of Social Services (DSS) implement the provisions of the federal Family First Prevention Services Act (Title IV-B and Title IV-E of the Social Security Act). Budget and Planning defers to DSS on any impact to TSR due to the implementation of the programs within this Act.

Oversight notes OA, B&P’s deferral to DSS and OA, ITSD/DSS for a statement of fiscal impact; for fiscal note purposes, Oversight assumes no fiscal impact for OA, B&P for this section.

§210.762 – Family support team provisions

Officials from the **Children’s Division** state this section removes references to initial and temporary placements as it relates to protective custody. This section also adds optional members to the family support team including biological family members and relatives as well as professionals who are a resource to the family or child such as teachers, medical or mental health

providers who have treated the child, or clergy. This section does allow for Children's Division to exclude an individual from a meeting or make alternative arrangements for the individual to express their views if they become disruptive to the meeting.

This section also requires CD to develop a form to be signed at the conclusion of any team meeting that reflects the core commitments made by CD or the convener of the meeting and the parents of the child or any other party.

The requirements in this section already exist in §§210.145.14 and 210.147, so this does not create a fiscal impact for CD.

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

Officials from **OA, ITSD/DSS** state the provisions of this section require work for a new form for Protective Custody.

Oversight notes the estimated costs for updates to FACES as the result of this proposal were not broken down by section and the costs included in the OA, ITSD/DSS estimate are total costs for §§208.151; 210.001; 210.762 and 559.120. The costs presented by OA, ITSD/DSS are listed under the agency's response for §208.151. Therefore, Oversight will reflect the costs provided by OA, ITSD/DSS for fiscal note purposes for these sections only.

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

Officials from the **Department of Health and Senior Services (DHSS)** state §210.950.13(2) allows DHSS to promulgate rules and regulations regarding newborn safety incubators, including rules governing the specifications, installation, maintenance, and oversight.

The **Division of Regulation and Licensure (DRL)** assumes it will take a Regulatory Compliance Manager (salary \$68,802) approximately 40 hours to make the required changes to state rules. Based on 2,080 working hours per year, this would require 0.02 FTE to assume these duties (40 hours / 2,080 hours per year) for a total personal service cost of \$1,376 ($\$68,802 * 0.02$).

DRL assumes it will take a Registered Nurse (salary \$56,539) approximately 96 hours (8 hours per month X 12 months) to provide oversight for this section. Based on 2,080 working hours per year, this would require 0.05 FTE to assume these duties (96 hours / 2,080 hours per year) for a total personal service cost of \$2,827 ($\$56,539 * 0.05$).

Oversight assumes the DHSS has sufficient staff and resources available to absorb the minimal additional duties required by this proposal and will present no fiscal impact for this agency for this section.

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. 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 fiscal year FY19, 12 children were taken into care as a result of being delivered to authorized personnel in accordance to this law. In FY20, two (2) were delivered into care. The average of fiscal years 2019 and 2020 is approximately three (3) per year. Based on this average, CD assumes that the number of children entering Foster Care (FC) could be anywhere from an additional 0 to 3 children per year under this law.

As a result of children entering Foster Care (FC), 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.

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

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 absorbable fiscal impact assumed by CD for this section for fiscal note purposes.

Officials from the **Nodaway County Ambulance District** state installing these safety incubators at all fire, police stations and medical facilities would add a great deal of expense and maintenance. It is not clear why these unfunded incubators are necessary and the logistics of keeping them outside within 50 feet of the listed facilities. The definition this safety incubator is still very subjective making it difficult to project the actual mandated expense.

Oversight notes that §210.950.13(2) states DHSS **may** promulgate all necessary rules and regulations for the administration of this section, including rules governing newborn safety

incubators as defined under this section. Given the permissive language in this section, Oversight assumes the installation of safety incubators is optional, and will reflect a zero impact for police stations, fire stations, or medical facilities for this section for fiscal note purposes.

§210.1220 – Children’s Division and medical care for children

The **Children’s Division** states this bill specifies CD’s authority to consent to medical care provided to a child in the legal custody of the Division depending on the extent of the care and which circumstances require a court decision. This would not create a fiscal or programmatic impact for CD.

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.

§211.032 - When a child comes under the court's jurisdiction due to allegations of child abuse or neglect

Officials from **CD** state this section provides that if a child comes under the court's jurisdiction due to allegations of child abuse or neglect and all children in the home are under 3 years of age, the court shall:

- (1) Conduct monthly hearings on the status of the case;
- (2) Support frequent visitation with the child's parents and with the concurrent permanency resource parent if it is in the best interest of the child; and
- (3) At the hearing on disposition and at each permanency hearing thereafter, enter an order requiring that the parties exercise active efforts to finalize a primary and concurrent permanency plan for each child.

