

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1974H.08T  
Bill No.: Truly Agreed To and Finally Passed CCS for SS for 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: June 23, 2025

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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 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>
General Revenue	(Unknown, more or less than \$18,420,917)	More or Less than \$4,556,105 to (Unknown)	More or Less than \$4,553,725 to (Unknown)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(Unknown, more or less than \$18,420,917)</b>	<b>More or Less than \$4,556,105 to (Unknown)</b>	<b>More or Less than \$4,553,725 to (Unknown)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>
State Facility Maintenance And Operation Fund (#0501)	\$0	\$0	Likely to exceed (\$460,241)
Child and Family Legal Representation Fund*	\$0	\$0	\$0
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>Likely to exceed (\$460,241)</b>

\*Fund income less disbursements net to zero.

Numbers within parentheses: () indicate costs or losses.

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

\*Fund income less disbursements net to zero.

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>
General Revenue	1.5 FTE	1.5 FTE	1.5 FTE
State Facility Maintenance And Operation Fund (#0501)	0	0	1
Federal Funds	1.5 FTE	1.5 FTE	1.5 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>3 FTE</b>	<b>3 FTE</b>	<b>4 FTE</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 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>
<b>Local Government*</b>	<b>\$0 or (Unknown)</b>	<b>\$0 or (Unknown)</b>	<b>\$0 or (Unknown)</b>

\*Potential child attorney or GAL costs

**FISCAL ANALYSIS****ASSUMPTION****§ 135.460 – Youth Opportunities Tax Credit**

Officials from the **Office of Administration – Budget & Planning (B&P)** note:

This proposal would increase the value of the youth opportunities tax credit to 70% of each contribution. B&P notes that the three-year average redemption amount was \$2,926,896 from FY22 – FY24. B&P further notes that had the tax credits been set at 70% of donations, redemptions would have been \$4,097,655. Therefore, B&P estimates that this provision could reduce GR by \$1,170,759 annually beginning in FY26.

Officials from the **Department of Revenue (DOR)** note:

This proposal changes the Youth Opportunities Tax Credit program. The Youth Opportunities tax credit program has a \$6 million cap with the credit based on 50% of the contribution made. For informational purposes they are providing the amount authorized, issued and redeemed for this credit.

Year		Issued	Total Redeemed
FY 2024	\$9,756,101.00	\$4,706,331.00	\$3,468,054.65
FY 2023	\$2,247,858.00	\$4,139,385.00	\$2,987,947.79
FY 2022	\$5,706,067.00	\$3,039,904.00	\$2,324,687.48
FY 2021	\$5,288,870.00	\$1,983,794.00	\$4,084,410.34
FY 2020	\$1,212,623.00	\$4,086,770.50	\$5,217,305.77
FY 2019	\$5,169,666.00	\$5,822,539.00	\$4,040,657.57
FY 2018	\$6,826,426.00	\$5,726,775.00	\$4,818,711.26
FY 2017	\$5,642,936.00	\$6,349,945.00	\$5,451,135.04
FY 2016	\$6,375,728.00	\$5,411,972.00	\$4,706,636.11
FY 2015	\$7,041,012.00	\$5,325,506.00	\$4,247,824.65

FY 2014	\$5,941,601.50	\$5,080,128.00	\$5,239,666.42
FY 2013	\$5,609,784.00	\$5,571,555.00	\$3,906,262.62
FY 2012	\$5,843,692.62	\$4,152,310.83	\$4,979,894.20

This proposal increases the percent of the contribution from 50% to 70% for the amount of the tax credit a person receives. An increase of \$1,170,759. It is unclear if this would encourage more taxpayers to contribute and claim the tax credit. The three-year average of the redemptions of the program has been \$2,926,897. However, since this program has an annual cap, it is not expected to result in any additional impact to the state not already accounted for in the cap.

**Oversight** notes the YOP program expenditures as follows:

	FY 2021 ACTUAL	FY 2022 ACTUAL	FY 2023 ACTUAL
Certificates Issued (#)	974	1,504	1,559
Projects/Participants (#)	36	13	57
Amount Authorized	\$5,706,067	\$2,247,858	\$9,756,101
Amount Issued	\$3,039,904	\$4,139,385	\$4,706,331
Amount Redeemed	\$2,324,687	\$2,987,948	\$3,468,054

DED Form 14

**Oversight** notes the YOP is a contribution tax credit program, which broadens and strengthens opportunities for positive development and participation in community life for youth and discourages criminal and violent behavior. Individuals, businesses, and corporations having tax liability in Missouri are eligible to receive tax credits for qualified donations to approved YOP projects.

