

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 2427-01  
Bill No.: HB 1453  
Subject: Children and Minors; Domestic Relations; Courts, Juvenile; Family Services  
Division; Guardians; Health Department; Licenses-Miscellaneous; Social Services  
Department  
Type: Original  
Date: February 17, 2004

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2005</b>	<b>FY 2006</b>	<b>FY 2007</b>
General Revenue*	(More than \$6,256,131)	(More than \$9,439,305)	(More than \$12,003,369)
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>(More than \$6,256,131)</b>	<b>(More than \$9,439,305)</b>	<b>(More than \$12,003,369)</b>

\*Part of General Revenue is subject to appropriations; does not include income of unknown, but greater than \$100,000

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2005</b>	<b>FY 2006</b>	<b>FY 2007</b>
Criminal Records System Fund	\$64,960	\$58,906	\$58,096
Childhood Lead Test Fund	(\$29,999)	(\$47,380)	(\$59,037)
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>\$34,961</b>	<b>\$11,526</b>	<b>(\$941)</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 29 pages.

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

\*Income and Costs of unknown to more than approximately \$4,000,000 would net to \$0.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
<b>Local Government</b>	<b>\$0 to (\$1,040,516)</b>	<b>\$0 to (\$1,040,516)</b>	<b>\$0 to (\$1,040,516)</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **State Public Defender, Missouri House of Representatives**, and the **Department of Insurance** assume this proposal would not fiscally impact their agencies.

Officials from the **Office of the Secretary of State (SOS)** state this proposal enacts and modifies various provisions regarding the state foster care system. The Department of Social Services, the Department of Health and Senior Services, and the Administrative Hearing Commission could promulgate rules to enact this legislation. Based on experience with other divisions, the rules, regulations and forms issued by the Department of Social Services could require as many as 60 pages in the *Code of State Regulations*. For any given rule, roughly one-half again as many pages are published in the *Missouri Register* as are published in the Code because cost statements, fiscal notes and notices are not published in the Code. The estimated cost of a page in the *Missouri Register* is \$23.00. The estimated cost of a page in the *Code of State Regulations* is \$27.00. The actual costs could be more or less than the numbers given. The fiscal impact of this legislation in future years is unknown and depends upon the frequency and length of rules filed, amended, rescinded and withdrawn. The SOS estimates the cost of this legislation to be \$3,690 in FY 05.

ASSUMPTION (continued)

**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 Elementary and Secondary Education (DES)** state the following:

Section 168.283

For FY 2002, numbers of pupil-contact individuals throughout the state's districts are:

Custodians	9,049
Food Service	7,107
Teacher Aides	11,296
Office	8,851
Other	9,579
Certified Staff	<u>78,583</u>
Total	124,465

124,465	x	\$24 national background check	=	\$2,987,160
124,465	x	\$14 state background check	=	<u>\$1,742,510</u>
				\$4,729,670

Average turnover for teachers, administration, librarians, special services, and certificated personnel in Missouri's elementary, junior high, and high schools is 22%. Assuming a 22% turnover rate, DES estimates costs for the first subsequent year and second subsequent year as calculated below. School districts may reimburse the individual for the cost of the background check.

124,465	x	0.22	=	27,382
27,382	x	\$24 national background check	=	\$657,175
27,382	x	\$14 state background check	=	<u>\$383,352</u>
				\$1,040,527

DES states one portion of this section indicates that no person employed by a school for less than two years, who has any relevant negative history in his or her personnel file, shall have unsupervised contact with pupils until a criminal history background check has been conducted. This change will likely cause the number of background checks administered by the DES to increase; however, DES cannot estimate the level of that increase because it depends upon the interpretation of the term "relative negative history".

ASSUMPTION (continued)

Another portion of this section would allow any person, who is required to submit to a criminal background check, to register with the family care safety registry and access line pursuant to sections 210.900 to 210.937 in lieu of the required highway patrol background check. Sections 210.900 through 210.937 require criminal background checks to be performed by the Highway Patrol; therefore, this change should have no impact on costs.

**Oversight** assumes "...no person employed by a school after January 1, 2005..." would be school district employees with pupil contacts newly hired after January 1, 2005. **Oversight** is showing the fiscal impact to school districts as a cost of \$0 to \$1,040,516 (cost is \$38 per background check for 27,382 checks) for each year because the language is permissive. It would be a local school district decision as to how much of the cost to reimburse to the individuals.

Section 211.032

DES states the changes proposed in this section would allow (upon request of the foster family and whenever possible), any child in the custody of CD attending a school other than the school the child was attending when taken into custody, to attend the same school the child was enrolled in and attending at the time the child was taken into custody by CD.

Costs related to this provision are unknown; but could be significant. In addition, it is unknown who would be responsible for the costs. Transportation costs could easily be \$100 per child per day for 174 days of the school year.

**Oversight** assumes that in most cases, the DFS would place a child in foster care in the same school district the child was attending, thereby minimizing transportation costs.

Section 210.518

DES states with the exception of DES state operated programs, DES does not maintain the kind of student specific information identified in Section 210. 518, and therefore, DES states it does not make sense to bind DES to a meeting when DES does not have the information to share with the other two agencies. DES states it would object to being included in the requirement for attendance at meetings, that is being proposed in this legislation. Attendance would not be logical, since DES don't have the information. Such a requirement would be burdensome to the staff. The financial impact would come in the form of opportunity costs (i.e. investing staff time in a meeting when that time would otherwise be spent on DES functions).

Section 135.327

DES states changes to this section would remove the \$2 million cap on the tax credit for nonrecurring adoption expenses. More tax credits mean less general revenue available for

ASSUMPTION (continued)

distribution to local schools through the foundation formula.

Officials from the **Office of State Courts Administrator (CTS)** state this proposal would make numerous changes in the laws relating to foster care, and create new responsibilities and time frames for the courts and court clerks. CTS states this proposal would also establish a unified accountable comprehensive children's mental health service system within the Department of Mental Health.

