

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3212-02
Bill No.: SCS for SB 762
Subject: Children and Minors; Courts, Juvenile; Family Services Division; Guardians;
 Licences-Miscellaneous; Social Services Department
Type: Original
Date: February 4, 2004

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
General	(\$36,973)	(\$37,022)	(\$37,072)
Total Estimated Net Effect on General Revenue Fund	(\$36,973)	(\$37,022)	(\$37,072)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Criminal Records System Fund	\$75,873	\$75,093	\$74,688
Total Estimated Net Effect on <u>All</u> State Funds	\$75,873	\$75,093	\$74,688

Numbers within parentheses: () indicate costs or losses.
 This fiscal note contains 7 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Federal*	\$0	\$0	\$0
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

*Income and costs of approximately \$40,000 would net to \$0.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Elementary and Secondary Education** and **Office of State Courts Administrator** assume this proposal would not fiscally impact their agencies.

Officials from the **Department of Public Safety - Criminal Records and Identification Division (CRI)** responded to our fiscal note request and calculated a cost based on 24,841 fingerprints. They obtained this number by contacting the appropriate state agencies. However, in their response to Oversight, the CD reported 1,958 (979 x 2 per home) would need background checks and OEC reported 4,562 would need background checks. Oversight has used MHP's formula to recalculate the cost based on 6,520 applicants. Based on this volume, one-half additional FTE would be required. The CRI would have this individuals work 2nd and 3rd shift so no new equipment would be needed.

The CRI would collect \$38 and pass the \$24 fee from the Federal background checks and pass this on to the FBI.

The CRI estimates the Information System Division (ISD) of the Department of Public Safety would incur additional state data center costs of approximately \$1,600 per year.

ASSUMPTION (continued)

Officials from the **Secretary of State's Office (SOS)** state this proposal modifies the law relating to foster care and children's protective services. This will result in the Division of Family Services promulgating rules which would be published in the *Missouri Register* and the *Code of State Regulations*. Based on experience with other divisions, the rules, regulations and forms issued by the Division of Family Services could require as many as 230 pages in the *Code of State Regulations*. For any given rule, roughly half again as many pages are published in the *Missouri Register* as in the Code because cost statements, fiscal notes and the like are not repeated in Code. These costs are estimated. The estimated cost of a page in the *Missouri Register* is \$23. The estimated cost of a page in the Code is \$27. The actual cost could be more or less than the numbers given. The impact of this legislation in future years is unknown and depends upon the frequency and length of rules filed, amended, rescinded or withdrawn. SOS estimates the cost for FY 05 to be \$14,145.

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 request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

Officials from the **Department of Health and Senior Services (DOH)** stated the proposal allows the required registration to be done through the Family Care Safety Registry. However, the DOH states statutes governing the Family Care Safety registration (Section 210.900 to 210.936) do not require fingerprinting thus enabling only a name-based search for a criminal history check. Therefore, the DOH assumes that if a fingerprint check were to be required, the provider would absorb any subsequent costs.

Officials from the **Department of Social Services - Children's Division (CD)** state the cost of fingerprinting is \$14.00 for the Missouri State Highway Patrol search and \$24.00 for the FBI search. The CD estimates 979 new homes with an average of two adults per home, for whom background checks must be completed. The estimated cost would be \$74,404.

Due to the uncertainty of the intent of section 210.762, it is not possible to fully determine the fiscal impact.

Officials from the **Department of Social Services - Office of Early Childhood (OEC)** stated **there would be no cost**. **Oversight** assumes the OEC will pass the cost of fingerprinting for 4,562 per year on to the providers and absorb any other administrative costs.

