

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5433-02
Bill No.: HB 1849
Subject: Children and Minors; Crimes and Punishment; Social Services Department
Type: Original
Date: March 3, 2014

Bill Summary: This proposal change the requirements for retention of substantiated and unsubstantiated reports on the child abuse and neglect registry.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
General Revenue	(\$282,043)	(\$361,549)	(\$430,072)
Total Estimated Net Effect on General Revenue Fund	(\$282,043)	(\$361,549)	(\$430,072)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
Various Other State Funds	(\$6,201)	(\$9,960)	(\$18,931)
Total Estimated Net Effect on <u>Other</u> State Funds	(\$6,201)	(\$9,960)	(\$18,931)

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 17 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
Federal*	\$0	\$0	\$0
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

* Income and expenses exceed \$150,000 annually and net to \$0.

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
General Revenue	5.41	6.87	6.87
Various Other State Funds	0.1	0.3	0.3
Federal	2.49	2.83	2.83
Total Estimated Net Effect on FTE	8	10	10

Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Social Services (DSS) - Children's Division (CD)** provide the following:

Child Abuse and Neglect Review Board (CA/N RB)

In Calendar Year 2013, the Children's Division had 5 CA/N RB's

- Each Board meets one time a month
- Each board can do 8 cases a day
- With all 5 boards in operation the board can do 40 cases a month and 480 cases a year. Thus each board can hear approximately 100 cases annually.
- In 2013 the 5 CA/N RBs reviewed 406 cases.

Child Abuse and Neglect Hotline Unit (CA/N HU)

Currently the CA/N HU provides administrative support for the CA/N RB. For 5 CA/N RBs the following staff is required:

- One full time Children's Service Specialist
- One full time Children's Service Worker
- One full time clerical staff;
- Two part time field staff;
- Requires CA/N HU Unit Manager to provide some oversight; and
- Requires county staff to compile and send records for each case that is reviewed.

ASSUMPTION (continued)

Child Abuse and Neglect Central Registry

Initial implementation

Required modifications to the information system (FACES) that would result of this legislation are as follows:

- Add Tier Classification to FACES Conclusion screens
- Add Tier Classification to FACES notification letters
- Add Tier Classification to "Description of the investigation process"
- Add Tier Classification to other printed material (worker, mandated reporter training, public information)
- Allow FACES to change Tier Classification based on:
 - o Tier 2 to Tier 1 with subsequent report
 - o Tier 2 removal after 10 years and after a petition for removal is granted
 - o Tier 3 automatic removal after 5 years
 - o Tier 3s that have been removed would go back on the registry with a subsequent substantiated report.
- Create notification letters for all changes in Tier Classification

See OA-ITSD Fiscal Note response for costs associated with these changes.

Drafting of Administrative Rules regarding Tier Classification

This proposal requires the CD to draft administrative rules by July 1, 2015, to establish the standards for each classification.

July 1, 2015 - Begin classification of all substantiated cases by Tier.

Section 210.152

In 210.152.1, this proposal modifies subsection 1, by requiring (after July 1, 2015), all information, including telephone reports reported pursuant to 210.145, relating to reports of abuse or neglect received by the CD to be classified according to tiers based on level of harm to the child.

ASSUMPTION (continued)

An administrative rule would need to address the following:

- Tier one shall include all cases of substantiated sexual abuse or serious physical or emotional abuse or serious neglect;
- Tier two shall include cases involving multiple substantiated instances of child abuse or neglect that are not classified as serious; and,
- Tier three shall include a single substantiated report of abuse or neglect that is not classified as serious.

Additionally this proposal provides that by July 1, 2015, the CD shall promulgate rules to establish the standards for each classification.

Section 210.152.2 subsection (1) provides that identifying information described in subsection 1 of this section shall be retained by the CD and removed from the records of the division as follows:

Tier 1

- All tier one cases shall be placed on the registry for life;

Tier 2

- All tier two cases shall be placed on the registry for 10 years.
- Tier 2 cases are eligible for record removal from the registry after 10 years, unless the individual is found to have committed another act of child abuse or neglect (substantiated) within the 10 year period, in which case the 10 year period on the registry begins from the date of the commission of the subsequent act of child abuse and neglect.
- Unless the subsequent report is serious (tier 1) which is retained forever