At this time, the CTS has no way of knowing what the actual fiscal impact will be, but it could be substantial. CTS states as this proposal undergoes revisions, costs could arise as these revisions impact the workload of the courts. Any significant increase in the workload of the courts as a result of these provisions will be reflected in future budget requests.

Officials from the **Office of Administration- Division of Budget and Planning (BAP)** state this proposal does not result in additional costs or savings to the BAP. BAP notes that Section 135.327 would increase the number of individuals claiming the adoption tax credit which could significantly decrease General Revenue.

Officials from the **Department of Mental Health (DMH)** state Sections 37.700 -37.730 create an Office of Child Advocate within the Office of Administration to assure that children receive adequate protection and care from services and programs offered by DOS and DMH or juvenile court. DMH's Consumer Affairs Office represents consumer and family viewpoints in decision and policy development for the DMH. It works to increase the knowledge and skills of individuals and families necessary to effectively navigate the system so they experience greater satisfaction. Client Rights services are provided through this office. The Office of Child Advocate created under this bill, "shall act independently of the Departments of Social Services, Mental Health and the juvenile court", so DMH assumes that the provisions relating to Chapter 37 RSMo do not affect the services provided by the DMH. Further, DMH assumes that no fiscal impact will be imposed upon the DMH for the funding and staffing of such office since section 37.705 states the "Office of Administration" shall provide administrative support and staff as deemed necessary. Also, section 37.710.2(7) gives the Office of Administration the authority to "apply for and accept grants, gifts, and bequests of funds from other states, federal, and interstate agencies, and independent authorities, private firms, individuals, and foundations to carry out his or her duties and responsibilities."

DMH states Section 208.204.3 has the wording "subject to appropriations" added to the provision of services to children returned by a judge to a family's custody. Further, section 208.204.4 allows the DMH to bill the DOS for services provided. This section states that "When

ASSUMPTION (continued)

the children are returned to their family's custody and become the service responsibility of the DMH, the appropriate moneys to provide for the care of each child in each particular situation shall be billed to the DOS by the DMH pursuant to a comprehensive financing plan jointly developed by the two departments." Such wording allows the finding of no fiscal impact upon the Department of Mental Health. DMH assumes that a Memorandum of Agreement will be established between DMH and DOS that defines the responsibilities and necessary billing arrangements to bill DOS for the reimbursement of services provided by DMH. The Memorandum of Agreement between DMH and DOS would be in accordance with the comprehensive financing plan jointly developed by the departments.

DMH states Section 630.097 pertaining to a unified accountable comprehensive children's mental health services system is seen as having no fiscal impact since the Department of Mental Health is currently operating such a system and any services added to this system in the future would be considered a new budget item and as such automatically subject to availability of appropriations.

Other than the items noted above and the time of a staff person from DMH to work with the oversight task force nothing in this bill places new responsibilities for action upon the DMH. DMH already has full involvement with multi-agency groups in the provision of services. The additional time for the staff person appointed to the oversight task force would become a part of their regular duties.

Officials from the **Office of Administration - Administrative Hearing Commission (AHC)** state that this proposal gives the AHC jurisdiction over child abuse and neglect appeals, adding to the AHC caseload. Upon a finding of abuse or neglect by the Division of Family Services, the person named as a perpetrator could appeal to the AHC.

The AHC states the fiscal impact to the AHC is unknown. The Child Abuse and Neglect Review Board currently processes these cases and holds hearings. AHC states according to this Board, the number of hearings held during the prior fiscal years is as follows: FY03 - 322; FY02 - 237; FY01 - 209; FY00 - 234; FY99 - 297. Using these figures, the average number of hearings held per year is 260. AHC states based on information from the Board, the hearings normally do not last longer than one hour.

If the AHC were required to hold hearings and issue written decisions in 260 additional cases, AHC would need to add a 0.25 attorney FTE to process these cases. AHC assumes the majority of the hearings are no longer than an hour and assuming this is the only jurisdiction added to the AHC this year, the existing three AHC commissioners could absorb the workload.

ASSUMPTION (continued)

AHC states the cost of .25 attorney would be approximately \$19,500 per year. **Oversight** assumes the AHC could absorb the cost of this additional workload.

Officials from the **Department of Corrections (DOC)** assume supervision by the DOC through probation or incarceration would result in some additional costs, but DOC assumes the impact would be \$0 or minimal and could be absorbed within existing resources.

Officials from the **Department of Revenue (DOR)** state the following:

Administrative Impact: DOR states this proposal removes the \$2,000,000 cap that currently applies to the adoption Tax Credit. The Division of Taxation will see an increase in the number of credits, but will not see an increase in workload due to the time currently spent denying credits over the \$2,000,000 cap. Therefore, there is no additional administrative impact to DOR.

Revenue Impact: DOR states as of January 23, 2004, the DOR has approved credits for 786 returns, totalling \$2,000,000. DOR has also denied 566 returns due to the cap being reached, totaling \$1,496,543. Because the amount denied is only for half of the fiscal year, the DOR believes the total loss to General Revenue will be more than \$1,500,000. However, the DOR cannot estimate the total loss to General Revenue and assumes it will be \$1,500,000 to unknown.

The DOR stated there would be a cost of \$14,000 in FY 05 related to the programming required for school bus permit system programming.

Officials from the **Office of Attorney General (AGO)** assume this proposal allows for the appeal of certain decisions before the Administrative Hearing Commission (AHC), and the AGO assumes it would therefore require its appearance before the AHC on behalf of the division in administrative hearings concerning the substantiation of child abuse and neglect claims.

The AGO further assumes that certain provision in the proposal will require additional advice to agencies, particularly regarding the Sunshine Law, access to records and criminal background checks. AGO also assumes that the privatization pilot project may result in additional legal work for AGO in reviewing contracts with private entities and defending the state from any litigation arising from those contracts.

The AGO assumes that potential costs arising from this proposal are unknown, but will not exceed \$100,000.

ASSUMPTION (continued)

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

Section 135.327 - Adoption Tax Credit

CD states this section lifts the \$2 million cap on the special needs adoption tax credit. Currently, there are more tax credits requested than can be accommodated. If the cap is lifted, it is expected that the number of credits redeemed will exceed the cap by a considerable amount. The CD assumes that the Department of Revenue, who administers this tax credit, will provide the fiscal impact.

