

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1974S.07A
Bill No.: SS for HCS for HB Nos. 737 & 486 with SA1
Subject: Attorneys; Children and Minors; Courts; Juvenile Courts; Crimes and Punishment;
Domestic Relations; Family Law; Department of Mental Health; Department of
Social Services; Division of Youth Services
Type: Original
Date: March 12, 2025

Bill Summary: This proposal modifies provisions relating to child protection.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
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)
Total Estimated Net Effect on 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)

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

*Fund income less disbursements net to zero.

Numbers within parentheses: () indicate costs or losses.

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

*Fund income less disbursements net to zero.

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
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
Total Estimated Net Effect on FTE	3 FTE	3 FTE	4 FTE

☒ 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 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)

*Potential child attorney or GAL costs

FISCAL ANALYSIS

ASSUMPTION

Oversight was unable to receive some of the agency responses in a timely manner due to the short fiscal note request time. Oversight has presented this fiscal note on the best current information that we have or on prior year information regarding a similar bill. Upon the receipt of agency responses, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval to publish a new fiscal note.

§ 135.460 – Youth Opportunities Tax Credit

In response to similar legislation from this year (SB 126), officials from the **Office of Administration – Budget & Planning (B&P)** noted:

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)** noted:

This proposal also 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.

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 to \$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 receive 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** assumed 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

In response to similar legislation from the current session (SS for SB 43), 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 X 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.

Children's Division (CD) has reached out to federal partners in the Administration for Children and Families (ACF) and is awaiting a determination as to whether or not this proposed legislation may create a fiscal impact on CD's entitlement to funding under the federal Child Abuse Prevention and Treatment Act (CAPTA) and Title IV-E. An addendum will be submitted once DSS receives their response.

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 X \$7000). However, it is unknown how many judges would appoint both an attorney and a GAL.

It is permissive as to whether the court chooses to appoint a GAL as well as legal counsel. It has also been a longstanding requirement for CAPTA grant funding that state child welfare agencies include in their CAPTA plans "provisions and procedures requiring that in every case involving a victim of child abuse or neglect which results in a judicial proceeding, a guardian ad litem, who has received training appropriate to the role, including training in early childhood, child, and adolescent development, and who may be an attorney or a court appointed special advocate who has received training appropriate to that role (or both), shall be appointed to represent the child in such proceedings (I) to obtain first-hand, a clear understanding of the situation and needs of the child; and (II) to make recommendations to the court concerning the best interests of the child." 42 U.S.C. s 5106a(b)(2)(B)(xiii). See Erin Phillips, When parents Aren't Enough: External Advocacy in Special Education, 117 Yale L.J. 1802, 1839 (2008) ("Since 1974, the Child Abuse Prevention and Treatment Act (CAPTA) has conditioned the disbursement of CAPTA grants on the existence of a state law requiring the appointment of a guardian ad litem "in every case involving an abused or neglected child that results in a judicial proceeding.")

CD receives a total of \$1.7 million annually in CAPTA grant funding. The proposed legislation could impact an unknown amount of CAPTA grant funding. ACF has previously informed CD that the legislations proposed in this bill would impact CAPTA and CD would have to enter into a Program Improvement Plan (PIP) to come in compliance. The financial penalty would take place if they do not successfully complete the PIP.

In response to a similar proposal from the current session (SB 311), officials from the **Office of Administration (OA), Information Technology Services Division (ITSD)/DSS** stated 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.

In response to a similar proposal from the current session (SB 311), officials from the **Office of Administration (OA), Facilities Management, Design and Construction (FMDC)** stated the new program created for youth with severe behavioral challenges or severe developmental disabilities will cause FMDC Operations to experience additional costs based on the location that DSS is proposing. It will take 1.00 FTE, Specialized Trades Worker, and associated expenditures. The costs for fuel and utilities that would be expended at the location cannot be determined at this time since FMDC does not know the number of square feet the program would utilize. Therefore, FMDC's estimate for this location would be **\$245,358 (FTE, fuel and utilities) to unknown starting in FY29 or FY30**. FMDC anticipates the timeframe to complete the project would be 4 plus years based on completing a location study, waiting for appropriation funding, project design, and construction.

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.

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

In response to a previous version, 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).

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.

In response to a previous version, officials from the **Administrative Hearing Commission**, the **Department of Elementary and Secondary Education**, the **St. Louis County Police Department**, the **Department of Labor and Industrial Relations**, the **Office of Administration**, 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 **Northwest Missouri State University** assumed the proposal would have no fiscal impact on their organization.

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.

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

In response to a similar proposal from the current session (SB 43), officials from the **Office of Administration - Budget and Planning (B&P)** assumed §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.

In response to a similar proposal from the current session (SS for SB 43), officials from **Office of the State Courts Administrator (OSCA)** stated 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. It is unclear who will pay the attorney fees associated with representing the children. OSCA presumes that the counties would be responsible for paying the child's attorney fees in the same manner that the counties currently pay for guardians’ ad litem. 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.

