

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3865-01
Bill No.: HB 1443
Subject: Children and Minors: Family Law
Type: Original
Date: January 23, 2002

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
General Revenue	(\$223,679)	(\$223,679)	(\$223,679)
Total Estimated Net Effect on <u>All</u> State Funds	(\$223,679)	(\$223,679)	(\$223,679)

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Federal*	\$0	\$0	\$0
Total Estimated Net Effect on <u>All</u> Federal Funds *	\$0	\$0	\$0

*Costs and offsetting matching funds of \$60,792 per fiscal year.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Local Government	(Unknown)	(Unknown)	(Unknown)

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 4 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Health (DOH), Office of Prosecution Services** and the **State Public Defender** assume the proposed legislation would not fiscally impact their organizations.

Officials from the **Department of Social Services - Division of Family Services (DOS -DFS)** stated the proposed legislation would fiscally impact their organization due to the long term need to inform the public, especially women of child rearing years. The DFS would need additional funding to cover costs of broadcasting, producing, publishing, and distributing this legislated information on a regular basis. DOS officials stated that the cost to produce about 85,000 brochures annually would be \$7,735. DFS would distribute brochures to doctors offices, hospitals, clinics, WIC offices, all county offices of state agencies, county health agencies, colleges and universities and professional health and social service organizations across the state and costs for distribution (mailing costs) would be \$36,736. DOS officials estimate that the largest cost, about \$240,000, would be for the broadcasting campaign. Part of the media campaign expenses would be eligible for federal matching monies.

Officials from the **Department of Social Services - Division of Youth Services (DYS)** stated the DYS assumes no significant fiscal impact. The likelihood that an employee of the DYS would be placed in the position of taking custody of a child less than 30 days old is remote. Should the situation occur, it is estimated the employee would spend 2-4 hours fulfilling their obligation to secure medical care and notify the DFS. Expenses are estimated to be minimal and able to be absorbed in the existing budget.

Oversight notes that there could be costs to hospitals for treating newborns and that the proposal does not address how hospitals would be reimbursed for that treatment. For fiscal note purposes, Oversight assumes that not all costs will be covered by insurance and public hospitals will absorb some costs.

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
GENERAL REVENUE FUND			
<u>Costs - Department of Social Services</u>			
Equipment and Expense- Media Costs, Brochures and Distribution	(\$223,679)	(\$223,679)	(\$223,679)
Total <u>Costs</u> - Department of Social Services	<u>(\$223,679)</u>	<u>(\$223,679)</u>	<u>(\$223,679)</u>
ESTIMATED EFFECT ON GENERAL REVENUE FUND	<u>(\$223,679)</u>	<u>(\$223,679)</u>	<u>(\$223,679)</u>

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
FEDERAL FUNDS			
<u>Income - Department of Social Services</u>	\$60,792	\$60,792	\$60,792
Matching Funds			
<u>Cost - Department of Social Services</u>	(\$60,792)	(\$60,792)	(\$60,792)
Media Campaign			
ESTIMATED NET EFFECT ON FEDERAL FUNDS	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
POLITICAL SUBDIVISIONS			
<u>Costs - Treatment of Newborns at public hospitals</u>	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

FISCAL IMPACT - Small Business

Small businesses which are licensed hospitals or clinics could be affected by this proposal.

DESCRIPTION

This proposal, known as the "Safe Place for Newborns Act of 2002", is designed to protect a newborn from injury and death caused by abandonment by a parent and provide safe and secure alternatives to abandonment. It would provide an affirmative defense to the parents against prosecution of abandonment and endangerment, for leaving a child in the physical custody of the staff of a licensed medical facility, firefighter or emergency medical technician, on-duty law enforcement officer, member of the clergy, employee of the Department of Social Services' Division of Family Services or Division of Youth Services, if the child is no more than 30 days old and has not been abused or neglected by the parent.

Authorized persons could take physical custody of a child believed to be no more than 30 days old without a court order and, if the newborn is surrendered at any place other than a licensed medical facility, the person taking physical custody of the child would arrange for the immediate transportation of the child to the nearest licensed medical facility. The medical facility would act necessary, in accordance with generally accepted standards of professional practice, to protect the physical health or safety of the child and notify the local juvenile officer when the child is medically ready for discharge. The juvenile officer would begin protective custody proceedings and the Division of Family Services would take custody of the child within six hours of receiving a protective custody order.

The Division of Family Services must also provide information and answer questions about the process established by section 210.950 on the statewide, toll-free telephone number maintained pursuant to section 191.975, RSMo. In addition, it must provide information by way of public DESCRIPTION (continued)

service announcements, or by other ways to deliver information about the process.

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

SOURCES OF INFORMATION

Department of Social Services
Department of Health and Senior Services
Office of Prosecution Services
State Public Defender



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