Section 208.204.2 - 208.204.4 - Mental Health Services for Children

There will be no fiscal impact due to this provision. The CD assumes that costs can be controlled using the "comprehensive financing plan jointly developed by (DOS and DMH.)

Section 210.109.3(8) - Privatization

The CD states this section requires the CD to contract with private agencies to provide case management services whenever available and appropriate. The CD assumes that the language, "whenever available and appropriate..." would mean that the division has the authority to determine where contracting for services would be appropriate. The CD also assumes the intent of this section would be for contracting to be done with existing funding. Therefore, this section is not expected to have a fiscal impact.

Sections 210.112.2 - 210.112.3 - Pilot Projects

CD states on or before January 1, 2005, and subject to appropriation, the Division and the courts are required to implement a two-year pilot project in Greene County, St. Louis County, and a rural county to provide a "comprehensive system of service delivery." The Division will develop performance based contracts to provide child welfare services in these circuits. Contracting for these services may exceed the cost of providing these services within the Division. However, until the contracts are awarded, the additional cost to the state is unknown. This section is subject to appropriation. Therefore, any additional cost would have to be appropriated before this section is implemented.

**Oversight** assumes unknown costs for pilot projects in FY 06 and FY 07, but the resulting staff loss will net the fiscal impact to \$0.



ASSUMPTION (continued)

Section 210.112.7 - Privatization Evaluation

The Division is to conduct an evaluation of the success of privatization. The CD estimates the cost would be \$30,000 based on a similar research conducted in the past year.

Section 210.113 - Accreditation

The CD states it is the goal of the General Assembly for the DOS to attain accreditation by the Council on Accreditation for Families and Children within five years of the effective date of the section. To achieve accreditation an additional staff 774 staff, including 417 Social Service Workers are needed. The cost over a five-year period is approximately \$45.5 million before inflation. This includes associated supervisory and clerical staff, salaries, E&E, leasing costs, and fringe benefits.

Based on FY 03 budget, CD (then DFS) had 1,382 budgeted social service workers but only 75% or 1,037 were staffed at that time. Also at that time, social workers were handling 23,094 cases (24,714 cases less 1,620 privatized cases) or a total of 22 cases per social worker. **Oversight** assumes CD would need to move to 14 cases per social worker to become accredited. Depending on the type of case, social workers can handle more or less than 14 cases, but 14 is the average. Therefore, CD would need 1,650 social workers or 268 more than it currently has budgeted (1,650-1,382). CD has on average, .63 supervisors and clerical staff for each social worker. Therefore, CD would need 169 supervisors and clerical staff in addition to the 268 social workers for a total of 437 staff. Since the accreditation is to occur within 5 years, **Oversight** has adjusted CD's estimate of 156 FTE needed per year to 88 FTE (437/5) per year.

**Oversight** has, for fiscal note purposes only, changed the starting salary for CD employees to correspond to the second step above minimum for comparable positions in the state's merit system pay grid. This decision reflects a study of actual starting salaries for new state employees for a six month period and the policy of the Oversight Subcommittee of the Joint Committee on Legislative Research.

Section 210.487 - Fingerprinting Costs

CD states when conducting investigations of persons for the purpose of foster parent licensing, the CD shall, upon initial application, obtain two sets of fingerprints for all adults in the applicant's household. One set of fingerprints shall be used by the Highway Patrol to search the criminal history repository and the second set shall be forwarded to the Federal Bureau of Investigation (FBI) for searching the federal criminal history files. The total cost of

ASSUMPTION (continued)

fingerprinting shall be paid by the State, subject to appropriations.

Cost of fingerprinting is \$14 for the Missouri Highway Patrol search and \$24 for the FBI search. The CD estimates 979 new homes to be licensed, with an average of two adults per home for whom background checks must be completed. The estimated cost would be \$74,404.

**Oversight** notes this section is subject to appropriations.

210.762 - Team Meetings

Due to the uncertainty of the intent of Sections 210.762, it is not possible to fully determine the fiscal impact. The cost is shown in the fiscal note as unknown over \$100,000.

**Oversight** assumes these costs could be absorbed.

Several sections - Preponderance of Evidence

Preponderance of the evidence requires more evidence resulting in a need for staff to be certified forensic investigators. Training for such specialization is provided by "Finding Words," currently being utilized by CACs in Missouri. The cost is \$475 per trainee. As of FY04, the CD has 1,382.42 budgeted workers. Additionally 95 Social Service Workers will be added each year to achieve accreditation. Social Service Worker turnover is approximately 20% per year. Therefore, a factor needs to be added for ongoing training costs due to turnover. The costs per year would be:

FN 05:  $1,282.42 + 95 \text{ additional workers} = 1,477.42 \times \$475 = \$701,775$

FY 06:  $95 \text{ additional workers} + 295 \text{ turnover} = 390 \times \$475 = \$185,250$

FY 07:  $95 \text{ additional workers} + 314 \text{ turnover} = 409 \times \$475 = \$194,275$

Officials from the **Department of Social Services - Office of Early Childhood (OEC)** state the following:

OEC assumes family home childcare providers to must submit to fingerprinting at their initial application for state or federal funds. OEC estimated in a previous note that 4,562 persons would need to be fingerprinted, however, the OEC would pass the cost of fingerprinting on to the applicant. Therefore, OEC assumes no fiscal impact.

Officials from the **Department of Social Services - Division of Legal Services (DLS)** assume

CAM:LR:OD (12/02)

ASSUMPTION (continued)

the following:

This proposal would require adjustments to the DLS' representation of the CD in court proceedings and in representation in situations related to the court proceedings but outside the courtroom (i.e. legal advice and other legal assistance).