CD states this section would have a fiscal impact for Children’s Division. This would result in increased staff time in court and preparation for court. The fiscal justification is outlined below:

In FY20 there were 1,789 cases where all children in a home were under age 3. In current practice those cases would involve 5,367 incidents of court attendance for the first 90 days; 5,367 incidents of court attendance for the first year of the cases and 3,578 incidents of court attendance in the subsequent year. This would result in a cumulative total of 14,312 incidents of court attendance for the first two years of these cases.

With the proposed language in this section, based on FY20 numbers, this would now result in 5,367 court incidents in the first 90 days of the case, 16,101 incidents of court attendance in the first year of the case, and 21,468 incidents of court attendance in the subsequent year. This would result in a cumulative total of 42,936 incidents of court attendance for the first two years of these cases.

Based on these calculations, this would require 6 FTEs and annually those FTEs would cost \$302,602 annually and total projected staffing costs over 2 years would be \$605,205. The data would be subject to change based on an increase or decrease in the number of children in a household that were all under age 3.

Oversight does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by CD.

Officials from **DLS** state this legislation will have a fiscal impact on the DLS by requiring more frequent hearings for children under three years of age in foster care. DLS defers to CD to assess the additional fiscal impact borne by CD related to more frequent hearings. It is also important to note that additional hearings require additional court time from all parties and their counsel, including guardians ad litem, parent counsel, of which some costs may be paid by the Children's Division.

Oversight notes the Attorney's duties in this section have already been discussed and reflected in the FTE request under the DLS response for §210.160 and no additional FTE are being requested for this section. Therefore, Oversight will reflect a zero additional impact in the fiscal note for DLS for this section.

§211.072 - Detention of juveniles certified as adults

DSS officials state his section relates to the detention of juveniles certified as adults.

Officials from **DSS, Division of Youth Services (DYS)** state this proposal will have no fiscal impact on DYS. §211.072 is modified to require a juvenile who has been certified to remain in a juvenile detention facility while awaiting the trial in adult court. This section further provides for pathways for a hearing to be held to determine if the juvenile detention facility is the best place for the juvenile to await trial. This action would not involve DYS.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact for DYS in the fiscal note.

CD officials do not anticipate a fiscal impact.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact for CD in the fiscal note.

§211.261 - Appeals allowed to certain people from any order modifying the placement of a child

Officials from **CD** state this section provides, notwithstanding the provisions of subsection 1 of this section, an appeal shall be allowed to the:

- (2) Parent, guardian ad litem, or juvenile officer from any order changing or modifying the placement of a child.

This language possesses a potential impact to CD given an appeal of an order of placement would increase workload for the case manager to identify an alternative placement option, could potentially increase the length of time for a child in care due to placement disruption and could potentially increase the need for DLS assistance. It is unknown currently how many cases have a court ordered placement.

Oversight does not have any information to the contrary. Oversight notes CD and DLS did not request additional staff to implement the provisions of this section. Therefore, Oversight assumes CD and DLS will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to CD or DLS for fiscal note purposes. Oversight also assumes CD and/or DLS may seek additional appropriations if this section of the proposal results in a significant increase in costs.

§211.447 - The court may find that a young child has been abandoned if ...

CD officials state this section changes the definitions of abandonment in Termination of Parental Rights (TPR) cases and adds certain criminal offenses in TPR cases.

The Children's Division does not anticipate a fiscal impact.

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

§211.505 - "Safe Baby Court"

Officials from **CD** assume children who would be "recording and tracking movement on" are children who would already be involved in the Children's Division system and existing structures are in place for those data requests. Therefore, there is no fiscal impact to CD.

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

§217.777 - Department of Corrections to promote opportunities for certain primary caregivers

CD officials state this legislation requires the Department of Corrections to promote opportunities for nonviolent primary caregivers to care for their dependent children.

The Children's Division does not anticipate a fiscal impact at this time.

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

§§453.030 and 453.040 – Courts, adoption and Termination of Parental Rights

Officials from **OA, B&P** state 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 by the birth parents. 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).

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 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** do not anticipate a fiscal impact for these sections.

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

§559.120 – Courts may require a defendant to participate in a community-based treatment program

Officials from **CD** state this section asks that when a defendant is sentenced and meets appropriate qualifications that if the defendant is the primary caregiver of one or more dependent children that the court shall consider requiring the defendant to participate in a community-based treatment program.

The Children's Division does not anticipate a fiscal impact at this time.

