

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 5313-01  
Bill No.: HB 1728  
Subject: Courts, Juvenile; Children and Minors; Department of Social Services  
Type: Original  
Date: February 1, 2018

---

Bill Summary: This proposal modifies provisions relating to juvenile courts.

**FISCAL SUMMARY**

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
General Revenue	Up to \$70,800	Up to \$45,710	Up to \$45,710
<b>Total Estimated Net Effect on General Revenue</b>	<b>Up to \$70,800</b>	<b>Up to \$45,710</b>	<b>Up to \$45,710</b>

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 5 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

☐ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials at the **Department of Social Services (DSS)** state the Family Support Division (FSD) assumes that cases will be established or enforced only if FSD child support is required to provide child support services according to 454.400.2 (14). FSD will be able to enforce juvenile orders as it does today utilizing existing staff. FSD assumes circuit clerks will follow Section 454.412, RSMo, to enter child support orders entered by the juvenile court into the state case registry (i.e, the Missouri Automated Child Support System); therefore, no impact to FSD.

As of January 1, 2017, the Children's Division (CD) estimates there were approximately 232 children who could be released from custody if the juvenile court were allowed to modify court orders as defined in this legislation. The majority of these children are placed with a parent, but the juvenile court has not released custody. The primary expenditure disbursed in regards to these children may be the annual clothing allowance available. The estimated number of children by age group who would be impacted by this legislation and the annual clothing allowance by age is as follows:

- 0-5 – 83 Children x \$250 per year = \$20,750
- 6-12 – 113 Children x \$290 per year = \$32,770
- 13-Over – 36 Children x \$480 per year = \$17,280
- GRAND TOTAL 272 Children = \$70,800 (Cost Savings)

After the initial year, it is anticipated that 150 children per year would not enter CD custody and that the clothing allowance for those children would be avoided. The ongoing annual cost avoidance would be \$45,710.

The Children's Division cannot put an exact figure on the costs savings this bill may have, but expects that currently some children remain in the legal and/or physical custody of the Children's Division for the sole purpose of ensuring that the child's safety and well-being is not jeopardized by the court terminating its jurisdiction and allowing the judgments and orders that were in place prior to the juvenile court assuming jurisdiction to return to full force and effect.

The ability of the juvenile court to issue orders expressly ensuring its orders remain in full force an effect after terminating juvenile court proceedings has the potential to reduce the length of time children remain in state custody in future cases as well.

ASSUMPTION (continued)

Officials at the **Office of the State Courts Administrator** assume there may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

Officials at the **Department of Mental Health** and the **Department of Elementary and Secondary Education** each assume no fiscal impact to their respective agencies from this proposal.

<u>FISCAL IMPACT - State Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
---	---------------------	---------	---------

**GENERAL REVENUE**

<u>Cost Avoidance</u> - DSS - annual clothing allowance	<u>Up to \$70,800</u>	<u>Up to \$45,710</u>	<u>Up to \$45,710</u>
---	-----------------------	-----------------------	-----------------------

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	<b><u>Up to \$70,800</u></b>	<b><u>Up to \$45,710</u></b>	<b><u>Up to \$45,710</u></b>
--	------------------------------	------------------------------	------------------------------

<u>FISCAL IMPACT - Local Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
---	---------------------	---------	---------

	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
--	-------------------	-------------------	-------------------

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

Currently, any order or judgment entered by the juvenile court takes precedence over any order or judgment concerning status or custody of a child under 21 years of age, as long as the order or judgment remains in effect. This bill specifies that the order or judgment by the juvenile court shall take precedence over other orders concerning status or custody of a child under 21 years of age, or orders of guardianship, so long as the juvenile court exercises continuing jurisdiction. The bill also specifies additional powers a court exercising jurisdiction over a child under 21 shall have. The bill further provides provisions regarding custody, support, or visitation orders entered by a court having jurisdiction over a child under 21.

FISCAL DESCRIPTION (continued)

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  
Office of the State Courts Administrator  
Department of Mental Health  
Department of Elementary and Secondary Education

Ross Strobe

A handwritten signature in black ink, appearing to read "Ross Strobe", with a stylized flourish at the end.

Acting Director  
February 1, 2018