DLS states it received 397 requests for review in FY01, 480 requests for reviews in FY02 and 425 requests for reviews in FY 03, for an average of approximately 435 cases per year. The DLS closed 48 de novo judicial reviews of CANRB hearings in FY01, 32 in FY02 and 27 in FY03, for an average of 36 cases per year. If the cases are transferred to the AHC, this will require the DLS to handle an additional 399 (435 - 36 cases) cases per year. The DLS states the maximum case load that one attorney could handle would be 150 cases. The DLS would therefore require an additional 3 (actual number 2.6) attorneys to handle the additional case load (399 divided by 150) with one additional clerical staff to support the attorneys for a total of 4 FTE.

Transcription costs: According to the administrative hearings commission, transcription costs average approximately per case \$61 per case for cases that go to circuit court. Assuming that 25% of the 399 cases are appealed to circuit court, that would result in additional costs of approximately \$6,100 in transcription costs and fees.

Litigation costs: Some cases will require formal discovery such as depositions and the costs for serving subpoenas. Assuming that 50 per year cases will require taking or defending formal depositions at an estimated cost of \$400 per deposition this will cost approximately \$20,000 per year in additional costs. Assuming that approximately 250 cases per year would require service of subpoenas for testimony at depositions and at hearings \$20 per subpoena, this will result in an additional litigation cost of approximately \$5,000 per year.

Officials from the **Department of Social Services - Division of Medical Services (DMS)** assume the following:

DMS states Section 208.647 eliminates the waiting period for health care coverage for children with special health care needs that do not have access to affordable employer-subsidized health care insurance as determined by the Family Support Division (FSD). In order to receive federal participation, the Centers for Medicare and Medicaid Services (CMS) would have to approve an amendment to the 1115 waiver. For the purpose of this fiscal note, DMS assumes CMS would approve such a waiver amendment.

FSD has estimated that 3,264 children would meet these guidelines in FY 05. The number of

ASSUMPTION (continued)

eligibles is much higher than last year because previous legislation used a more stringent definition of "special health care needs." The cost was determined by utilizing a phase-in formula for the number of eligibles multiplied by the cost per eligible. It is assumed the number of children would be this high because the proposed legislation would apply to common childhood health conditions, such as earaches or colds, which could lead to hearing loss or pneumonia, respectively.

DMS states the average monthly cost per child in the 1115 waiver for FY 03 is \$100.33. Based on a six-month phase-in for the first fiscal year and taking into account the inflation forecast of 4.5% for medical care, the total cost for FY 05 would be \$3,251,029. For FY 06 and FY 07, the number of eligible children was increased by 3% for caseload growth and phased-in over a four month timeframe. The same inflation forecast of 4.5% was applied to the second and third years as well. The total cost for FY 06 would be \$4,404,963 and for FY 07, the total cost would be \$4,742,900.

DMS states Section 701.336 would require lead poisoning screenings. DMS assumes that the collaboration to devise an educational strategy, as required by this legislation, can be provided with existing staff and resources. However, if the implementation of the strategy requires additional administrative duties over and above the current workload of DMS staff, DMS would require additional staff to perform these duties. If not, there is not a fiscal impact for new staff to DMS.

If the number of children tested for lead poisoning increases, the Medicaid expenditures for the fee-for-service population would also increase. In addition, the managed care rates of the health maintenance organizations would have to be adjusted to reflect the increased utilization. The anticipated impact of these adjustments is unknown. Therefore, DMS assumes a fiscal impact of unknown but greater than \$100,000.

DMS assumes because of sections modifying the Missouri Family Trust, DMS would anticipate an unknown savings due to increased estate recoveries of an unknown amount, but greater than \$100,000.

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 154,209 fingerprints the first year and 26,161 each subsequent year. They obtained this number by contacting the appropriate state agencies. However, in their response to Oversight, the CD reported 1,958 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.

ASSUMPTION (continued)

Based on this volume, one additional FTE would be required. The CRI would have this individuals work 2<sup>nd</sup> and 3<sup>rd</sup> 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 \$1,630 per year.

Officials from the **Department of Health and Senior Services (DOH)** stated the following:

STATE PUBLIC HEALTH LAB (SPHL)

DOH states the goal of this legislation is to have 75% of the children who receive Medicaid tested for lead poisoning by August 28, 2008. (See 701.336.2)

DOH states according to the latest data available, 55% of Medicaid clients are not enrolled in MC+ plans. In FY 03 the SPHL performed 74% of the lead testing on the Missouri Medicaid clients that were not enrolled in Medicaid Managed Care (MC+). Approximately 10% of the samples tested result in a second sample being tested. The SPHL performs less than .5% of the lead tests on those that were enrolled in a MC+ plan. It is assumed this testing percentage will continue as more Medicaid children are tested. It is also assumed the SPHL will test few, if any, non-Medicaid samples as the volume of Medicaid testing increases due to limited laboratory capacity.

FY 03 lead testing data for SPHL

Total Medicaid samples – 11,228

FY 03 Total Missouri Medicaid children (6 month – not yet reached 6 yrs) ----- 182,729

Medicaid children not enrolled in MC+ plans ----- 100,932

Projected Samples (Medicaid-non MC+plan) tested by SPHL

ASSUMPTION (continued)

Year 1\*(40%)                      Year 2\* (60%)                      Year 3\* (75%)  
 \* based upon 40%, 60%, 75% testing of non-MC+ Medicaid child population with SPHL performing 74% of testing

	29,877	44,815	56,019
	<u>2,988</u> (10% repeat)	<u>4,482</u> (10% repeat)	<u>5,602</u> (10% repeat)
Total	32,865	49,297	61,621
Increase over FY 03			
SPHL workload (11,228)	21,637	38,069	50,393
Revenue raised			
\$9.00/sample**	\$194,730	\$342,621	\$453,539
**based up 60% Federal share Medicaid reimbursement of \$15 fee schedule			
Projected costs	(\$357,005)	(\$628,138)	(\$831,488)
@\$16.50/sample SPHL cost (present workload of 11,228 samples not included)			
Cost over Revenue	(\$162,274)	(\$285,517)	(\$377,950)

Staffing

1st year – two Public Health Lab Scientists, one Office Support Assistant, one Storekeeper, and one Account Clerk II (SPHL)

2nd year - one Senior Public Health Lab Scientist

3rd year - one Public Health Lab Scientist

Expenses over standard include postage for mailing kits and laboratory forms; printing of laboratory forms, instrument lease costs (includes maintenance & repair), and laboratory supplies and reagents.