**Oversight** notes the 3-year average redemption was \$2,926,896 at 50% contribution percentage tax credit.

**Oversight** notes the 70% contribution tax credit would allow for a total of \$4,097,655 in the same period.

**Oversight** notes that the difference between 50% and 70% contribution redemption would total \$1,170,759 (\$4,097,655 - \$2,926,896).

**Oversight** notes this proposal does not change the \$6 million maximum YOP cap, instead it increases the percentage of the contribution from 50% to 70% for the amount of the tax credit. This will allow for those who claim the tax credit to receive a greater amount of funds, but will not affect the overall maximum cap available under the proposal.

Therefore, for the purpose of this fiscal note, **Oversight** will reflect only the credit difference of \$1,170,759 to the general revenue in the fiscal note for the YOP tax credit.

Officials from the **DOR** assume the Department will need to update their computer programs (\$1,832) and forms (\$2,200) for each credit. DOR estimates the total cost of the changes at \$8,064.

**Oversight** assumes the DOR is provided with core funding to handle a certain amount of activity each year. Oversight assumes DOR could absorb the administrative costs related to this proposal. If multiple bills pass which require additional staffing and duties at substantial costs, DOR could request funding through the appropriation process.

Officials from the **Department of Commerce and Insurance (DCI)** state a potential unknown decrease of premium tax revenues (up to the tax credit limit established in the bill) in FY2026, FY2027, and FY2028 as a result of the modification of Youth Opportunities and Violence Prevention Act tax credits. Premium tax revenue is split 50/50 between General Revenue and County Foreign Insurance Fund except for domestic Stock Property and Casualty Companies who pay premium tax to the County Stock Fund. The County Foreign Insurance Fund is later distributed to school districts throughout the state. County Stock Funds are later distributed to the school district and county treasurer of the county in which the principal office of the insurer is located. It is unknown how each of these funds may be impacted by tax credits each year and which insurers will qualify for the modified tax credit.

§§ 210.112, 210.119, 210.145, 210.160, 210.560, 210.565, 210.762, 211.032, 211.211, 211.261 & 211.462 - Child Protection

Officials from the **Department of Social Services (DSS)** state the following:

There is an anticipated fiscal impact to the Children's Division to execute 210.119.1 RSMo. as drafted. In Calendar Year 2024 the Division spent \$13,685,535 (\$4,747,512 GR and \$8,938,023) for 70 youth in Out of State Placements for an average of a 60-day placement, due to lack of placement options within the State of Missouri. This is an average of \$3,258.46 daily rate per youth. In CY 2024 the Division spent \$15,066,206 GR for children in hospitals beyond medical necessity. This was for approximately 314 youths for an average of 22 days per youth. The total current cost to house these youth is \$28,751,741. (\$19,813,718 GR and \$8,938,023 FF)

It would take 4 programs to house these youth. A residential program that would follow the DYS model would require an initial start-up cost of \$9,218,844 GR and typically take about six months to get it ready. The Division estimates the on-going cost to operate this program would be \$1,200 per day per youth. Therefore, the on-going cost would be \$17,520,000 (40 beds X \$1,200 \* 365 days) (\$6,077,688 GR and \$11,442,312 FF). Below is a chart showing the costs and savings.

		First year		On-going	
		GR	FF	GR	FF
Savings					
Out of state placements	\$13,685,535			\$4,747,512	\$8,938,023
Hospital Stay	<u>\$15,066,206</u>			<u>\$15,066,206</u>	
	\$28,751,741			\$19,813,718	\$8,938,023
Cost					
Start-up	(\$9,218,844)	(\$9,218,844)			
On-going	(\$17,520,000)			(\$6,077,688)	(\$11,442,312)
Net		(\$9,218,844)	\$0	\$13,736,030	(\$2,504,289)

Since the first year would be spent on start-up, there would be no savings.

It is difficult to estimate the daily cost of these facilities, so the Department is providing a first-year cost of \$9,218,844 and an on-going net savings to General Revenue up to \$13,736,030 and net federal cost of up to \$2,504,289 for services.