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

Officials from **OA, ITSD/DSS** state this section requires the addition of a new placement reason in the FACES application.

Oversight notes the estimated costs for updates to FACES as the result of this proposal were not broken down by section and the costs included in the OA, ITSD/DSS estimate are total costs for §§208.151; 210.001; 210.762 and 559.120. The costs presented by OA, ITSD/DSS are listed

under the agency's response for §208.151. Therefore, Oversight will reflect the costs provided by OA, ITSD/DSS for fiscal note purposes for these sections only.

Responses regarding the proposed legislation as a whole

Officials from **Office of the 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 the OSCA will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the OSCA for fiscal note purposes. Oversight also assumes OSCA may seek additional appropriations if the proposal results in a significant increase in costs.

Officials from the **Bevier Fire Department** stated there would be an impact, but did not specify the type or amount of the fiscal impact.

Because the type of impact; how the impact would be incurred and whether or not the impact would be positive or negative was not provided by the Bevier Fire Department, **Oversight** will reflect a zero impact in the fiscal note for this agency.

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 Health and Senior Services**, the **Department of Higher Education and Workforce Development**, the **Department of Public Safety**, **Missouri Highway Patrol**, the **Department of Revenue**, the **Governor's Office**, the **Missouri Department of Transportation**, the **Missouri House of Representatives**, the **Missouri Senate**, the **Missouri Office of Prosecution Services**, the **State Public Defender's Office**, the **State Tax Commission**, the **Crawford County 911 Board**, the **Hermann Area Hospital District**, the **Kansas City Health Department**, the **Kansas City Police Department**, the **Newton County Health Department** each assume the proposal will have no fiscal impact on their respective organizations.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

In response to previous versions of this proposal, the **Cole Camp Ambulance District**, the **Columbia/Boone County Department of Public Health and Human Services**, the **Crestwood Police Department**, the **El Dorado Springs Police Department**, the **High Point R-III School District**, the **Kimberling City Police Department**, the **Rolla Rural Fire Protection District**, the **Sugar Creek Fire Department**, the **St. Joseph Police Department**, the **St. Louis County Health Department** and the **Tipton Police Department** each assumed the proposal would have no fiscal impact on their respective organizations.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

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.

Rule Promulgation

Officials from the **Joint Committee on Administrative Rules** assume this proposal is not anticipated to cause a fiscal impact beyond its current appropriation.

Officials from the **Office of the Secretary of State** notes many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The Secretary of State's office 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 Secretary of State's office for Administrative Rules is less than \$5,000. The Secretary of State's office recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, they also recognize 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 their office can sustain with their core budget. Therefore, 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.

<u>FISCAL IMPACT – State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
GENERAL REVENUE			
<u>Costs - OA, OCA (§37.717) p. 3</u>			
Personal service	(\$66,667)	(\$80,800)	(\$81,608)
Fringe benefits	(\$42,400)	(\$51,150)	(\$51,423)
Equipment and expense	(\$5,464)	\$0	\$0
Total Costs - OA, OCA	(\$114,531)	(\$131,950)	(\$133,031)
FTE Changes OA, OCA	2 FTE	2 FTE	2 FTE
<u>Costs - OA, ITSD (§§37.717 and 210.652) Safety reporting and data exchange p. 3-4</u>	(\$106,704)	(\$23,516)	(\$24,063)
<u>FISCAL IMPACT – State Government (continued)</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
<u>Costs - DSS/MHD (§208.151)</u> Program distributions - former foster care youth pp. 7-9	(\$19,627,290 to \$56,013,956)	(\$24,877,240 to \$70,996,690)	(\$25,797,698 to \$73,623,568)
<u>Costs - OA, ITSD/DSS (§§208.151; 210.001; 210.762 and 559.120)</u> FACES system changes pp. 9-10, 18 and 23-24.	(\$104,960)	(\$21,517)	(\$22,055)
<u>Costs – DSS/DLS (§§210.109; 210.119; 210.160; 210.188 and 211.032) pp. 11-15 and 21</u>			
Personal service	(\$175,417)	(\$212,605)	(\$214,731)
Fringe benefits	(\$104,925)	(\$126,607)	(\$127,311)
Equipment and expense	(\$31,618)	(\$28,411)	(\$29,121)
Total Costs – DSS	(\$311,960)	(\$367,623)	(\$371,163)
FTE Changes DSS	4 FTE	4 FTE	4 FTE
<u>Costs - DSS/CD (§210.188) Contract with an institution for report to the Governor and General Assembly p. 15</u>	(\$200,000)	(\$205,000)	(\$210,125)
<u>Costs – DSS/CD (§211.032) pp. 20-21</u>			
Personal service	(\$214, 531)	(\$260,012)	(\$262,612)