DOH states while costs per test run \$16.50, Medicaid revenue is based on the fee schedule set by Medicaid, which is \$15.00 per test. Of that \$15.00, the State Public Health Lab receives only the federal portion, which is 60%, or \$9.00 per test.

DOH assumes that all costs and revenues will charged to and deposited in the Childhood Lead Testing Fund created in section 701.345. Because moneys in the fund shall be used to fund the

ASSUMPTION (continued)

administration of childhood lead programs, blood tests to uninsured children, educational materials and analysis of lead blood test reports and case management, no indirect costs have been shown.

DIVISION OF ENVIRONMENTAL HEALTH AND COMMUNICABLE DISEASE  
PREVENTION

PERSONNEL: One Health Educator II would be needed. Expenses would be needed to cover costs to produce brochures (15¢ each), and postage to mail them (40¢ each).

Child population less than six years of age participating in Medicaid as 7/1/03 = 182,729. Less than 15% are lead tested. Thus, the following number of brochures will need to be produced: 182,729 – for 1st year mailing and to use during physician and laboratory visits.

73,092 – for 2nd year mailing – assumes 40% from 1st mailing will still not be lead tested.

29,237 – for 3rd year mailing – assumes 40% from 2nd mailing will still not be lead tested.

285,058 – Total

DIVISION OF SENIOR SERVICES AND REGULATION

The Dept. of Elementary and Secondary Education stated that in 2002, 92,288 educator staff and 45,885 non-educator staff were employed by the school districts statewide. DESE also estimates there is an 8% turnover rate, so 11,054 staff would be hired annually.

According to the internet website for the Missouri CASA Association (Court Appointed Special Advocates), there are 16 regional programs in Missouri and CASA of St. Louis County has 87 volunteers. The DHSS estimates that on average there would be approximately 50 volunteer advocates per region or a total of approximately 800 volunteer advocates to be registered and screened.

DOH is unable to accurately estimate the number of employees working for the private children's division providers and agencies that would require registering and screening nor the number of attorneys appointed annually to act as guardians ad litem in juvenile cases.

DOH estimates that it will require one additional Health Program Representative I/II FTE and 1 additional Office Support Assistant (Keyboarding) FTE to respond to the estimated additional registrations and requests for background screening received through the school districts and the courts. DHSS estimates that one HPR I/II FTE can process 12,000 registrations and related requests annually, and one Office Support Assistant will be required to handle the copying and mailing of results to the school districts, courts, and registrants.

ASSUMPTION (continued)

Additional staff will be required if the total number of additional registrations required by the bill exceed 12,000 annually.

DIVISION OF COMMUNITY HEALTH

DOH states there are presently 488 participants in Hope Service who are not covered by Medicaid. Historically, 1% of those were rejected for Medicaid due to insurance coverage in the previous 6 months. SHCN estimates that 5 participants were rejected for Medicaid coverage due to having insurance coverage within the previous 6 months. A slight savings in General Revenue could occur.

**Oversight** used estimates of fiscal impact provided by DOH for another proposal.

Officials from the **Office of Prosecution Services** and **Missouri Senate** did not respond to our fiscal note request.

<u>FISCAL IMPACT - State Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
<b>GENERAL REVENUE</b>			
<u>Income</u> - Department of Social Services - Division of Medical Services			
Increased estate recoveries	Unknown, greater than \$100,000	Unknown, greater than \$100,000	Unknown, greater than \$100,000
<u>Savings</u> - Department of Health and Senior Services			
Program savings	\$1,715	\$1,715	\$1,715
<u>Costs</u> - Department of Revenue			
Programming costs	(\$14,000)	\$0	\$0
<u>Costs</u> - Office of Attorney General			
Additional litigation costs	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)



Costs - Department of Social Services -  
 Children's Division

Personal Service (88 FTE in FY 05, 176 FTE in FY 06 and 264 FTE in FY 07)	(\$1,299,010)	(\$3,195,565)	(\$4,913,181)
Fringe Benefits	(\$537,790)	(\$1,322,964)	(\$2,034,058)
Expense and Equipment	(\$877,607)	(\$1,357,847)	(\$1,319,624)
Evaluation contract	(\$20,550)	(\$21,167)	(\$21,801)
Training for preponderance of evidence	(\$480,716)	(\$126,896)	(\$133,078)
Fingerprinting (1,958 per year)*	<u>(\$35,342)</u>	<u>(\$35,342)</u>	<u>(\$35,342)</u>
<u>Total Costs - Department of Social        Services - Children's Division</u>	(\$3,251,015)	(\$6,059,781)	(\$8,457,084)

\*Subject to appropriations

Cost - Department of Social Services -  
 Division of Legal Services

Personal Services (4 FTE)	(\$53,666)	(\$66,035)	(\$67,686)
Fringe Benefits	(\$22,411)	(\$27,576)	(\$28,266)
Expense and Equipment	<u>(\$26,632)</u>	<u>(\$26,766)</u>	<u>(\$27,569)</u>
<u>Total Cost - Department of Social        Services - Division of Legal Services</u>	(\$102,709)	(\$120,377)	(\$123,521)

Costs - Department of Social Services -  
 Division of Medical Services

Program Costs-Section 208.647	(\$882,004)	(\$1,195,066)	(\$1,286,749)
Program costs-lead testing Section 701.336	<u>(Unknown greater than \$100,000)</u>	<u>(Unknown greater than \$100,000)</u>	<u>(Unknown greater than \$100,000)</u>
<u>Total Costs - Department of Social        Services - Division of Medical Services</u>	(More than \$992,004)	(More than \$1,295,066)	(More than \$1,386,749)

Costs - Department of Public Safety -  
 Missouri State Highway Patrol

State Data Center Costs	(\$1,358)	(\$1,679)	(\$1,729)
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Costs - Department of Health and Senior Services