**In addition to the services listed above, the Department would need three staff consisting of one legal counsel, one program manager, and one program development specialist.** In order to receive federal reimbursement for these services, DSS would need to develop a rate approved by CMS. The staff are needed to coordinate appropriate rate structure research and development and to work with CMS on rate structure approval to maximize federal reimbursement. In addition, staff are needed for developing a structure for on-going service monitoring, oversight of the program, and appropriate licensure for federal reimbursement.

There would appear to be no fiscal impact on CD in the underlying CAN cases in juvenile court, as the county/juvenile office usually pays for these contracted attorneys.

However, CD pays for the services of parents' attorneys and the GAL in all TPR cases. Although it is not likely in many courts that an attorney for the child and a GAL would be appointed, there would be a fiscal impact on CD for the cost of paying for both counsel for a child and a GAL for a child, when typically at present only a GAL represents the child.

So essentially in TPR cases, the fiscal impact for CD would be the fees of one additional attorney on the case in those cases where a court appointed both counsel for a child and a GAL. If the judge chooses to appoint a GAL in addition to an attorney for the child in the TPR, the result would be additional attorney fees of approximately \$7000 in each child's case, and this would

include DLS and JO filed cases. There were 6,725 children who exited Family Centered Out-of-Home (alternative/foster) Care according to 2023 Children's Division Annual Report. Out of that number, there were **404** terminations of parental rights proceedings. The worst-case scenario would be an anticipated fiscal impact of **\$2,828,000** (404 TPRs \* \$7,000). However, it is unknown how many judges would appoint both an attorney and a GAL.

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

Officials from the **Office of Administration (OA), Information Technology Services Division (ITSD)/DSS** state updates to the Division of Youth Services (DYS) and Family and Children Electronic System (FACES) applications would be required.

OA, ITSD/DSS assumes every new IT project/system will be bid out because all ITSD resources are at full capacity. IT contract rates for the DYS and FACES applications are estimated at \$105/hour. It is assumed the applications modifications will require 1,135.08 hours for a cost of \$119,183 (1,135.08 \* \$105) for FY26 and on-going costs of \$23,712 for FY27 and \$24,305 for FY28.

**Oversight** does not have any information to the contrary. Therefore, Oversight will reflect the costs provided by ITSD/DSS for fiscal note purposes.

Officials from the **Office of Administration (OA), Facilities Management, Design and Construction (FMDC)** state, at this time, DSS could provide this program at their Rich Hill location which would require improvements to make the facility operational. In addition, FMDC would be required to have 1.00 FTE Specialized Trades Worker onsite. Currently, this location is vacant.

Given the project timeframes provided by DSS, **Oversight** assumes the additional costs for OA, FMDC could begin as early as FY 2028. Therefore, Oversight will reflect the estimates for FTE, fuel and utilities provided by the OA, FMDC as beginning in FY 2028.

Officials from the **Office of the State Courts Administrator (OSCA)** state § 210.160 may have some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

**Oversight** assumes OSCA is provided with core funding to handle a certain amount of activity each year. Oversight assumes OSCA could absorb the costs related to this proposal. If multiple bills pass which require additional staffing and duties at substantial costs, OSCA could request funding through the appropriation process.

In response to a similar proposal from the current session (SB 311), officials from the **University of Missouri Health Care (MUHC)** have reviewed the proposed legislation and determined that as written it should not create expenses in excess of \$100,000 annually.

**Oversight** assumes the costs incurred by the MUHC related to this proposal can be absorbed within current resource levels.

§ 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  
+\$2,905,429 Federal  
**\$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).**

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

§§ 477.700, 477.705, 477.710 & 477.715 – Child and Family Legal Representation

Officials from the **Office of Administration - Budget and Planning (B&P)** assume § 477.710 creates the Child and Family Legal Representation Fund. This fund may hold gifts, contributions, grants, bequests, or other aid received from federal, private, or other sources. To the extent that

gifts, contributions, grants, bequests, or other aid received from federal, private, or other sources are deposited into this fund, Total State Revenue may increase by an unknown amount.

Officials from **Office of the State Courts Administrator (OSCA)** state the “Child and Family Legal Representation Coordinating Board” shall be composed of nine members. The members shall serve without compensation, but shall be reimbursed out of funds appropriated for this purpose for actual and reasonable expenses incurred in the performance of their duties. There may be additional impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

**Oversight** notes § 477.700 creates the “Child and Family Legal Representation Coordinating Board” within the Missouri Supreme Court. The Board, consisting of nine members appointed by the Supreme Court as specified in the act, shall have the responsibility to collaborate with the various judicial circuits, judges, attorneys and other state departments or agencies to ensure uniform, high-quality legal representation to children. The “Child and Family Legal Representation Fund” is also created in the State Treasury to fund the work of this office.