Tier 3

- All tier 3 cases shall be placed on the registry for 5 years.
- All tier 3 cases shall be eligible for record removal from the registry at the end of 5 years, except that, if a person is found to have committed a subsequent act of child abuse or neglect (substantiated), the person shall be included in the tier 2 classification.
- Unless the subsequent report is serious (tier 1) which is retained forever

ASSUMPTION (continued)

The Alleged Perpetrator Appeal Process

Currently the CA/N system requires a worker to select a severity code for every substantiated report. Severity codes are:

A - Mild

B - Moderate

C - Serious/severe

D - Permanent damage

E - Fatal

U - Unknown

These codes have been used for internal use only and have not been specifically trained or formalized. They are subjective opinions by each worker. This legislation would require a more formalized process of categorizing severity. For the purposes of calculating this fiscal note the CD is assuming substantiated cases marked Serious/Severe, Permanent damage and Fatal would be category 1. Category 1 are retained forever and are not eligible for petition for removal. The CD is assuming substantiated cases marked mild or moderate would be Category 2 if there are multiple substantiated mild or moderate cases; and, if there is only one they would be category 3.

Initially, for cases prior to July 15, all substantiated cases at least 5 years old would be available, by request from the perpetrator, to be categorized. Starting with cases 5 years old and going back 10 years (FY 00 to FY 09) the total of substantiated cases are 60,551. All of these would be eligible to be categorized. 40,509 of these cases have codes of mild or moderate. Of the 40,509 mild or moderate cases, 27,018 cases were perpetrators with just one substantiated which would make these cases category 3. There were 13,491 cases where the perpetrator had more than one substantiated case, which would be category 2. Any category 3 case would become a category 2 case if there was a subsequent report of mild or moderate severity, and a category 1 if the subsequent report was severe, permanent damage or fatal.

Category 3 cases, which are at least 5 years old for the last 10 years (13,491) or about 1,349 per year, would be eligible to be petitioned for record removal.

Category 2 cases would not be not be eligible for at least 10 years and with every subsequent report, the clock would start again with the last commission of the act of abuse or neglect. The last act of commission would be the incident date and not the report date. Without subsequent reports, at least 10 years old (FY 00 to FY 05) there are 4,804 category 2 cases eligible to petition for record removal.

ASSUMPTION (continued)

There is no way to know how many perpetrators would request to be categorized prior to July 2015 and, of those eligible, how many would actually petition for removal. There is about 4,000 per year of category 2 or category 3 that would be eligible for petition for removal every year. The CD assumes 1,000 of these would actually request a review.

The first level of review would be an administrative review completed by the CD. It is assumed that each review would take approximately 4 hours. The CD would centralize this review by the addition of 2 FTE Children's Service Specialists (\$37,176 annually), 1 FTE Unit Manager (\$44,708 annually) and 1 FTE Administrative Office Support Assistant (\$27,828 annually) to complete 1,000 reviews. These staff are requested for 2 months of FY 15 to establish procedures, promulgate rules, and develop business requirements and test the changes to the automated system.

The Division also assumes that of the 1,000 reviews completed by the CD, approximately 500 would request a review by the CA/N RB. Each CA/N RB currently requires 1 Children's Services Worker, 1 Children's Services Specialist and 1 Office Support Assistant to support 5 CA/N RBs.

Since each CA/N RB can hear 100 cases annually, an additional 5 review boards would be required to cover the 500 cases identified above. Support staff would be needed for these additional CA/N RBs. An additional 1 Children's Services Worker (\$33,404 annually), 1 Children's Services Specialist (\$37,176 annually) and 1 Office Support Assistant (\$22,928 annually) will be needed. These staff are requested beginning in FY 15.

In calendar year 2013, expenditures for the 5 CA/N RBs was approximately \$25,000. If these 5 CA/N RB's expenditures were doubled, expenditures would increase \$25,000. Base upon historical spending, approximately \$5,000 is needed to support each CA/N RB. The addition of 5 CA/N RBs would result in the need for \$25,000 to support these review boards. These review boards would begin in FY 15.

The CD estimates FY 15 total expenditures of \$ 249,782 (GR \$166,130; Federal \$83,652); FY 16 expenditures of \$434,314 (GR \$288,862; Federal \$145,452); and FY 17 expenditures of \$438,834 (GR \$291,868; Federal \$146,965).

Officials from the **DSS - Division of Legal Services (DLS)** provide the following:

Section 210.110 (3) - this current definition of "central registry" provides that any persons placed on the registry prior to August 28th, 2004, shall remain on the registry for the duration of the time required by section 210.152.