Personal Service (3 FTE)	(\$66,635)	(\$81,961)	(\$84,010)
Fringe Benefits	(\$27,587)	(\$33,932)	(\$34,780)
Expense and Equipment	(\$140,264)	(\$62,707)	(\$39,261)
Transfer to CLTF 40% share of test costs	(\$162,274)	(\$285,517)	(\$377,950)
<u>Total Costs - Department of Health and Senior Services</u>	(\$396,760)	(\$464,117)	(\$536,001)

<u>Loss - increase in adoption tax credits*</u>	<u>(More than \$1,500,000 )</u>	<u>(More than \$1,500,000)</u>	<u>(More than \$1,500,000)</u>
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<b>ESTIMATED NET EFFECT ON GENERAL REVENUE**</b>	<b><u>(More than \$6,256,131)</u></b>	<b><u>(More than \$9,439,305)</u></b>	<b><u>(More than \$12,003,369)</u></b>
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\* The fiscal impact could be divided between the General Revenue Fund and the County Foreign Insurance Fund (which ultimately goes to local school districts) if some of the tax credits are utilized against insurance premium taxes.

\*\*Not including income of unknown, greater than \$100,000

**CRIMINAL RECORDS SYSTEM FUND**

Revenue – Department of Public Safety - Missouri State Highway Patrol

Fingerprint fees (6,520 x \$38)	\$247,760	\$247,760	\$247,760
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Costs – Department of Public Safety - Missouri State Highway Patrol

Pass through to FBI (6,520 x \$24)	(\$156,480)	(\$156,480)	(\$156,480)
Personal Services (1 FTE)	(\$18,614)	(\$22,895)	(\$23,468)
Fringe benefits	(\$7,706)	(\$9,479)	(\$9,716)
<u>Total Costs - Department of Public Safety - Missouri State Highway Patrol</u>	<u>(\$182,800)</u>	<u>(\$188,854)</u>	<u>(\$189,664)</u>

<b>ESTIMATED NET EFFECT ON CRIMINAL RECORDS SYSTEM FUND</b>	<b><u>\$64,960</u></b>	<b><u>\$58,906</u></b>	<b><u>\$58,096</u></b>
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# **CHILDHOOD LEAD TEST FUND**

## Revenues- Department of Health and Senior Services

Sample fees	\$194,730	\$342,621	\$453,539
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<u>Transfer in</u> - from General Revenue	\$162,274	\$285,517	\$377,950
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## Costs - Department of Health and Senior Services

Personal Service (5, 6, and 7 FTE)	(\$105,606)	(\$166,923)	(\$204,889)
Fringe Benefits	(\$43,721)	(\$69,106)	(\$84,824)
Expense and Equipment	(\$184,834)	(\$355,029)	(\$496,696)
Indirect costs	<u>(\$52,842)</u>	<u>(\$84,460)</u>	<u>(\$104,117)</u>
	(\$387,003)	(\$675,518)	(\$890,526)

<b>ESTIMATED NET EFFECT ON CHILDHOOD LEAD TEST FUND</b>	<b><u>(\$29,999)</u></b>	<b><u>(\$47,380)</u></b>	<b><u>(\$59,037)</u></b>
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## **FEDERAL**

## Income - Department of Social Services

Program reimbursements	More than \$3,992,148	More than \$6,493,413	More than \$8,182,669
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Costs - Department of Social Services -  
 Children's Division

Personal Service (88 FTE in FY 05, 176 FTE in FY 06 and 264 FTE in FY 07)	(\$665,021)	(\$1,635,951)	(\$2,515,275)
Fringe Benefits	(\$275,319)	(\$677,284)	(\$1,041,324)
Expense and Equipment	(\$193,159)	(\$624,412)	(\$817,246)
Evaluation contract	(\$9,450)	(\$9,734)	(\$10,026)
Training for preponderance of evidence	(\$221,059)	(\$58,354)	(\$61,197)
Fingerprinting (1,958 per year)*	<u>(\$39,062)</u>	<u>(\$39,062)</u>	<u>(\$39,062)</u>
<u>Total Costs - Department of Social        Services - Children's Division</u>	<u>(\$1,403,070)</u>	<u>(\$3,044,797)</u>	<u>(\$4,484,130)</u>

\*Subject to appropriations

Cost - Department of Social Services -  
 Division of Legal Services

Personal Services (4 FTE)	(\$56,508)	(\$69,533)	(\$71,271)
Fringe Benefits	(\$23,598)	(\$29,037)	(\$29,763)
Expense and Equipment	<u>(\$39,947)</u>	<u>(\$40,149)</u>	<u>(\$41,354)</u>
<u>Total Cost - Department of Social        Services - Division of Legal Services</u>	<u>(\$120,053)</u>	<u>(\$138,719)</u>	<u>(\$142,388)</u>

Costs - Department of Social Services -  
 Division of Medical Services

Program Costs-Section 208.647	(\$2,369,025)	(\$3,209,897)	(\$3,456,151)
Program costs-lead testing Section 701.336	<u>(Unknown greater than \$100,000)</u>	<u>(Unknown greater than \$100,000)</u>	<u>(Unknown greater than \$100,000)</u>
<u>Total Costs - Department of Social        Services - Division of Medical Services</u>	<u>(More than \$2,469,025)</u>	<u>(More than \$3,309,897)</u>	<u>(More than \$3,556,151)</u>

**ESTIMATED NET EFFECT TO  
 FEDERAL FUNDS**

**\$0**

**\$0**

**\$0**

FISCAL IMPACT - Local Government

FY 2005  
 (10 Mo.)

FY 2006

FY 2007

**POLITICAL SUBDIVISIONS**

Costs – Local School Districts

Reimbursement to employees for  
 criminal history checks

\$0 to  
(\$1,040,516)

\$0 to  
(\$1,040,516)

\$0 to  
(\$1,040,516)

**ESTIMATED NET EFFECT TO  
 POLITICAL SUBDIVISIONS**

**\$0 to**  
**(\$1,040,516)**

**\$0 to**  
**(\$1,040,516)**

**\$0 to**  
**(\$1,040,516)**

FISCAL IMPACT - Small Business

Small businesses providing certain child care services would be affected as a result of this proposal.