Officials from the **Office of the State Treasurer (STO)** assumed 1 FTE (Treasury Coordinator) would be needed to handle the potential activity from this proposal only if STO would be required to administer the fund.

**Oversight** assumes this proposal will not create the additional duties necessary for a new FTE for the STO. Therefore, Oversight will reflect no fiscal impact to the STO for fiscal note purposes. However, if this assumption is incorrect, the STO may request funding through the appropriations process.

#### § 568.045 – Child Endangerment in the First Degree

Officials from the **Department of Corrections (DOC)** state this section alters the offense of endangering the welfare of a child in the first degree, increasing the age of the victim from seventeen to eighteen years of age.

In FY 2024, the department totaled 155 new prison admissions and 452 new probation cases for sentences of endangering the welfare of a child in the first degree. The increase in the minimum age under which a person can be considered to be a victim of endangerment could create additional instances in which a person could be charged with a crime under this section. However, there is no available data to determine the number of 17-year-olds to whom this could have potentially applied. Therefore, the impact is an **unknown cost, but anticipated to exceed \$250,000**.

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

Officials from the **Office of the State Public Defender (SPD)** state per the recently released National Public Defense Workload Study, the new charge contemplated by this change to Section 568.045 would take approximately thirty-five hours of SPD work for reasonably effective representation. Representation in one hundred cases under this section would result in a need for an additional one to two attorneys. Because the number of cases that will be filed under this statute is unknown, the exact additional number of attorneys necessary is unknown.

**Oversight** assumes this proposal will not create the number of new cases required to request additional FTE for the SPD and that the SPD can absorb the additional caseload required by this proposal with current staff and resources. Therefore, Oversight will reflect no fiscal impact to the SPD for fiscal note purposes. However, if multiple bills pass which require additional staffing and duties, the SPD may request funding through the appropriation process.

Officials from the **Office of the State Courts Administrator (OSCA)** state § 210.160 may have some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

**Oversight** assumes OSCA is provided with core funding to handle a certain amount of activity each year. Oversight assumes OSCA could absorb the costs related to this proposal. If multiple bills pass which require additional staffing and duties at substantial costs, OSCA could request funding through the appropriation process.

§§ 451.040, 451.080 & 451.090 – Age of Marriage

In response to similar legislation from 2024 (SCS for SB Nos. 767 & 1342), officials from the **Mississippi County Recorder of Deeds Office** assumed a slight impact, but the benefits of the proposal would outweigh the little loss that the office may incur.

**Oversight** assumes the Mississippi County Recorder of Deeds Office's impact would be minimal for this proposal and will reflect no fiscal impact.

**Oversight** only reflects the responses received from state agencies and political subdivisions; however, other counties, St. Louis City and other county recorders of deeds 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.

**Oversight** notes the number of marriages from the Provisional Vital Statistics Report on the Department of Health and Senior Services website over the last 5 years:

Calendar Years	Number of Marriages	Both Under the Age of 18
2024 ending April	7,508	N/A
2023	33,684	N/A
2022	36,103	51

2021	37,254	87
2020	34,425	68
2019	36,636	71

**Oversight** assumes there would be a minimal loss to County Recorder of Deeds offices; therefore, Oversight will reflect no fiscal impact.

Officials from the **Office of the State Courts Administrator (OSCA)** state §§ 451.040, 451.080, and 451.090 may have some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

**Oversight** assumes OSCA is provided with core funding to handle a certain amount of activity each year. Oversight assumes OSCA could absorb the costs related to this proposal. If multiple bills pass which require additional staffing and duties at substantial costs, OSCA could request funding through the appropriation process.