Fringe benefits	(\$141,293)	(\$170,404)	(\$171,265)
Equipment and expense	(\$82,828)	(\$42,617)	(\$43,682)
Total Costs – DSS	(\$438,652)	(\$473,033)	(\$477,559)
FTE Changes DSS	6 FTE	6 FTE	6 FTE
ESTIMATED NET EFFECT ON GENERAL REVENUE	(\$20,904,097 to \$57,290,763)	(\$26,099,879 to \$72,219,329)	(\$27,035,694 to \$74,861,564)
Estimated Net FTE Change on the General Revenue Fund	12 FTE	12 FTE	12 FTE
FISCAL IMPACT – State Government (continued)	FY 2022 (10 Mo.)	FY 2023	FY 2024
FEDERAL FUNDS			
<u>Income</u> - DSS/MHD (§208.151) Reimbursement for program distributions – former foster care youth pp. 7-9	\$0 to \$36,386,666	\$0 to \$46,119,450	\$0 to \$47,825,869
<u>Income</u> - OA, ITSD (§§208.151; 210.001; 210.762 and 559.120) Reimbursement for FACES system changes pp. 9-10, 18 and 23-24	\$104,960	\$21,517	\$22,055
<u>Costs</u> - DSS/MHD (§208.151) Program distributions – former foster care youth pp. 7-9	\$0 to (\$36,386,666)	\$0 to (\$46,119,450)	\$0 to (\$47,825,869)
<u>Costs</u> - OA, ITSD/DSS (§§208.151; 210.001; 210.762 and 559.120) FACES system changes pp. 9-10, 18 and 23-24	(\$104,960)	(\$21,517)	(\$22,055)
<u>Losses</u> – DSS/CD (§191.737) Potential loss of federal funds due to non-compliance. p. 5			

CJA Funds	\$0 to (\$261,667)	\$0 to (\$321,850)	\$0 to (\$329,896)
CAPTA Funds	\$0 to (\$1,393,031)	\$0 to (\$1,713,428)	\$0 to (\$1,756,264)
Total <u>Losses</u> – DSS/CD	\$0 to (\$1,654,698)	\$0 to (\$2,035,278)	\$0 to (\$2,086,160)
ESTIMATED NET EFFECT ON FEDERAL FUNDS	<u>\$0 to</u> <u>(\$1,654,698)</u>	<u>\$0 to</u> <u>(\$2,035,278)</u>	<u>\$0 to</u> <u>(\$2,086,160)</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
	<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.

CHILD ADVOCATE OFFICE

This bill allows the Office of Child Advocate to release findings for members of a multidisciplinary team relating to their professional performance (§§ 37.710 and 210.152).

PHYSICIAN-PATIENT PRIVILEGE

Currently, if a physician or health care provider finds that a child is born affected by substance abuse, withdrawal symptoms resulting from prenatal drug exposure, or a Fetal Alcohol Spectrum Disorder such physician or health care provider is required to refer the family to the Children's Division. However, this bill specifies that a physician or health care provider shall not be required to make a referral to the Division if an infant is born to a woman who is undergoing medication-assisted treatment under the supervision of a health care provider (§191.737).

MO HEALTHNET

Under this bill, any person who was in foster care for at least six months at any time after such person was 13 years old, regardless of the state, and who is now residing in Missouri, and is at least 18 years old is eligible for MO HealthNet benefits if such person is not eligible for insurance coverage under another mandatory coverage group and does not have access to any other private insurance will have access to the benefits (§208.151).

CHILD PROTECTION SYSTEM GOALS AND PRIORITIES

These sections refine the goals and priorities of the Department of Social Services. The bill states that the Department shall, when prioritizing positive outcomes for children, monitor and measure its successes by preventing harm to children and limiting out-of-community placements, preserving and restoring families of origin, using foster care when appropriate, and helping children be adopted into new families when appropriate; however, at all times, the safety of the child shall be the priority (§§210.001 and 210.109).

CHILD PROTECTION REPORTING AND CASE MANAGEMENT

This bill clarifies that the reports of child abuse or neglect should include specific information. The bill also specifies that the state Attorney General shall have concurrent original jurisdiction regarding any case involving child abuse or neglect (§§210.110, 210.113, 210.145, and 210.1589).

CENTRAL REGISTRY

This section revises the list of offenses for which a person will be listed as a perpetrator of child abuse or neglect in the Central Registry (§210.118).