DESCRIPTION

This proposal makes changes to the laws regarding protective services for children and foster care.

**CHILD ABUSE AND NEGLECT REPORTS**

The proposal:

- (1) Changes the standard for including an individual on the child abuse and neglect central registry from probable cause to believe the individual committed child abuse or neglect to a finding by the Children's Division within the Department of Social Services that there is a preponderance of evidence that the individual committed child abuse or neglect;
- (2) Prohibits mandated reporters from making reports of child abuse and neglect anonymously, except for school personnel, who are only required to disclose their classification as a mandatory reporter. All other reporters may remain anonymous;
- (3) Requires the division to use a structured decision-making model to classify all reports made to the child abuse and neglect hotline, giving priority to ensuring the well-being and safety of the child;
- (4) Requires the names of individuals placed on the central registry before August 28, 2003, to

DESCRIPTION (continued)

remain on the registry for the duration of the time required in Section 210.152, RSMo;

(5) Prohibits the division from meeting with a child at any school or child care facility building where abuse of the child is alleged to have occurred;

(6) Reduces from 10 to five years the amount of time the division must keep an unsubstantiated report of child abuse made by a mandated reporter;

(7) Requires biological parents, foster parents, guardians ad litem, and court-appointed special advocates to be notified of all family assessment team meetings;

(8) Specifies that disclosure of information about reports of abuse and neglect is to be made after the alleged perpetrator has received sufficient due process; and

(9) Requires reviews of the division's determination about an allegation of child abuse or neglect to be conducted by the Administrative Hearing Commission. Currently, the Child Abuse and Neglect Review Board conducts the reviews. Any review conducted by the board will be in addition to a review conducted by the commission.

COURT PROCEEDINGS

The proposal:

(1) Requires the guardian ad litem and court-appointed special advocate volunteer to be informed of and have the right to attend all meetings involving the child upon appointment by the court. The guardian ad litem is required to advocate for timely court hearings to achieve permanency for the child as soon as possible;

(2) Requires that the questioning of a child who is in custody because of a delinquency or a criminal violation cease if the child wishes to have a parent, guardian, or attorney present during the questioning. All video or audio recordings of meetings, interviews, or interrogations conducted in relation to a child in the state's custody are presumed admissible as evidence in proceedings involving the child. The recordings are inadmissible only upon a showing by clear and convincing evidence that the recording lacks sufficient indicia of reliability;

(3) Requires the court to grant a change of judge, a change of venue, or both upon the motion of a child or the child's parent;

DESCRIPTION (continued)

(4) Requires a status conference to be held within three days of a child being taken into custody. If requested at the status hearing, a protective custody hearing must be held within 14 days of the request. An adjudication must be held no later than 60 days after the child has been taken into custody; and if at that time the court determines there is sufficient cause for the child to remain in the state's custody, the court will conduct a dispositional review no later than 90 days after the child has been taken into custody. The court must then conduct review hearings every 90 to 120 days during the first year and at least every six months after the first year; and

(5) Requires the Supreme Court to establish a pilot project in five judicial circuits before July 1, 2005. Juvenile court proceedings for children who are in need of care and treatment and termination of parental rights cases, except for adoption cases, will be open to the public in the pilot project circuits. The proceedings will be allowed to be closed in certain situations. The general public is excluded during the testimony of a child or a victim.

**BACKGROUND CHECKS AND FINGERPRINTING**

The proposal:

(1) Allows the Division of Family Services or juvenile office to request a name-based criminal history check when an emergency placement of a child must be made and requires the division or juvenile office to determine whether any person age 17 or over living in the household is listed on the child abuse and neglect central registry;

(2) Requires the division to conduct a search for full orders of protection for anyone seeking a foster parent license. The applicant and any adult in the applicant's household must also submit two sets of fingerprints for a criminal background check;

(3) Requires persons employed by a school after January 1, 2005, and those employed for less than two years with negative history in their personnel file to have a criminal background check before having any unsupervised contact with a child. All individuals who must submit to the criminal background check must submit to a Federal Bureau of Investigation background check and register with the Family Care Safety Registry;

(4) Requires the Department of Social Services to determine whether an applicant for a license to operate a school bus is listed on the child abuse and neglect central registry. The applicant is required to submit fingerprints to search state and federal criminal history repositories and to pay the fees for the criminal history checks;

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DESCRIPTION (continued)

(5) Requires the court that certifies a juvenile offender as an adult to order the law enforcement agency to fingerprint the individual immediately; and

(6) Requires qualified entities to obtain two sets of fingerprints from the individual if a national criminal record review is requested.

FOSTER CARE AND PLACEMENT OF CHILDREN

The proposal:

(1) Requires the Division of Family Services to provide standards and training for prospective foster parents, as well as performance-based criteria for licensed foster parents;

(2) Requires the division to notify parents when their child is placed in foster care, except when harm or danger to the child is imminent;

(3) Prohibits the removal of children from school for placement in foster care without a court order;

(4) Requires the division to hold a team meeting immediately after the 72-hour status conference and additional meetings prior to taking any action relating to the placement of a child in its custody;

(5) Requires the division to place a child with relatives if the court has determined that the placement is not contrary to the best interests of the child. The court must make specific findings on the record detailing why placement with a relative is not in the best interests of the child;

(6) Specifies that the age of a relative may not be the only consideration in determining whether to place the child with that relative. The bill also requires the division to comply with the Federal Indian Child Welfare Act in placing Native American children;

(7) Allows parents to temporarily place a child with another person, while retaining the right to supervise the care of the child and resume custody, and allows a parent to use a power of attorney to delegate his or her powers regarding care or custody of a minor child to another person for a period of up to one year;

(8) Requires that all information provided at a meeting or hearing relating to the removal of a child from the child's home be confidential, except that a party or parent may waive



DESCRIPTION (continued)

confidentiality for himself or herself, and that no one may be required to sign a confidentiality agreement prior to testifying or providing information at the meeting; and

(9) Requires the Department of Social Services to seek Title IV-E waivers from the Department of Health and Senior Services and requires the department to take the necessary steps to qualify the state for any federal block grant money available for foster care and adoption assistance.