Responses regarding the proposed legislation as a whole

Officials from the **Department of Economic Development**, the **Department of Elementary and Secondary Education**, the **Department of Health and Senior Services**, the **Department of Higher Education and Workforce Development**, the **Department of Labor and Industrial Relations**, the **Department of Mental Health**, the **Department of Natural Resources**, the **Department of Public Safety (Office of the Director, Capitol Police and Missouri Highway Patrol)**, the **Missouri Department of Conservation**, the **Missouri Department of Transportation**, the **Missouri House of Representatives**, the **Missouri Lottery**, the **Missouri Office of Prosecution Services**, the **Missouri Senate**, the **Office of Administration (OA)**, the **OA - Administrative Hearing Commission**, the **Phelps County Sheriff's Department**, the **Kansas City Police Department**, the **St. Louis County Police Department**, **Northwest Missouri State University** 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 **Branson Police Department** assumed the proposal would have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Officials from the **Office of Attorney General (AGO)** assume any potential litigation costs arising from this proposal can be absorbed with existing resources. The AGO may seek additional appropriations if the proposal results in a significant increase in litigation or investigation costs.

**Oversight** does not have any information to the contrary. Therefore, Oversight assumes the AGO will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the AGO for fiscal note purposes.

**Oversight** only reflects the responses received from state agencies and political subdivisions; however, other cities, county officials, law enforcement agencies, schools and colleges 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** assumed 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
<b>GENERAL REVENUE</b>			
<u>Savings</u> – DSS (§ 210.119.1) Housing Youth in Out of State Placements and Hospitals p. 5-7	\$0	\$19,813,718	\$19,813,718
<u>Transfer Out</u> - OSCA (§ 477.710) Appropriation to the Child and Family Legal Representation Fund p. 10	(Unknown)	(Unknown)	(Unknown)
<u>Cost</u> – DSS, CD (§ 210.119.1) Housing youth under 4 programs p. p. 5-7	(\$9,218,844)	(\$6,077,688)	(\$6,077,688)

<u>FISCAL IMPACT – State Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028
<u>Cost – DSS (§ 210.119.1) p. 5-7</u>			
Personnel Service	(\$98,503)	(\$119,386)	(\$120,580)
Fringe Benefits	(\$56,953)	(\$68,802)	(\$69,265)
One Time E&E	(\$10,342)	\$0	\$0
On-going Expense & Equipment	(\$13,897)	(\$17,094)	(\$17,521)
ITSD Costs	(\$59,591)	(\$11,856)	(\$12,152)
<u>Total Cost - DSS</u>	<u>(\$239,286)</u>	<u>(\$217,138)</u>	<u>(\$219,518)</u>
FTE Change	1.5 FTE	1.5 FTE	1.5 FTE
<u>Cost – DSS (§§ 210.112 to 211.462)</u> Additional costs if judge appoints both a GAL and attorney p. 5-7	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Cost – DSS, CD (§ 210.560) Program Implementation p. 8-9</u>	(Unknown)	(Unknown)	(Unknown)
<u>Cost – DOC (§ 568.045) Potential increase in incarcerations with a change in age from 17 to 18 for p. 7</u>	(Unknown)	(Unknown)	(Unknown)
<u>Loss - DSS, CD (§ 210.560) Reduction of SSI and OASDI revenues p. 8-9</u>	Up to (\$7,792,028)	Up to (\$7,792,028)	Up to (\$7,792,028)
<u>Revenue Reduction – (§ 135.460) Youth Opportunity Program YOP (change in credit from 50% to 70%) p. 4-5</u>	<u>Could exceed (\$1,170,759)</u>	<u>Could exceed (\$1,170,759)</u>	<u>Could exceed (\$1,170,759)</u>
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	<b><u>(Unknown, more or less than \$18,420,917)</u></b>	<b><u>More or Less than \$4,556,105 to (Unknown)</u></b>	<b><u>More or Less than \$4,553,725 to (Unknown)</u></b>
Estimated Net FTE Change on General Revenue	<u>1.5 FTE</u>	<u>1.5 FTE</u>	<u>1.5 FTE</u>

<u>FISCAL IMPACT – State Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028
<b>STATE FACILITY MAINTENANCE AND OPERATION FUND (0501)</b>			
<u>Cost – OA, FMDC (§ 210.119) p. 8</u>			
Personal service	\$0	\$0	(\$87,169)
Fringe benefits	\$0	\$0	(\$50,729)
Equipment and expense – One time	\$0	\$0	(\$76,985)
Location study & building costs	\$0	\$0	Likely to exceed (\$245,358)
Fuel & utilities at the location	<u>\$0</u>	<u>\$0</u>	<u>(Unknown)</u>
Total <u>Cost</u> - OA, FMDC	<u>\$0</u>	<u>\$0</u>	<u>Likely to exceed (\$460,241)</u>
FTE Changes	0	0	1 FTE
<b>ESTIMATED NET EFFECT ON STATE FACILITY MAINTENANCE AND OPERATION FUND</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>Likely to exceed (\$460,241)</u></b>
Estimated Net FTE Change on the State Facility Maintenance and Operation Fund	0	0	1 FTE
<b>CHILD AND FAMILY LEGAL REPRESENTATION FUND</b>			
<u>Income</u> – (§ 477.705) Gifts, grants, bequests, or contributions p. 10	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
<u>Transfer In</u> – (§ 477.710) Appropriation from General Revenue p. 10	Unknown	Unknown	Unknown
<u>Cost</u> – (§ 477.710) admin costs and distributions from the Child and Family			

