

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4239-01
Bill No.: HB 1538
Subject: Children and Minors; Juvenile Courts; Public Records, Public Meetings
Type: Original
Date: March 30, 2004

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
General Revenue	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
Total Estimated Net Effect on General Revenue Fund	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 4 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$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 Social Services – Division of Youth Services** assume the proposed legislation would have no fiscal impact on their agency.

Officials from the **Department of Social Services – Division of Family Services (DFS)** assumes the proposal will have a vast impact upon policy and practice. However, there should be no fiscal impact to DFS.

Officials from the **Department of Social Services – Division of Legal Services (DLS)** assume there could be an increase in the number of requests for legal assistance in determining whether information maintained in the records of the Children's Division is required to be disclosed to the public. This could be handled with current staff. DLS also assumes the legislation may be construed to be inconsistent with the confidentiality requirements of federal law and may result in sanctions, which may include a reduction in or loss of federal financial participation in the foster care, adoption assistance, and child abuse prevention programs. At this time, it is not possible to calculate the financial impact.

ASSUMPTION (continued)

Oversight assumes the reduction or loss of federal financial participation is prospective and dependent on future events. Therefore, Oversight has excluded the losses from the estimate of fiscal impact.

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would open certain juvenile court records and proceedings to the public. CTS would expect some impact on the workload of circuit clerks as they are asked to retrieve and produce juvenile court documents. At this time, CTS cannot predict a specific monetary impact. However, CTS would not expect the fiscal impact to be over \$100,000.

<u>FISCAL IMPACT - State Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
GENERAL REVENUE FUND			
<u>Costs</u> – Office of State Courts Administrator			
Increased document reproduction	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)
<u>FISCAL IMPACT - Local Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
	<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.

DESCRIPTION

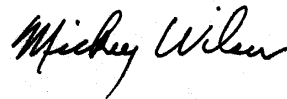
Current law requires juvenile court proceedings and records to be closed, except under certain circumstances. The proposed legislation would repeal the current law. The proposal would require juvenile court proceedings on the formal calendar and preliminary hearings to be open to the public. A party or a victim could move to close the hearing during the testimony of a child or a victim.

The proposed legislation would also require a record of juvenile proceedings on the formal calendar to be made and preserved. The proposal would make records of the juvenile court open records, except for confidential files. Individuals found by the court to have a legitimate interest could have access to confidential files.

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

Office of State Courts Administrator
Department of Social Services



Mickey Wilson, CPA
Director
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