HWC:LR:OD

ASSUMPTION (continued)

This proposal removes "prior to August 28th, 2004", thereby requiring all persons on the registry to remain on the registry according to the provisions of section 210.152. (See revisions to section 210.152 resulting from this proposal).

These changes in definitions will have no fiscal impact on DLS.

Section 210.145 - Language added to this section requires that the Children's Division (CD) update the information system to reflect any changes in tier classification that take place. This would place an additional legal duty on the CD in terms of updating and maintaining the information system. DLS may be required to provide guidance and assistance to the CD in complying with these new requirements. Any additional work created by this section can be absorbed by existing staff. There will be no fiscal impact on DLS.

Section 210.152.1 - This proposal adds language that requires CD to classify hotline reports into tiers. These categories are based on findings that result at the end of an investigation and not at the point when the initial call is made; therefore, this proposal should result in changes to structured decision-making screening and classification protocol. Child abuse and neglect (CA/N) history searches, which are conducted at the time of the call, would include dispositional information on prior reports, and could include tier classification as well. The creation of this classification system itself will not have any fiscal impact on DLS. Its implementation will largely fall to CD. The proposal does allow for promulgation of rules under this section and requires these rules to be in place by July 1, 2015. This may have minimal impact on DLS in requiring work to promulgate these rules, but the additional work could be absorbed by current staff.

Section 210.152.2(1) - This proposal requires identifying information described in subsection 1 of this section to be retained by the CD, and removed from the records of the CD as follows:

- (a) All tier one reports shall be placed on the registry for life;
- (b) All tier two reports - placed on the registry for 10 years, unless the individual is found to have committed another act of child abuse or neglect in such 10- year period, in which case the 10-year period on the registry begins on the date of the commission of the subsequent act of child abuse or neglect; and,
- (c) All tier three reports - placed on the registry for 5 years and shall be eligible for record removal at the end of such 5-year period; except that, if a person is found to have committed a subsequent act of child abuse or neglect, the person shall be included in the tier two classification.

ASSUMPTION (continued)

These schedules should have no fiscal impact on DLS. DLS is not involved with the maintenance of records currently, and to the extent that legal questions arise about records retention, this work could be absorbed by current DLS staff.

Section 210.152.2(2)(c) - Current law requires unsubstantiated investigative reports, which were called in by mandated reporters to be retained for 5 years, and at the end of that period the identifying information is to be removed from the CD's records. This proposal reduces the retention time to 2 years and then requires that the identifying information be "automatically" removed. This language may be read to create a legal obligation on CD's part to implement systems that remove individual's names automatically to the extent that such a system does not already exist. This change will have no fiscal impact on DLS.

Section 210.152.2(3) - Current law requires reports classified as family assessments to be retained by the division. This proposal adds "in accordance with provisions of this subsection." Complying with these legal requirements may require some legal advice from DLS, but any work could be absorbed by existing staff. This addition will have no fiscal impact on DLS.

In section 210.152.3, current law requires the CD to notify the alleged perpetrator named in the report and the parents of the child named in the report, if the alleged parent is not the alleged perpetrator, in writing within 90 days after the receipt of a report of child abuse or neglect. This proposal adds to the notice the tier classification of the report and the retention information determined by the tiered system. Complying with these legal requirements may require some legal advice from DLS, but any work could be absorbed by existing staff. This addition will have no fiscal impact on DLS.

Section 210.152.9 - This proposal adds the following changes:

Subsection (1) - Allows individuals placed on the child abuse and neglect registry to petition CD for potential closure of all identifying information from the registry based on such individual's classification under subsection 1 of this section. If the petitioner is aggrieved by the CD's determination, the petitioner could request a review before the Child Abuse/Neglect Review Board (CA/N RB), and could then seek a judicial review of their petition. This language can reasonably be expected to substantially increase the number of cases that will be handled by the CD for administrative review and creates an entire new category of such cases (currently the CD only conducts administrative reviews for initial investigation "preponderance of evidence" findings). This language creates an additional legal obligation for the CD in terms of its administrative responsibilities. CD workers may need additional training or legal guidance to decide such cases in accordance with this statute. If CD submitted additional referrals to DLS in the future to assist with these decisions, or to appear at subsequent CA/N RB hearings, there may be a fiscal impact, but the fiscal impact is unknown at this time.