<u>FISCAL IMPACT - State Government</u>	FY 2005	FY 2006	FY 2007
GENERAL REVENUE			
<u>Costs</u> – Department of Public Safety - Missouri State Highway Patrol			
Expense and Equipment	(\$1,631)	(\$1,680)	(\$1,730)
 <u>Costs</u> - Department of Social Services - Children’s Division			
Fingerprinting costs (979 per year)	<u>(\$35,342)</u>	<u>(\$35,342)</u>	<u>(\$35,342)</u>
 ESTIMATED NET EFFECT TO GENERAL REVENUE			
	<u>(\$36,973)</u>	<u>(\$37,022)</u>	<u>(\$37,072)</u>
 CRIMINAL RECORDS SYSTEM FUND			
<u>Revenue</u> – Department of Public Safety - Missouri State Highway Patrol			
Fingerprint fees (6,520 x \$38)	\$247,760	\$247,760	\$247,760
 <u>Costs</u> – Department of Public Safety - Missouri State Highway Patrol			
Pass through to FBI (6,520 x \$24)	(\$156,480)	(\$156,480)	(\$156,480)
Personal Services (.5 FTE)	(\$10,896)	(\$11,448)	(\$11,734)
Fringe benefits	<u>(\$4,511)</u>	<u>(\$4,739)</u>	<u>(\$4,858)</u>
<u>Total Costs - Department of Public Safety - Missouri State Highway Patrol</u>	<u>(\$171,887)</u>	<u>(\$172,667)</u>	<u>(\$173,072)</u>
 ESTIMATED NET EFFECT ON CRIMINAL RECORDS SYSTEM FUND			
	<u>\$75,873</u>	<u>\$75,093</u>	<u>\$74,688</u>

FEDERAL

Income - Department of Social Services

Federal Assistance	\$39,062	\$39,062	\$39,062
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Costs - Department of Social Services -
 Children's Division

Fingerprinting costs	<u>(\$39,062)</u>	<u>(\$39,062)</u>	<u>(\$39,062)</u>
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**ESTIMATED NET EFFECT ON
 FEDERAL FUNDS**

	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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FISCAL IMPACT - Local Government

	FY 2005 (10 Mo.)	FY 2006	FY 2007
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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

BACKGROUND CHECKS - Upon initial application, applicants must submit fingerprints in addition to the required criminal background check. The Children's Division will have the authority to conduct a search for ex parte or full orders of protection using the automated court information system. Sections 210.025 and 210.487

CASE RECORDS - The case records of a child in protective custody will be available for review by the parent or legal guardian of the child. Upon the death of a child in protective custody, the case records of the child shall be available to the public as provided in section 210.150, RSMo, and upon any request made pursuant to Chapter 610, RSMo. Section 210.764

CHILD ABUSE AND NEGLECT - The Children's Division shall have the authority to meet with a child in a school building or child-care facility provided that the abuse is not alleged to have occurred there. Section 210.145

FOSTER CARE - The Division shall provide standards and training for the licensing of prospective foster parents and performance- based criteria for the evaluation of licensed foster

DESCRIPTION (continued)

parents. Section 210.542

The Division must notify the child's parent or legal guardian that the child has been placed in foster care, except in instances of imminent harm. A child shall not be removed from school for placement in foster care without a court order specifying that the child shall be removed from school. Section 210.760

If placement results in the child attending a new school, records shall be automatically transferred to the new school. Upon request of the foster family and whenever possible, the child shall continue attending the same school. Section 211.032

RELATIVE PLACEMENT - The age of the child's relative shall not be the only factor that the Division takes into consideration when making placement decisions and recommendations to the court regarding the placement of the child with that relative. The Division must adhere to the Indian Child Welfare Act (25 U.S.C. 1915) when placing a Native American child in protective custody. Section 210.565

TEAM MEETINGS - Prior to taking any action relating to the placement of a child, the Division must arrange a team meeting. However where the welfare of a child requires immediate or emergency placement, the Division may temporarily place a child in protective custody, but they must schedule a team meeting within seventy-two hours of the temporary placement.

The parent or legal guardian, the guardian ad litem, the juvenile officer, the Division caseworker, the court-appointed-special- advocate, and any designee of the parent that has written authorization shall be notified and invited to participate in all team meetings. Team meetings may include any other persons who can assist the team in making appropriate decisions on behalf of the child.

Upon conclusion of the meeting, all parties must sign a form provided by the Division which states that they are aware of the team's decision. Any dissenting views will be noted on the form and included in the child's case records. Section 210.762

The act contains an emergency clause.

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 Elementary and Secondary Education
Secretary of State
Office of State Courts Administrator
Department of Public Safety -
Missouri State Highway Patrol
Department of Health and Senior Services



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Director
February 4, 2004