

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1974H.04C
 Bill No.: HCS for HB Nos. 737 & 486
 Subject: Children and Minors; Children's Division; Department of Social Services; Crimes and Punishment; Criminal Procedure
 Type: Original
 Date: January 30, 2025

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

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
General Revenue	(Unknown, Could exceed \$7,792,028)	(Unknown, Could exceed \$7,792,028)	(Unknown, Could exceed \$7,792,028)
Total Estimated Net Effect on General Revenue	(Unknown, Could exceed \$7,792,028)	(Unknown, Could exceed \$7,792,028)	(Unknown, Could exceed \$7,792,028)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
Federal*	\$0	\$0	\$0
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

* Income and expenses are estimated to be “Unknown, up to \$2.9 million annually and net to \$0.

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
Total Estimated Net Effect on FTE	0	0	0

- 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.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§ 210.560 - Money held by the Children's Division for the benefit of a child

Officials from the **Department of Social Services (DSS), Children's Division (CD)** state this bill requires CD to determine whether a child coming into the custody of the Division is eligible for or receiving U.S. Railroad Retirement Board, Social Security, or Veterans Administration benefits within 60 days of entering the Division's legal custody.

The Division is required to apply for such benefits on the child's behalf if he or she is eligible, and shall only serve as a representative payee if no other candidate is suitable.

CD is required to annually review cases of children in the division's custody to determine whether a child may have become eligible for benefits after the division's initial assessment.

Currently, money in the child's accounts may be used by CD to pay for care or services for the child.

Under this act, such money shall not be used to pay for care or services for the child. However, U.S. Railroad Retirement Board, Social Security, or Veterans Administration benefits may be used by the Division for the child's unmet needs beyond what the Division is otherwise obligated to pay.

Finally, the accounts in which the child's benefits shall be placed shall be established in a manner consistent with federal and state asset and resource limits.

Research on November 6, 2024, for the month of October 2024 showed the following:

619 youths in foster care receive Supplemental Security Income (SSI);
593 youths in care receive Old-Age, Survivors and Disability Insurance (OASDI); and
75 youths in care receive both types of benefit

Currently, KIDS accounts (money held by others for the benefit of a child) include both SSI and OASDI benefit types. In FY 2024, CD had expenditures in the amount of \$10,697,457 using KIDS accounts on foster care maintenance and services for the child. These funds would need to be replaced to pay for the care of the child. Some of the costs could be eligible for federal match from other programs such as Title IV-E and TANF. The expected federal match rate overall is

27.16%. The impact due to the loss of these revenues based on the current earnings rate would be as follows:

\$7,792,028 GR
<u>+\$2,905,429 Federal</u>
\$10,697,457 Total

Additionally, the Department's federal earning rate of 27.16% could increase with the decrease of SSI and OASDI benefits.

Therefore, for the impact of reduction of SSI and OASDI revenues, the Department is projecting **unknown but up to \$10,697,457 cost.**

Children's Division can set up ABLE (Achieving a Better Life Experience) accounts for children in care, when CD is the payee. However, the Children's Division does not have staff in place to supervise the continuing management of these accounts when they leave CD custody. Therefore, additional resources would be needed to establish accounts where CD is not the payee and to manage the ABLE accounts.

The bill, as drafted, requires CD to annually review cases of kids in care to determine if they are eligible for benefits, and to apply for benefits on behalf of the child if CD determines that the child is eligible. The Department of Social Services and the Children's Division do not have sufficient staff and resources to implement the statute as written. DSS has determined that it would need to enter into contracts with qualified lawyers and/or companies to effectively implement this proposed statute.

There are lawyers and private companies that handle these types of cases on behalf of children and adults. They have the training, experience and staff to handle these cases. If the program is structured properly, they will also be able to ensure that there is continuity of assistance and representation if the child is discharged from CD custody or ages out of the system. Therefore, DSS would need to enter into contracts to administer this program.

The Division does not know yet how this contract would be structured. Therefore, the cost to implement is unknown.

Since the estimate of lost revenues is most likely high, and the cost to implement is unknown, the Department is providing an impact of unknown, but cost could be up to \$10,697,457 (\$7,792,028 GR; \$2,905,429 Federal), which is the highest amount of estimated potential lost revenues.