<u>FISCAL IMPACT – State Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028
Legal Representation Coordinating Board to various judicial circuits p. 10	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<b>ESTIMATED NET EFFECT ON THE CHILD AND FAMILY REPRESENTATION FUND</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
<b>FEDERAL FUNDS</b>			
<u>Income</u> - DSS (§ 210.119.1) Program Reimbursement p. 5-6	Unknown, more or less than \$239,290	Unknown, more or less than \$2,721,429	Unknown, more or less than \$2,723,810
<u>Income</u> – DSS, CD (§ 210.560) Reimbursement for Program Implementation p. 8-9	Unknown	Unknown	Unknown
<u>Savings</u> – DSS (§ 210.119.1) Housing Youth in Out of State Placements and Hospitals p. 5-6	\$0	\$8,938,023	\$8,938,023
<u>Savings</u> - DSS, CD (§ 210.560) Reduction of SSI and OASDI disbursements p. 8-9	Up to \$2,905,429	Up to \$2,905,429	Up to \$2,905,429
<u>Cost</u> – DSS (§ 210.119.1) To house youth under 4 programs p. 5-6	\$0	(\$11,442,312)	(\$11,442,312)
<u>Cost</u> – DSS (§ 210.119.1) p. 3-5			
Personnel Service	(\$98,504)	(\$119,387)	(\$120,580)
Fringe Benefits	(\$56,954)	(\$68,803)	(\$69,266)
One Time E&E	(\$10,342)	\$0	\$0
On-going Expense & Equipment	(\$13,898)	(\$17,094)	(\$17,522)
ITSD Costs	<u>(\$59,592)</u>	<u>(\$11,856)</u>	<u>(\$12,153)</u>
<u>Total Cost</u> - DSS	<u>(\$239,290)</u>	<u>(\$217,140)</u>	<u>(\$219,521)</u>
FTE Change	1.5 FTE	1.5 FTE	1.5 FTE

<u>FISCAL IMPACT – State Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028
<u>Cost – DSS (§§ 210.112 to 211.462)</u> Additional costs if judge appoints both a GAL and attorney p. 5-7	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Cost – DSS, CD (§ 210.560) Program</u> Implementation p. 8-9	(Unknown)	(Unknown)	(Unknown)
<u>Loss - DSS, CD (§ 210.560) Reduction</u> of SSI and OASDI revenues p. 8-9	<u>Up to</u> (\$2,905,429)	<u>Up to</u> (\$2,905,429)	<u>Up to</u> (\$2,905,429)
<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
Estimated Net FTE Change on Federal Funds	1.5 FTE	1.5 FTE	1.5 FTE

<u>FISCAL IMPACT – Local Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028
<b>COUNTIES</b>			
<u>Cost – Counties (§§ 210.112, to</u> 211.462) Potential child attorney or GAL costs p. 7	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<b>ESTIMATED NET EFFECT ON COUNTIES</b>	<b><u>\$0 or</u> <u>(Unknown)</u></b>	<b><u>\$0 or</u> <u>(Unknown)</u></b>	<b><u>\$0 or</u> <u>(Unknown)</u></b>

FISCAL IMPACT – Small Business

Small businesses that qualify for the credit may be positively impacted as a result of this proposal. (§135.460)

FISCAL DESCRIPTION

This bill modifies several provisions relating to the protection of children.

YOUTH OPPORTUNITIES AND VIOLENCE PREVENTION TAX CREDIT (Section 135.460)

Current law authorizes a tax credit in the amount of 50% of contributions made to certain youth programs. This bill increases such tax credit to 70% of the amount of such contributions made.