ASSUMPTION (continued)

Subsection (2) - This provision provides that a petition for closure under this subsection shall state good cause for removal, which shall include, but not be limited to:

- (a) Proof of rehabilitation;
- (b) Acceptance of personal responsibility for placement on the registry; and,
- (c) At least two letters supporting the petition from two individuals not related by blood or marriage.

Subsection (3) - This provision provides that the CD make a decision on the petition within ninety days and shall grant the petition if the petitioner has satisfied the criteria in subsection (2) and the CD determines that the petitioner poses no significant risk to children or other vulnerable populations.

Subsection (4) - This provision provides that if the petitioner is aggrieved by a decision of the CD that the individual may seek review by the CA/N RB. Further, this proposal allows any individual aggrieved by the decision of the CA/N RB to seek de novo judicial review of such decision, or re-file such petition for record removal from the registry 2 years after the final denial of such petition.

DLS estimates that this section will have a substantial fiscal impact on DLS. Current law does not provide for a procedure for removing names from the central registry except for the limited procedure passed in SB 54 (2012), so there is no data to accurately estimate the number of requests to expunge that DLS can expect. The CD's data establishes that approximately 4,000 individuals are added to the registry every year. Currently, approximately 10% of the individuals who were added to the registry requested an administrative review of Children's Division's preponderance of evidence finding. Approximately a quarter of that 10% also filed a petition for de novo judicial review. DLS estimates that petitions filed by individuals to have their name expunged from the registry would be similar to the number of petitions filed for de novo judicial review with an estimate of 100 new cases a year. De novo judicial review cases are full trials on the record. The rules of civil procedure, including the right to discovery, and the rules of evidence, will apply. DLS estimates that litigation of a de novo review case will take approximately 40 hours of attorney time. This would result in 4,000 additional hours of work for DLS attorneys (100 cases x 40 hours). One attorney works approximately 1,864 hours per year ([40 hours x 52 weeks] - 120 hours vacation - 96 hours state holidays). The extra work created by these de novo reviews could not be absorbed by current staff. DLS assumes these provisions would require approximately two new positions for DLS in FY 16 (1,864 hours/FTE X 2 = 3,728 hours). These estimates are based on conservative estimations of current similar DLS work; however, determining the exact impact of these new cases will be difficult until this new appeals

ASSUMPTION (continued)

system is in place. As this statute would go into effect on July 1, 2015, these new attorneys would not need to be hired at the beginning of the year. The de novo trials would not begin until after petitions had been ruled on by the CD and then the CA/N RB. It would likely take at least six months to a year before petitions for de novo judicial review would add substantial new casework for DLS attorneys at the Circuit Court level. Therefore, for Fiscal Year 15 DLS does not anticipate a significant fiscal impact.

This fiscal note estimates that two additional attorneys would be necessary to handle the increased case load as petitions for judicial review begin to be filed in Fiscal Year 2016 and subsequent years based on the estimates of increased cases discussed above.

Subsection (5) - This provision provides that when a record removal is granted, the CD shall maintain a record of the underlying report and investigation of child abuse or neglect. Identifying information on such a record shall not be available to individuals or entities requesting an examination of the central registry for employees or prospective employees. Upon receiving a subpoena for such removed records, the CD would be legally required to respond to the subpoena by advising the parties that it possessed records that had been removed from the central registry. To the extent that this creates additional records request work for DLS attorneys handling subpoenas, this extra work could be absorbed by existing staff. Therefore, this subsection's changes would have no fiscal impact on DLS.

Subsection (6) - This provision provides that the CD shall be a party to any action before the CA/N RB or court regarding record removal from the child abuse and neglect registry. The CD is not currently a party to CA/N RB proceedings.

In the event that the board requires the CD to appear with legal counsel, this fiscal note estimates that one additional attorney would be necessary to attend and participate in the approximately four hundred to five hundred cases that may be heard by the CA/N RB each year. The increased case load would begin as of Fiscal Year 15 and subsequent years based on the estimates discussed above. DLS estimates that the attendance and participation of a DLS attorney at a CA/N RB hearing will take approximately four hours of attorney time. Based upon an estimate of 400 to 500 hearings each year, this would take approximately 1,600 to 2,000 hours of attorney time each year. One attorney works approximately 1,864 hours per year ([40 hours x 52 weeks] - 120 hours vacation - 96 hours state holidays), the extra work created by these hearings could not be absorbed by current staff. This subsection would require approximately one new position for DLS in FY 15.

