

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 2342H.04C  
Bill No.: HCS for HB Nos. 1123 & 1221  
Subject: Children and Minors; Family Law; Social Services, Department of; Children's  
Division; Adoption  
Type: Original  
Date: March 5, 2021

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Bill Summary: This proposal modifies provisions relating to the protection of children.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
<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.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
<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>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
<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 \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- ☐ Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## **FISCAL ANALYSIS**

### **ASSUMPTION**

§§211.447; 453.030 and 453.040 relating to the protection of children

Officials from the **Department of Social Services (DSS), Children's Division (CD) and Division of Legal Services (DLS)** assume the proposal will have no fiscal impact on their organizations.

**Oversight** does not have any information to the contrary. Oversight notes DSS indicated cost savings in previous versions of this proposal. In discussions with DSS officials, Oversight learned the changes in the guardian ad litem language in this version of the proposal removed the fiscal impacts the agency would have experienced under the previous versions. Therefore, Oversight will reflect a zero impact in the fiscal note for CD and DLS.

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

**Oversight** does not have any information to the contrary. Therefore, Oversight assumes OSCA will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to OSCA for fiscal note purposes. Oversight also assumes OSCA may seek additional appropriations if the proposal results in a significant increase in costs.

Officials from the **Office of Administration - Budget and Planning (B&P)** state the provisions in §453.030 of this proposal eliminate the requirement that adoptive parents or the relevant child placing agency bear the cost of attorney fees incurred during the adoption process by the birth parents. The bill does not make clear who or what entity will be responsible for compensating birth parents for the cost of attorney fees. This proposal will have no direct impact on Budget and Planning and will not impact the calculation pursuant to Art. X, Sec. 18(e).

B&P assumes that legal representation appointed by the court for birth parents during the adoption process will be provided pro bono. In the event that these services are not provided pro bono, B&P assumes that the cost of legal fees will be borne by some other entity which could include the State of Missouri.

**Oversight** does not have any information to the contrary. Oversight noted B&P assumed legal representation for adoption cases would likely be provided pro bono, therefore, for fiscal note purposes, Oversight assumed no fiscal impact for B&P these provisions.

Officials from the **Attorney General's Office**, the **Department of Commerce and Insurance**, the **Department of Corrections**, the **Department of Health and Senior Services**, the **Missouri Office of Prosecution Services** and the **Office of the State Public Defender** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

#### Rule Promulgation

Officials from the **Joint Committee on Administrative Rules** assume this proposal is not anticipated to cause a fiscal impact beyond its current appropriation.

Officials from the **Office of the Secretary of State** notes many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The Secretary of State's office 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 Secretary of State's office for Administrative Rules is less than \$5,000. The Secretary of State's office recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, they also recognize 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 our office can sustain with our core budget. Therefore, they reserve 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.

<u>FISCAL IMPACT – State Government</u>	FY 2022 (5 Mo.)	FY 2023	FY 2024
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
	<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

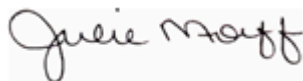
The bill repeals payment for adoption legal fees by the prospective adoptive parents for a birth parent, and allows the court to determine if representation is needed for the birth parent in an adoption proceedings (§453.030).

Currently consent to the adoption of a child is required by a parent unless the child is under the age of one and the parent, for at least six months, has neglected to provide the child with necessary care and protection. This bill changes the age from one to three (§453.040)

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

Attorney General's Office  
Department of Commerce and Insurance  
Department of Health and Senior Services  
Department of Corrections  
Department of Social Services  
Joint Committee on Administrative Rules  
Missouri Office of Prosecution Services  
Office of Administration - Budget and Planning  
Office of the Secretary of State  
Office of the State Courts Administrator  
Office of the State Public Defender



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March 5, 2021



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