

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5908-01
Bill No.: SB 873
Subject: Department of Social Services; Children and Minors
Type: Original
Date: March 20, 2014

Bill Summary: This proposal modifies provisions relating to background checks for the purpose of child placement.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
General Revenue	(\$0 to \$294,336)	(\$0 to \$308,762)	(\$0 to \$323,904)
Total Estimated Net Effect on General Revenue Fund	(\$0 to \$294,336)	(\$0 to \$308,762)	(\$0 to \$323,904)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

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

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
Total Estimated Net Effect on FTE	0	0	0

☒ 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)** state in sections 210.117.4 and 211.038.4 language has been added requiring CD to obtain fingerprints for any person over the age of 17 in the household or any child under 17 residing in the home who has been certified as an adult consistent with requirements in 210.482.2. Fingerprints are to be used by the highway patrol and the Federal Bureau of Investigation to search criminal history files. The highway patrol is required to assist the CD and provide the results upon request.

The changes in these two subsections would fiscally impact the CD as it would require the CD to fingerprint parents prior to reunification. In FY13, approximately 2,986 children were returned to their parents after being in foster care. The foster child population has grown approximately 4.9% each year. Applying that growth rate, FY14 will have 3,132 children returned home, FY 15 will have 3,285 children returned home, FY16 will have 3,446 children returned home, and FY 17 will have 3,615 children returned home. Each reunification will need to fingerprint two family members at a cost of \$44.80 each. FY15 will cost \$294,336; FY16 will have a cost of \$308,762; and FY 17 will have a cost of \$323,904. The CD assumes that this cost is not subject to federal claiming.

The CD is ranging costs from \$0 to the amount stated above because section 210.117.5 provides that subject to appropriation, the total cost of the fingerprinting required may be paid by the state.

Officials from the **DSS - Division of Legal Services** assume this proposal will not result in a fiscal impact to their organization.

Officials from the **Office of the 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 SOS 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 that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes 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 with the 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.

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.

ASSUMPTION (continued)

Officials at the **Joint Committee on Administrative Rules**, the **Department of Public Safety - Missouri Highway Patrol** and **Office of State Courts Administrator** each assume there is no fiscal impact to their respective agencies from this proposal.

<u>FISCAL IMPACT - State Government</u>	FY 2015 (10 Mo.)	FY 2016	FY 2017
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GENERAL REVENUE FUND

Costs - DSS-CD (§§210.117 and 211.038)

Fingerprint costs	<u>(\$0 to \$294,336)</u>	<u>(\$0 to \$308,762)</u>	<u>(\$0 to \$323,904)</u>
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ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND

<u>(\$0 to \$294,336)</u>	<u>(\$0 to \$308,762)</u>	<u>(\$0 to \$323,904)</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2015 (10 Mo.)	FY 2016	FY 2017
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<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

This proposal modifies procedures relating to child protection.

Under current law, it is prohibited for a child who has been taken into the custody of the state or the jurisdiction of a juvenile court, to be reunited with a parent or be placed back in the home in which the parent or any person living in the home has been found guilty or plead guilty to certain sexual related offenses or offenses against the family when a child was the victim. This proposal adds pornography related offenses to the list of prohibited offenses. (Section 210.117.1 and 211.038.1)

HWC:LR:OD

FISCAL DESCRIPTION (continued)

This proposal provides that when conducting investigations of persons for the purpose of child placement for children who have been taken into the custody of the state or the jurisdiction of a juvenile court, the Children's Division shall obtain fingerprints for any person over the age of 17 in the household and for any child less than 17 years of age residing in the home who the Division has determined has been certified as an adult for the commission of a crime. The fingerprints shall be used by the Missouri State Highway Patrol to search the criminal history repository and shall be forwarded to the Federal Bureau of Investigation (FBI) for searching the federal criminal history files. The Highway Patrol shall assist the Division and provide the criminal fingerprint background information, upon request. (Section 210.117.4 and 211.038.4)

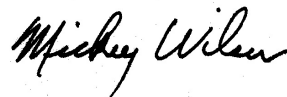
Subject to appropriation, the total cost of fingerprinting required by this proposal may be paid by the state, including reimbursement of persons incurring fingerprinting costs under this proposal. (Section 210.117.5 and 211.038.5)

Current law sets out specifically that three sets of fingerprints during a background check for child placement shall be obtained and that one of each set shall be sent to the Highway Patrol, the FBI and one to be retained by the Division. This proposal removes the specific requirement to obtain three sets of fingerprints. (Section 210.482.2 and 3 and 210.487.1)

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

Joint Committee on Administrative Rules
Missouri Highway Patrol
Office of the Secretary of State
Office of State Courts Administrator
Department of Social Services -
 Children's Division
 Division of Legal Services



Mickey Wilson, CPA
Director
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Ross Strobe
Assistant Director
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