COMPREHENSIVE CHILD WELFARE INFORMATION SYSTEM

This section requires the Department of Social Services to create a Comprehensive Child Welfare Information System that will serve as the statewide information system for documenting and reporting child welfare information. The bill specifies how the system will function and who will have access (§210.119).

FAMILY FIRST PREVENTION SERVICES (FFPSA)

This bill adds language from the federal FFPSA language and clarifies sections of law governing the Children's Division Child Abuse and Neglect System. The bill requires the Division to develop programs to promote family based foster care and allows qualified individuals to assess children in residential settings to evaluate mental and behavioral health, and develop a permanency plan assessment. This bill clarifies that family support teams (FSTs) will comply

with the requirements of FFPSA, and applies more consistent direction within the Division (§§210.135, 210.140, 210.147, 210.715, 210.762, and 211.081).

GUARDIAN AD LITEMS

The bill provides that a guardian ad litem may conduct well-child checks in emergency situations under a court order. Employees of the Division, officers of the court, law enforcement personnel, and employees of any agency involved shall fully inform the guardian ad litem of all aspects of the case of which they have knowledge or belief within 48 hours of an inquiry by a guardian ad litem (§210.160).

REPORTING REQUIREMENTS OF DEPARTMENT

Modifies the reporting requirements that the Department of Social Services provides to the Governor and General Assembly regarding information related to children who have been abused or neglected. The bill requires the Division 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 comparison. The specific data to be released is outlined in the bill. Beginning March 1, 2022, and each year thereafter, the Department is required to provide the data to any Missouri research institution that agrees to provide the Division access to any research conducted by such institution utilizing such data (§210.188).

ELECTRONIC SHARING

(Section 210.652) Requires the Department in conjunction with the Office of Administration to implement a computerized method to allow for the electronic exchange of data and documents required by the Interstate Compact on the Placement of Children to place children across state lines.

CHILD ABANDONMENT

(Sections 210.950 and 211.447) This bill adds a newborn safety incubator, as defined in the bill, as a place a parent of a child up to 45 days old may voluntarily deliver the child with the intent not to return, without being prosecuted. It also lowers the time limit to be considered willful abandonment of a child to 60 days for a child under the age of three.

MEDICAL CARE AUTHORITY

(Sections 210.1220 & 211.021) The bill outlines when the Division may give consent to routine and nonroutine medical care for a child in the Division's custody. The bill limits resource providers may only consent to routine medical care unless a court designates otherwise and individuals 18 or older may consent to their own medical care unless restricted by the court. Decisions regarding extraordinary medical care will be determined by a juvenile court. Emergency medical care must be recommended by a physician, surgeon, or dentist. Court orders

by a juvenile or family court for medical care shall be considered informed consent for specified treatments and procedures, and all hearings for authorization of extraordinary medical care shall be expedited.

COURT PRACTICES

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. The bill requires the Office of the State Courts Administrator to develop a plan to be approved by the Joint Committee on Child Abuse and Neglect by July 1, 2022, for implementation by July 1, 2023. The bill further clarifies under what circumstances such a juvenile shall be held at a juvenile detention facility or be moved to a jail or other adult detention facility. The bill requires courts to consider alternatives to incarceration for convictions of non-violent offenses for primary caretakers of dependent persons (§§211.032, 211.038, 211.072, 211.261, 211.444, 211.447, 217.777).

ADOPTION LEGAL FEES AND CONSENT TO ADOPT

These Sections repeal payments for adoption legal fees by the prospective adoptive parents for a birth parent, and allow the court to determine if representation is needed for the birth parent in an adoption proceedings. This bill changes the age from one to three and adds phrase "best interest of child" to the court language for adoptions (§§453.030, 453.040, and 453.080).

§210.950 of this bill has an emergency clause.

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

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 Department of Transportation

Missouri House of Representatives
Missouri Office of Prosecution Services
Missouri Senate
Office of Administration
 Budget and Planning
 Information Technology Services Division
 Office of Child Advocate
Office of Secretary of State
Office of State Courts Administrator
State Public Defender's Office
State Tax Commission
Bevier Fire Department
Cole Camp Ambulance District
Columbia/Boone County Department of Public Health and Human Services
Crawford County 911 Board
Crestwood Police Department
El Dorado Springs Police Department
Hermann Area Hospital District
High Point R-III School District
Kansas City Health Department
Kansas City Police Department
Kimberling City Police Department
Newton County Health Department
Nodaway County Ambulance District
Rolla Rural Fire Protection District
Sugar Creek Fire Department
St. Joseph Police Department
St. Louis County Health Department
Tipton Police Department



Julie Morff
Director
March 24, 2021



Ross Strobe
Assistant Director
March 24, 2021