In response to a similar proposal from the current session (SB 43), officials from the **Office of the State Treasurer (STO)** assumed 1 FTE (Treasury Coordinator) is needed to handle the potential activity from this proposal.

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

§ 537.046 – Nondisclosure Agreements in Child Sexual Abuse Cases

In response to similar legislation from this year (HB 709), officials from the **Office of the State Courts Administrator**, the **Department of Health and Senior Services**, the **Department of Corrections**, the **Department of Social Services**, and the **Office of the State Public Defender** each assumed 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.

§ 568.045 – Child Endangerment in the First Degree

In response to similar legislation from the current session (SS for SB 43), officials from the **Department of Corrections (DOC)** assume the increase in the minimum age under which a person can be considered to be endangered as a child in the first degree 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.

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

§§ 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.

In response to similar legislation from this year, Perfected SS for SB 66, officials from the **Department of Social Services** and the **Department of Health and Senior Services** each assumed 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.

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.

Responses regarding the proposed legislation as a whole as amended

Officials from the **Department of Mental Health**, the **Department of Natural Resources**, the **Department of Public Safety – Director’s Office**, the **Missouri Department of Transportation**, the **Missouri House of Representatives**, the **Missouri Office of Prosecution Services**, the **Branson Police Department**, the **Kansas City Police Department**, 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 the underlying bill, officials from the **Department of Higher Education and Workforce Development** 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.

In response to a previous version, officials from the **Department of Public Safety - Missouri Highway Patrol** and the **Phelps County Sheriff’s Department** 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 the underlying bill, officials from the **Office of Attorney General (AGO)** assumed 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.

In response to similar legislation from the current session (SS for SB 43), officials from the **Department of Economic Development**, the **Department of Elementary and Secondary Education**, the **Department of Health and Senior Services**, the **Joint Committee on Administrative Rules**, the **Missouri Senate**, the **Office of the State Public Defender**, 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.

In response to a similar proposal from the current session (SB 43), officials from the **Office of the State Public Defender** 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 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

In response to a similar proposal from the current session (SB 311), officials from the **Joint Committee on Administrative Rules** assumed this proposal is not anticipated to cause a fiscal impact beyond its current appropriation.

In response to a previous version from the **Office of the Secretary of State (SOS)** noted 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.

Senate Amendment 1 - § 210.1012 - Modifies Amber Alert System to include abducted or missing Black youth

In response to similar legislation from the current session (SB 611), officials from the **Department of Health and Senior Services**, the **Department of Public Safety (Capitol Police and Missouri Highway Patrol)**, the **Department of Social Services**, the **Missouri Department of Conservation**, the **Office of the State Public Defender**, the **Phelps County Sheriff's Department**, the **St. Louis County Police Department**, and the **Missouri Lottery** 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.

<u>FISCAL IMPACT – State Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028
GENERAL REVENUE			
<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. 11	(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>Cost</u> – DSS (§ 210.119.1) p. 5-7			
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 Costs</u> - DSS	(\$239,286)	(\$217,138)	(\$219,518)
FTE Change	1.5 FTE	1.5 FTE	1.5 FTE
<u>Cost</u> – DSS (§§ 210.112 to 211.462) Additional costs if judge appoints both a GAL and attorney p. 5-7	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Cost</u> – DSS, CD (§ 210.560) Program Implementation p. 9-10	(Unknown)	(Unknown)	(Unknown)
<u>Loss</u> – DSS (§§ 210.112 to 211.462) Potential loss of CAPTA funding because of certain requirements that must be met p. 5-7	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<u>Loss</u> - DSS, CD (§ 210.560) Reduction of SSI and OASDI revenues p. 9-10	Up to (\$7,792,028)	Up to (\$7,792,028)	Up to (\$7,792,028)
<u>Cost</u> – DOC (§ 568.045) Potential increase in incarcerations with a change in age from 17 to 18 for p. 7	(Unknown)	(Unknown)	(Unknown)

<u>FISCAL IMPACT – State Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028
<u>Revenue Reduction</u> – (§ 135.460) Youth Opportunity Program YOP (change in credit from 50% to 70%) SA 5 p. 9	<u>Could exceed</u> <u>(\$1,170,759)</u>	<u>Could exceed</u> <u>(\$1,170,759)</u>	<u>Could exceed</u> <u>(\$1,170,759)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>(Unknown, more or less than \$18,420,917)</u>	<u>More or Less than \$4,556,105 to (Unknown)</u>	<u>More or Less than \$4,553,725 to (Unknown)</u>
Estimated Net FTE Change on General Revenue	<u>1.5 FTE</u>	<u>1.5 FTE</u>	<u>1.5 FTE</u>
STATE FACILITY MAINTENANCE AND OPERATION FUND (0501)			
<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>Costs</u> - OA, FMDC	<u>\$0</u>	<u>\$0</u>	<u>Likely to exceed (\$460,241)</u>
FTE Changes	0	0	1 FTE
ESTIMATED NET EFFECT ON STATE FACILITY MAINTENANCE AND OPERATION FUND	<u>\$0</u>	<u>\$0</u>	<u>Likely to exceed (\$460,241)</u>
Estimated Net FTE Change on the State Facility Maintenance and Operation Fund	0	0	1 FTE
CHILD AND FAMILY LEGAL REPRESENTATION FUND			