PRIVATIZATION OF SERVICES FOR CHILDREN

The proposal:

(1) Requires the Children's Division to implement a two-year pilot project beginning on or before July 1, 2005, subject to appropriations. This pilot project will be located in Greene County, the City of St. Louis, and a rural county in the state selected by the division. In the pilot project locations, all direct services for children that are currently provided by the division will be provided by public and private children's service providers that have contracted with the division through a competitive bid process, except for hotline, initial investigation, and family assessment services;

(2) Requires providers to have a proven record of providing child welfare services in the state or the ability to provide a range of services. Providers and agencies that currently contract with the state may also participate in the competitive bid process. All contracts entered into by the division must be in accordance with federal law and must not result in a loss of federal funding;

(3) Requires the cities and counties participating in the pilot project to submit a plan for implementation by February 1, 2005, and specifies what must be included in the plan; and

(4) Requires the division to submit a report to the General Assembly beginning July 15, 2006, and continuing each year that the pilot project is in operation. The bill specifies the information that must be included in the report. The pilot project provisions expire June 30, 2007.

MENTAL HEALTH SERVICES

The proposal:

(1) Requires the Department of Mental Health to develop, implement, and administer a comprehensive children's mental health service system;

DESCRIPTION (continued)

(2) Adds child-serving agencies with the comprehensive children's mental health service system to the definition of "mental health services" as it applies to services for the Medicaid Program. The proposal requires the department, in collaboration with the Department of Social Services, to establish the definition and criteria for the designation of a community-based service;

(3) Requires the Department of Social Services to look at children in its custody and determine which are there solely because of a mental health issue. These children may be returned to their families, and the Department of Mental Health must provide necessary services. The Department of Social Services is to be billed for the cost of care by the Department of Mental Health;

(4) Requires the departments of Mental Health and Social Services to prepare a plan to address the need for mental health services for children who are in the custody of the state because of their need for mental health services and for children and persons age 17 who are determined by the court to need mental health services;

(5) Allows the means test of the Department of Mental Health to be waived for a child in need of mental health services in order to avoid transfer of custody to the Division of Family Services;

(6) Requires the Department of Social Services, in conjunction with the Department of Mental Health, to apply to the United States Department of Health and Human Services for waivers to provide services for children, including community-based services; and

(7) Makes revisions to the employee disqualification list of the Department of Mental Health.

REPORTS

The proposal:

(1) Requires the Task Force on Children's Justice established by the Children's Service Commission in accordance with federal law to conduct an independent review of the policies and procedures of state and local child protective services agencies and to conduct reviews of specific cases, when appropriate, to evaluate how effectively agencies are discharging their responsibilities;

(2) Requires the Department of Social Services to submit an annual statistical report regarding the number of children receiving child protective services to the Governor and the General Assembly, beginning February 1, 2006; and

DESCRIPTION (continued)

(3) Requires the Division of Family Services to identify all children in its custody who are receiving foster care services by January 1, 2005, and report to the General Assembly the type of foster care being provided and the status of all children.

MISCELLANEOUS PROVISIONS

The proposal:

- (1) Establishes the Office of Child Advocate for Children's Protection and Services within the Office of Administration;
- (2) Designates specified provisions as the "Dominic James Memorial Foster Care Act of 2004";
- (3) Requires the Family Support Division and the Children's Division to jointly operate and maintain a full-time office in each county;
- (4) Requires employees of the Children's Division who are involved with child protective services and who purposely, knowingly, and willingly violate a policy, rule, or state law that is related to the child abuse and neglect activities of the division to be dismissed if the violation results in serious physical injury or death;
- (5) Allows children with special health care needs that if not treated would result in death or serious physical injury to participate in the MC+ for Kids Program without meeting the six-month uninsured requirement;
- (6) Prohibits employees of the Division of Family Services and employees of public and charter schools from performing a strip search on students without the written permission of a parent or guardian;
- (7) Requires the Division of Family Services to conduct a diligent search for the natural parents of a child who is in the custody of the division when the parents' identity or location is unknown.
- (8) Requires an action to recover damages for injury or illness that resulted from child sexual abuse to be commenced within 12 years of the date the plaintiff reached the age of 18 or within three years of the date the plaintiff discovered or reasonably should have discovered that the illness or injury resulted from child sexual abuse, whichever date is later;
- (9) Revises the Special Needs Child Adoption Tax Credit. For individuals, the amount of the

DESCRIPTION (continued)

credit that is in excess of the individual's tax liability is refundable for the year in which the credit is claimed. The credit is not refundable for businesses claiming the credit on behalf of an employee, and there is a \$2 million annual cumulative cap on credits claimed by businesses;

(10) Requires all hospitals and health care facilities providing obstetrical services to require new mothers to watch a video on shaken baby syndrome before being discharged from the facility;

(11) Requires the Department of Health and Senior Services and the Department of Social Services to collaborate with non-profit organizations, health maintenance organizations, and the Missouri Consolidated Health Care Plan to formulate an educational strategy to increase the number of children who are tested for lead poisoning under the Medicaid Program, with a goal of having 75% of the children who receive Medicaid being tested; and

(12) Revises provisions regarding to the Missouri Family Trust.

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

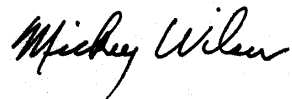
Department of Social Services  
Division of Medical Services  
Children's Division  
Office of Early Childhood  
Division of Legal Services  
Department of Elementary and Secondary Education  
Department of Corrections  
Department of Public Safety -  
Missouri Highway Patrol  
Department of Revenue  
Department of Mental Health  
Office of State Courts Administrator  
Office of Administration -  
Administrative Hearing Commission  
Division of Budget and Planning  
Department of Health and Senior Services  
Missouri House of Representatives  
Secretary of State

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SOURCES OF INFORMATION (continued)

State Public Defender  
Attorney General Office  
Department of Insurance

**NOT RESPONDING: Missouri Senate and Office of Prosecution Services**

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA  
Director  
February 17, 2004