#### CHILDREN'S DIVISION SERVICE PROVIDER CONTRACTS (Section 210.112)

Under this bill, provisions in service provider contracts with the Children's Division in which the State is indemnified, held harmless, or insured for damages, claims, losses, or expenses arising from any injury caused by or resulting from the State's negligence, in whole or in part, will be void as against public policy and unenforceable.

#### SERVICES FOR YOUTH (Section 210.119)

Under this bill, the Department of Social Services will establish a program to provide a comprehensive system of service delivery, education, and residential care for youth with severe behavioral challenges. In order to be eligible for the program, a youth must be under 21 years of age, in the custody of the Children's Division, and a team in the Department must have decided that the needs of the youth cannot be met with existing programs.

The Department must have the authority to contract with qualified services providers to provide services to the youth under this bill. Such service providers will be certified, licensed, or accredited in their respective fields of service, based in Missouri, and entities with proven experience in the areas for which they will provide services.

A qualified service provider providing services under this bill will have immunity, as specified in the bill.

The Department will be authorized to enter into memoranda of understanding with any facility or campus under state ownership that is appropriate for the program and youth being served.

#### CHILD ABUSE INVESTIGATIONS (Section 210.145)

Under this bill, the person responding to an investigation of abuse or neglect must first ensure the safety of the child through direct observation and communication, and if the parent or alleged perpetrator is present during an investigation by the Children's Division, the case worker must identify themselves and their role in the investigation. When responding to an assessment of abuse or neglect, the person responding must provide the child's parent or guardian with written materials informing him or her of rights regarding the visit, including that they have the right to contact an attorney. The parent or guardian must be given reasonable time to read or have the material read to them.

#### MONEYS HELD BY CHILDREN'S DIVISION FOR A CHILD OR YOUTH (Section 210.560)

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 that child is deemed to be eligible. 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. The Division must annually review cases of children in the division's custody to determine whether a child could've become eligible for benefits after the division's initial assessment. Any moneys received by the Division and in the account of a child or youth are prohibited from being expended by the Division for certain services or care which are detailed in the bill. However, this bill provides that the Division can use the benefits administered by the Railroad Retirement Board, the Social Security Administration, or the Veterans Administration for the child's or youth's unmet needs, as are defined in the bill, beyond what the Division is required or agrees to pay.

The bill additionally grants the Department of Social Services the ability to enter into contracts to apply for benefits on behalf of a child or youth and to establish accounts on behalf of the child or youth.

CHILD'S COUNSEL (Sections 210.145, 210.160, 210.560, 210.565, 210.762, 211.032, 211.211, 211.261, 211.462, 477.700, 477.705, 477.710, and 477.715)

Beginning January 1, 2028, unless operating under a pilot project established by the Missouri Supreme Court and subject to necessary appropriations, a judge will appoint a child's counsel instead of a guardian ad litem (GAL) for children in certain proceedings who are at least 14 years but less than 18 years of age. If the child has a GAL at the time of his or her 14th birthday, that GAL will automatically become the child's counsel, unless the judge determines that it is necessary to continue the GAL appointment, as specified in the bill. The same attorney can serve as a GAL and child's counsel for a sibling group of varying ages, unless the attorney or judge finds a conflict of interest. For proceedings or cases in which child's counsel is appointed, the court must set a reasonable fee for those services and will award such fees as a judgment to be paid by the State from funds appropriated by the legislature to the judicial branch for that purpose.

This bill creates the "Child and Family Legal Representation Coordinating Commission" within the judicial branch, with the requirement of nine members appointed by the Chief Justice of the Supreme Court with duties as described in the bill, including working cooperatively with the various judicial circuits, judicial personnel, attorneys, and other State departments and agencies to ensure uniform, high-quality legal representation for children or families involved in legal proceedings, and make recommendations to the Missouri Supreme Court concerning the establishment or modification of minimum training requirements and practice standards for attorneys serving as guardians ad litem, children's counsel, or parent's counsel.

The Coordinating Commission can also develop, coordinate, and evaluate pilot projects relating to guardians ad litem, children's counsel, or parent's counsel and outcomes relating to the various

models of representation, as well as implementation of the children's counsel appointment provisions of this bill.

This bill creates the "Child and Family Legal Representation Fund" in the State Treasury, to be distributed by the Coordinating Commission to the judicial circuits for the purpose of improving or providing legal representation for children or families, including the payment of reasonable fees approved by the court for the appointment of guardians ad litem, children's counsel, or parent's counsel.