<u>FISCAL IMPACT – State Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028
<u>Income</u> – (§ 477.705) Gifts, grants, bequests, or contributions p. 11	Unknown	Unknown	Unknown
<u>Transfer In</u> – (§ 477.710) Appropriation from General Revenue p. 11	Unknown	Unknown	Unknown
<u>Costs</u> – (§ 477.710) admin costs and distributions from the Child and Family Legal Representation Coordinating Board to various judicial circuits p. 11	(Unknown)	(Unknown)	(Unknown)
ESTIMATED NET EFFECT ON THE CHILD AND FAMILY REPRESENTATION FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
FEDERAL FUNDS			
<u>Income</u> - DSS (§ 210.119.1) Program Reimbursement	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. 9-10	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. 9-10	Up to \$2,905,429	Up to \$2,905,429	Up to \$2,905,429
<u>Costs</u> – DSS (§ 210.119.1) To house youth under 4 programs p. 5-6	\$0	(\$11,442,312)	(\$11,442,312)

<u>FISCAL IMPACT – State Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028
<u>Costs – DSS (§ 210.119.1) p. 3-5</u>			
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	(\$59,592)	(\$11,856)	(\$12,153)
<u>Total Costs - DSS</u>	<u>(\$239,290)</u>	<u>(\$217,140)</u>	<u>(\$219,521)</u>
FTE Change	1.5 FTE	1.5 FTE	1.5 FTE
<u>Costs – DSS (§§ 210.112 to 211.462) additional costs if judge appoints both a GAL and attorney p. 5-7</u>	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Costs – DSS, CD (§ 210.560) Program Implementation p. 9-10</u>	(Unknown)	(Unknown)	(Unknown)
<u>Loss – DSS – (§§ 210.112 to 211.462) potential loss of CAPTA funding because of certain requirements that must be met p. 5-7</u>	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<u>Loss - DSS, CD (§ 210.560) Reduction of SSI and OASDI revenues p. 9-10</u>	<u>Up to (\$2,905,429)</u>	<u>Up to (\$2,905,429)</u>	<u>Up to (\$2,905,429)</u>
ESTIMATED NET EFFECT ON FEDERAL FUNDS	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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
COUNTIES			

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

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

Current law authorizes a tax credit in the amount of 50% of contributions made to certain youth programs. This act increases such tax credit to 70% of the amount of such contributions made. (§ 135.460)

Under this act, the Department of Social Services shall 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 shall be under 21 years of age, in the custody of the Department of Social Services, and a team in the Department shall have made a determination that the needs of the youth cannot be met with existing programs.

The Department shall have the authority to contract with qualified services providers to provide services to the youth under this act. Such service providers shall 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 shall provide services.

A qualified service provider providing services under this act shall have immunity as specified in the act.

The Department shall 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. (§ 210.119)

Beginning January 1, 2028, unless operating under a pilot project established by the Missouri Supreme Court, a judge shall 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 shall automatically become the child's counsel, unless the judge determines that it is necessary to continue the GAL appointment

due as specified in the act. The same attorney may 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.

This act creates the "Child and Family Legal Representation Coordinating Commission" within the judicial branch, with nine members appointed by the Chief Justice of the Supreme Court with duties as described in the act, including working cooperatively with the various judicial circuits, judicial personnel, attorneys, and state departments and agencies to ensure uniform, high-quality legal representation for children or families involved in legal proceedings and making 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 may 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 act.

This act 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 appointment of guardians ad litem, children's counsel, or parent's counsel.

Under this act, a circuit may 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 may appoint a child's counsel instead of a guardian ad litem. This provision shall expire on January 1, 2028. (§§ 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)

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 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 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
 Director's Office
 Missouri Highway Patrol
Department of Revenue
Department of Social Services
Joint Committee on Administrative Rules
Missouri Department of Transportation
Missouri House of Representatives
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
Mississippi County Recorder of Deeds Office
Phelps County Sheriff's Department
Branson Police Department
Kansas City Police Department

L.R. No. 1974S.07A

Bill No. SS for HCS for HB Nos. 737 & 486 with SA1

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March 12, 2025

St. Louis County Police Department
Northwest Missouri State University
University Of Central Missouri

A handwritten signature in cursive script that reads "Julie Morff".

Julie Morff
Director
March 12, 2025

A handwritten signature in cursive script that reads "Jessica Harris".

Jessica Harris
Assistant Director
March 12, 2025