ASSUMPTION (continued)

Section 210.153 - This provision modifies provisions related to the CA/N RB to allow the board to hear petitions for record removal. This will create additional work for the CA/N RB. DLS attorneys rarely appear in front of the CA/N RB at the present time. In the event that the Board requires participation by legal counsel for the CD, this will create additional work as described above in subsection 6 of Section 210.152.9.

The DSS-DLS assumes this proposal will have a total FY 15 impact of \$62,004 (GR \$45,263; Other State Funds \$6,200; Federal \$10,541); an FY 16 impact of \$106,318 (GR \$77,612; Other State Funds \$10,632; Federal \$18,074); and an FY 17 impact of \$189,321 (GR \$138,204; Other State Funds \$18,932; Federal \$32,184).

Officials from the **Office of Administration (OA) - Information Technology Services Division (ITSD) - DSS** state this proposal would require multiple changes to the Family and Children's Electronic System (FACES) in the Protocols (Intake) and expungement processes.

<u>Function</u>	<u>Work Effort (hours)</u>
Analysis and Design	160 hours
Create/Update Specification Documents	70 hours
Database Modifications	40 hours
Expungement Batch	80 hours
Expungement Files	80 hours
In-take (Process & screens modifications)	160 hours
IA (modifications)	240 hours
Letters (AFP modifications)	80 hours
Conversion	460 hours
Unit Test	40 hours
System/Regression Test	80 hours
<u>User Acceptance Testing</u>	<u>80 hours</u>
Total:	<u>1,570 hours</u>

Contract Staff would be required for this effort at \$90.00/hr

Total Cost: 1570 hours X \$90.00/hr = \$ 141,300

Match rate for FACES is 50% GR and 50% Federal.
Cost from General Revenue Funds = \$70,650
Cost from Federal Funds = \$70,650

HWC:LR:OD

ASSUMPTION (continued)

Officials from the **Office of Secretary of State (SOS)** state 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 the SOS for Administrative Rules is less than \$2,500. The SOS recognizes this is a small amount and does not expect that additional funding would be required to meet these costs. However, it is also recognized 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 within its 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.

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

Officials from the **Office of the State Courts Administrator**, the **Department of Mental Health** and the **Department of Health and Senior Services** each assume the proposal will have no fiscal impact on their respective organizations.

<u>FISCAL IMPACT - State Government</u>	FY 2015 (10 Mo.)	FY 2016	FY 2017
GENERAL REVENUE FUND			
<u>Costs - DSS-CD</u>			
Personal service	(\$70,313)	(\$161,486)	(\$163,101)
Fringe benefits	(\$35,863)	(\$82,366)	(\$83,190)
Equipment and expense	<u>(\$59,954)</u>	<u>(\$45,010)</u>	<u>(\$45,577)</u>
Total <u>Costs - DSS-CD</u>	<u>(\$166,130)</u>	<u>(\$288,862)</u>	<u>(\$291,868)</u>
FTE Change - DSS-CD	4.68 FTE	4.68 FTE	4.68 FTE
<u>Costs - DSS-DLS</u>			
Personal service	(\$23,132)	(\$42,070)	(\$84,982)
Fringe benefits	(\$11,738)	(\$21,349)	(\$43,124)
Equipment and expense	<u>(\$10,393)</u>	<u>(\$9,268)</u>	<u>(\$10,098)</u>
Total <u>Costs - DSS-DLS</u>	<u>(\$45,263)</u>	<u>(\$72,687)</u>	<u>(\$138,204)</u>
FTE Change - DSS-DLS	0.73 FTE	2.19 FTE	2.19 FTE
<u>Costs - OA-ITSD-DSS</u>			
System programing expenditures	<u>(\$70,650)</u>	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(\$282,043)</u>	<u>(\$361,549)</u>	<u>(\$430,072)</u>
Estimated Net FTE Change on the General Revenue Fund	5.41 FTE	6.87 FTE	6.87 FTE
OTHER STATE FUNDS (various)			
<u>Costs - DSS-DLS</u>			
Personal service	(\$3,169)	(\$5,763)	(\$11,641)
Fringe benefits	(\$1,608)	(\$2,924)	(\$5,907)
Equipment and expense	<u>(\$1,424)</u>	<u>(\$1,273)</u>	<u>(\$1,383)</u>
Total <u>Costs - DSS-DLS</u>	<u>(\$6,201)</u>	<u>(\$9,960)</u>	<u>(\$18,931)</u>
FTE Change - DSS-DLS	0.1 FTE	0.3 FTE	0.3 FTE
ESTIMATED NET EFFECT ON OTHER STATE FUNDS (various)	<u>(\$6,201)</u>	<u>(\$9,960)</u>	<u>(\$18,931)</u>
Estimate Net FTE Change on Other State Funds (various)	0.1 FTE	0.3 FTE	0.3 FTE