Under this bill, a circuit can participate in a pilot project established by the Missouri Supreme Court relating to guardians ad litem, children's counsel, or parent's counsel, in which case a judge can appoint a child's counsel instead of a guardian ad litem.

This provision will expire on January 1, 2028.

#### AMBER ALERT SYSTEM (Section 210.1012)

Under current law, a Statewide program called the "Amber Alert System" was established in order to aid in the identification and location of an abducted child. This bill includes abducted or missing African American youth in the system and adds that it will be unlawful to discriminate against any person because of a protected classification when the Department of Public Safety coordinates with local law enforcement agencies and media outlets to identify an abducted child.

#### PLACEMENT OF A CHILD (Section 211.221)

Currently, when placing a child in the custody of an individual or a private agency or institution, the court must, whenever practicable, select either a person, or an agency or institution governed by persons of the same religious faith as that of the parents of the child, or in case of a difference in the religious faith of the parents, then of the religious faith of the child or if the religious faith of the child is not ascertainable, then of the faith of either of the parents. This bill requires the Children's Division, within the Department of Social Services, or any child-placing agency contracting with the State to provide foster care services, to follow the same procedure.

#### AGE OF MARRIAGE (Sections 451.040, 451.080, and 451.090)

Currently, no marriage license will be issued in Missouri for individuals under 16 years of age or issued when one party to the marriage is under 18 years of age and the other party over 21 years of age. Additionally, no marriage license will be issued if any party to the marriage is under 18 years of age without parental consent.

This bill repeals those provisions and no marriage license will be issued in Missouri for individuals under 18 years of age.

#### CIVIL ACTIONS FOR CHILDHOOD SEXUAL ABUSE (Section 537.046)

This bill modifies the offenses included in the definition of "childhood sexual abuse" for civil actions to recover damages from injury or illness caused by childhood sexual abuse. The bill will apply to any action arising on or after August 28, 2025.

This bill also provides that a nondisclosure agreement by any party to a childhood sexual abuse action must not be judicially enforceable in a dispute involving childhood sexual abuse allegations or claims and will be void.

#### ENDANGERING THE WELFARE OF A CHILD IN THE FIRST DEGREE (Section 568.045)

Currently, a person commits the offense of endangering the welfare of a child in the first degree if he or she knowingly engages in sexual conduct with a person under the age of seventeen years over whom the person is a parent, guardian, or otherwise charged with the care and custody of the child. This bill changes the age of the child from under seventeen to under eighteen.

#### ABUSE OR NEGLECT OF A CHILD (Sections 568.060 and 578.421)

As specified in this bill, a person does not commit the offense of abuse or neglect of a child by virtue of the sole fact that the person allows the child to engage in independent activities without adult supervision, and that the person is a parent or guardian to the child, provided that:

(1) Independent activities are appropriate based on the child's age, maturity, and physical and mental abilities; and

(2) The lack of adult supervision does not constitute conduct that is so grossly negligent as to endanger the child's health or safety. As defined in the bill, "independent activities" include traveling to or from school or nearby locations, either by bicycle or on foot; playing outdoors; or remaining at home for a reasonable period of time without adult supervision.

This bill also modifies the term "neglect" to provide that it is not neglectful for a person to allow a child to engage in independent activities without adult supervision, provided that such activities are appropriate, based on the child's age, maturity, and physical and mental capabilities, and that the lack of adult supervision does not constitute negligent conduct.

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

#### SOURCES OF INFORMATION

Attorney General's Office  
Department of Commerce and Insurance  
Department of Corrections  
Department of Economic Development

Department of Elementary and Secondary Education  
Department of Health and Senior Services  
Department of Higher Education and Workforce Development  
Department of Labor and Industrial Relations  
Department of Mental Health  
Department of Natural Resources  
Department of Public Safety  
    Capitol Police  
    Office of the Director  
    Missouri Highway Patrol  
Department of Revenue  
Department of Social Services  
Joint Committee on Administrative Rules  
Missouri Department of Conservation  
Missouri Department of Transportation  
Missouri House of Representatives  
Missouri Lottery  
Missouri Office of Prosecution Services  
Missouri Senate  
Office of Administration  
    Administrative Hearing Commission  
    Budget and Planning  
Office of the Secretary of State  
Office of the State Courts Administrator  
Office of the State Public Defender  
Office of the State Treasurer  
University of Missouri Health Care  
Mississippi County Recorder of Deeds Office  
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



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June 23, 2025



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