

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5757-01
Bill No.: HB 2040
Subject: Children and Minors; Children's Division; Courts, Juvenile
Type: Original
Date: January 30, 2018

Bill Summary: This proposal modifies provisions relating to child abuse investigations.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
General Revenue	(Unknown greater than \$100,000)	(Unknown greater than \$100,000)	(Unknown greater than \$100,000)
Total Estimated Net Effect on General Revenue	(Unknown greater than \$100,000)	(Unknown greater than \$100,000)	(Unknown greater than \$100,000)

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

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
General Revenue	Unknown	Unknown	Unknown
Total Estimated Net Effect on FTE	Unknown	Unknown	Unknown

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

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

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Attorney General (AGO)** state HB 2040 grants the Attorney General or his designee certain investigative tools including the power to subpoena, take depositions, and issue interrogatories, for any report of child abuse or neglect in Missouri. Costs to the AGO are primarily from the additional FTEs required to conduct investigations in potentially all 114 counties and the City of St. Louis. The number of potential investigations is unknown to the AGO at this time; therefore, the AGO is unable to estimate costs. The AGO assumes the number of potential investigations would be significant enough to require the creation of a new unit within the AGO.

Oversight notes per the Department of Social Services, Children's Division (CD) 2018 budget (most current available online), the CD reported 72,904 Child Abuse/Neglect Reports for 2016. It is unknown how many Child Abuse and Neglect investigations the AGO would become involved in.

According to the Secretary of State's online Official Blue Book for 2017-2018, the AGO's entry level salary for an Assistant Attorney General (AAG) appeared to be \$45,500 per year plus fringe benefits, equipment and expense. Assuming the AGO hired two (2) FTE as a result of this proposal, the AGO's annual cost would exceed \$100,000. Therefore, Oversight assumes the fiscal impact of this proposal to the General Revenue Fund for additional AGO staff and expenses to be (Unknown greater than \$100,000 annually).

For the purpose of this proposed legislation, officials from the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide competent, effective representation for any new cases where indigent persons are charged with the proposed new crime of not preserving information with regard to a child abuse case - a new class A misdemeanor.

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation in all cases.

Oversight assumes the SPD can absorb the additional caseload that may result from this proposal.

Officials from the **Office of State Courts Administrator (OSCA)** state this proposal may have some impact, but there is no way to quantify that impact at the present time. Any significant changes will be reflected in future budget requests.

ASSUMPTION (continued)

Officials from the **Department of Public Safety, Missouri State Highway Patrol, the Department of Social Services, Children’s Division and Division of Legal Services** and the **Missouri Office of Prosecution Services** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **St. Louis City** and **Phelps County** Circuit Clerks offices did not respond to **Oversight’s** request for a statement of fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
GENERAL REVENUE FUND			
<u>Costs - AGO (§210.143)</u>			
Additional personnel, equipment and expenses	<u>(Unknown greater than \$100,000)</u>	<u>(Unknown greater than \$100,000)</u>	<u>(Unknown greater than \$100,000)</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(Unknown greater than \$100,000)</u>	<u>(Unknown greater than \$100,000)</u>	<u>(Unknown greater than \$100,000)</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
	<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 bill states that the Department of Social Services or the Attorney General has several powers for the purpose of investigations or proceedings for child abuse or neglect. Additionally, the Children's Division, juvenile officer, or prosecuting attorney may petition the court on an ex parte basis directing a parent, guardian, or other person with care, custody, and control of a child who is the subject of an investigation of child abuse or neglect to present the child to a health care provider for an examination or testing. The court will enter the ex parte order if there is probable cause to suspect the child has been abused or neglected and the examination is necessary for the completion of the investigation or collection of evidence. The petition and order may be made on an ex parte basis if it is reasonable to believe that providing notice may place the child at risk for further abuse or neglect, or that the child may be removed from the state, or that the evidence will be unavailable. Any person served with a subpoena, petition, or order under this bill is not required to file an answer, but may file a motion for a protective order. The court shall expedite a hearing on the motion and issue a decision no later than one business day after the motion is filed. Any information that may reveal the identity of a hotline reporter must not be disclosed. The bill outlines the proper court to file a subpoena or order; the court must expedite all proceedings under this bill.

A person served with an investigative demand or subpoena must preserve the information requested. If a person knowingly violates this requirement, he or she will be guilty of a class A misdemeanor.

The time frame of the Children's Division to complete an investigation under certain circumstances is tolled from the date the division files a subpoena until the information is produced, the subpoena is withdrawn, or a court quashes the subpoena.

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 Attorney General
Department of Public Safety -
 Missouri State Highway Patrol
Department of Social Services -
 Children's Division
 Division of Legal Services
Missouri Office of Prosecution Services
Office of State Courts Administrator
Office of State Public Defender

Ross Strope

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

Acting Director
January 30, 2018