<u>FISCAL IMPACT - State Government</u>	FY 2015 (10 Mo.)	FY 2016	FY 2017
FEDERAL FUNDS			
<u>Income</u> - DSS-CD	\$83,652	\$145,452	\$146,966
<u>Income</u> - DSS-DLS	\$10,541	\$16,927	\$32,185
<u>Income</u> - OA-ITSD-DSS			
System programing reimbursement	\$70,650	\$0	\$0
<u>Costs</u> - DSS-CD			
Personal service	(\$35,405)	(\$81,314)	(\$82,127)
Fringe benefits	(\$18,058)	(\$41,474)	(\$41,889)
Equipment and expense	(\$30,189)	(\$22,664)	(\$22,950)
Total <u>Costs</u> - DSS-CD	(\$83,652)	(\$145,452)	(\$146,966)
FTE Change - DSS-CD	2.32 FTE	2.32 FTE	2.32 FTE
<u>Costs</u> - DSS-DLS			
Personal service	(\$5,387)	(\$9,797)	(\$19,790)
Fringe benefits	(\$2,734)	(\$4,972)	(\$10,043)
Equipment and expense	(\$2,420)	(\$2,158)	(\$2,352)
Total <u>Costs</u> - DSS-DLS	(\$10,541)	(\$16,927)	(\$32,185)
FTE Change - DSS-DLS	0.17 FTE	0.51 FTE	0.51 FTE
<u>Costs</u> - OA-ITSD-DSS			
System programming expenditures	(\$70,650)	\$0	\$0
ESTIMATED NET EFFECT ON FEDERAL FUNDS	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Estimated Net FTE Change on Federal Funds	2.49 FTE	2.83 FTE	2.83 FTE
<u>FISCAL IMPACT - Local Government</u>	FY 2015 (10 Mo.)	FY 2016	FY 2017
	<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 proposal requires the Children's Division within the Department of Social Services by July 1, 2015, to classify all identifying information, including telephone reports, relating to reports of abuse or neglect received by the division in one of the following tiers based on the level of harm to the child: (1) Tier one: substantiated sexual abuse or serious physical or emotional abuse or serious neglect; (2) Tier two: multiple substantiated instances of child abuse or neglect that are not classified as serious; or (3) Tier three: a single substantiated instance of child abuse or neglect that is not classified as serious. The proposal specifies the criteria for each tier and authorizes the department to promulgate rules to establish the standards for each classification. All tier one reports must be placed on the registry for life and are not subject to removal from the registry. All tier two reports must be placed on the registry for 10 years and are eligible for removal from the registry at the expiration of the 10 year period unless the individual is found to have committed another act of child abuse or neglect in the 10 year period, in which case the 10 year period on the registry begins from the date of the commission of the subsequent act of child abuse or neglect. Tier three reports must be placed on the registry for five years and are eligible for removal from the registry at the expiration of the five-year period unless the individual is found to have committed another act of child abuse or neglect in the five-year period, in which case the person must be included in the tier two classification.

Any individual placed on the registry may petition the department's Child Abuse and Neglect Review Board for expungement of all identifying information from the registry based on the individual's classification. The bill specifies the information that must be in any petition for expungement. If the petition satisfies the requirements, and the board determines the petitioner poses no significant risk to children or other vulnerable populations, the board must grant the petition. Any individual aggrieved by the board's decision may seek de novo review of the decision or refile the petition for expungement with the board within two years after the final denial of the petition.

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

SOURCES OF INFORMATION

Office of the State Courts Administrator
Department of Mental Health
Department of Health and Senior Services
Department of Social Services -
 Children's Division
 Division of Legal Services
Joint Committee on Administrative Rules
Office of the Secretary of State



Mickey Wilson, CPA
Director
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Ross Strobe
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