Oversight does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by the DSS, CD.

In response to a similar proposal from the 2024 Session (HCS for HB 2227), officials from the **Office of Administration - Budget and Planning** deferred to DSS for the potential fiscal impact of this proposal.

Responses regarding the proposed legislation as a whole

Officials from the **Administrative Hearing Commission**, the **Department of Elementary and Secondary Education**, the **Department of Higher Education and Workforce Development**, the **Department of Labor and Industrial Relations**, the **Department of Public Safety - Missouri Highway Patrol**, the **Department of Revenue**, the **Office of Administration**, the **Phelps County Sheriff's Department**, the **Branson Police Department**, the **Kansas City Police Department** and the **University Of Central Missouri** 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.

In response to a previous version, officials from the **St. Louis County Police Department** and **Northwest Missouri State University** each assumed the proposal would 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.

In response to a similar proposal from the 2024 Session (HCS for HB 2227), officials from the **Office of the State Courts Administrator** and the **Office of the State Treasurer** each assumed the proposal would 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.

Oversight only reflects the responses received from state agencies and political subdivisions; however, other circuit clerks, public administrators, schools, colleges and local law enforcement agencies were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

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 (SOS)** note 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 \$5,000. 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 its 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.

<u>FISCAL IMPACT – State Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028
GENERAL REVENUE FUND			
<u>Costs – DSS, CD (§ 210.560) Program Implementation p. 3-4</u>	(Unknown)	(Unknown)	(Unknown)
<u>Losses - DSS, CD (§ 210.560) Reduction of SSI and OASDI revenues p. 3-4</u>	Up to (\$7,792,028)	Up to (\$7,792,028)	Up to (\$7,792,028)
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(Unknown, Could exceed \$7,792,028)</u>	<u>(Unknown, Could exceed \$7,792,028)</u>	<u>(Unknown, Could exceed \$7,792,028)</u>
FEDERAL FUNDS			
<u>Income – DSS, CD (§210.560) Reimbursement for Program Implementation p. 3-4</u>	Unknown	Unknown	Unknown
<u>Savings - DSS, CD (§210.560) Reduction of SSI and OASDI disbursements p. 3-4</u>	Up to \$2,905,429	Up to \$2,905,429	Up to \$2,905,429
<u>Costs – DSS, CD (§210.560) Program Implementation p. 3-4</u>	(Unknown)	(Unknown)	(Unknown)
<u>Losses - DSS, CD (§210.560) Reduction of SSI and OASDI revenues p. 3-4</u>	Up to (\$2,905,429)	Up to (\$2,905,429)	Up to (\$2,905,429)
ESTIMATED NET EFFECT ON FEDERAL FUNDS	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028
	<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 specifies that in the case of benefits administered by the Railroad Retirement Board, the Social Security Administration, or the Veterans Administration, the Children's Division is required to determine whether a child in custody of the Division is receiving or otherwise eligible to receive such benefits within 60 days after placement into custody.

The Division is to apply for benefits on behalf of the child, if the child is deemed to be eligible, and if benefits are already being received before placement into the Division's custody or the Division applies for benefits on behalf of the child, the Division is responsible for identifying a representative payee and must apply to become such if no other suitable candidate is available.

Any moneys received by the Division and in the account of a child are prohibited from being expended by the Division for certain services or care. However, this bill provides that the Division may use the benefits administered by the Railroad Retirement Board, the Social Security Administration, or the Veterans Administration for the child's unmet needs, as are defined in the bill, beyond what the Division is required or agrees to pay. (§ 210.560)

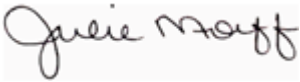
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

- Administrative Hearing Commission
- Budget and Planning
- Department of Elementary and Secondary Education
- Department of Higher Education and Workforce Development
- Department of Labor and Industrial Relations
- Department of Public Safety - Missouri Highway Patrol
- Department of Revenue
- Department of Social Services
- Joint Committee on Administrative Rules
- Office of Administration

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Office of the Secretary of State
Office of the State Courts Administrator
Office of the State Treasurer
Phelps County Sheriff's Department
Branson Police Department
Kansas City Police Department
St. Louis County Police Department
Northwest Missouri State University
University Of Central Missouri



Julie Morff
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January 30, 2025



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January 30, 2025