

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1354H.01I
Bill No.: HB 557
Subject: Children and Minors; Social Services, Department of
Type: Original
Date: February 8, 2021

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

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
General Revenue	(\$118,844)	(\$215,334)	(\$208,238)
Total Estimated Net Effect on General Revenue	(\$118,844)	(\$215,334)	(\$208,238)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Criminal Records System Fund (0671)	Unknown	Unknown	Unknown
Total Estimated Net Effect on <u>Other</u> State Funds	Unknown	Unknown	Unknown

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Federal*	\$0	\$0	\$0
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

*Income and costs estimated at \$166,000 annually and net to \$0.

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
General Revenue	2.23 FTE	2.23 FTE	2.23 FTE
Federal Funds	1.77 FTE	1.77 FTE	1.77 FTE
Total Estimated Net Effect on FTE	4 FTE	4 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.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Local Governments – County Health Departments	(Unknown)	(Unknown)	(Unknown)

FISCAL ANALYSIS

ASSUMPTION

§210.1263 – Background checks on employees, volunteers, etc. at the home

Officials from the **Department of Public Safety, Missouri Highway Patrol** state that FBI approved Missouri statutes that authorize entities to conduct both state and FBI fingerprint criminal record checks would require fees to be collected. The fiscal impact to the CJIS Division's Criminal Record Systems Fund (0671) depends on the number of fingerprint criminal record checks conducted. The fingerprint fee structure is outlined below.

The state fee for a fingerprint based criminal record check is \$20.00 per request. The federal fee for a fingerprint based criminal record check is \$13.25 per request, of which, the CJIS Division retains \$2.00 of the federal fee. This equates to \$22.00 of the total state and federal fingerprint background check fee that is retained in the Criminal Record System Fund per request.

The authorized entity may choose to utilize the Missouri Automated Criminal History System (MACHS) and have fingerprinting completed by the state fingerprinting vendor. If this avenue is chosen, an additional fee of \$8.50 will be required by the vendor.

State and Federal Fingerprint Fee Schedule

State Fee = \$20.00

Federal Fee = \$13.25

Total State and Federal fee = \$33.25

Vendor Fee (if applicable) = \$8.50

Total State and Federal with Vendor fee = \$41.75

Total Retained in the Criminal Record System Fund = \$22.00

Oversight does not have information to the contrary. Oversight notes that currently, the number of residential children's homes operating in Missouri and the number of individuals employed by them are unknown. Therefore, Oversight will reflect an unknown income amount to the Criminal Records System Fund (0671).

§210.1265 – Child residential homes to comply with specified inspections

Officials from the **Columbia/Boone County Public Health & Human Services (PHHS)** state the proposed §210.1265 requires child residential homes to comply with all fire, safety, health, and sanitation inspections required under §210.252. PHHS currently performs inspections under §210.252 for childcare facilities. These inspections are performed under contract from the Missouri Department of Health and Human Services (DHSS). If PHHS will be expected to perform the inspections of the child residential homes, that will represent an unknown cost because we have no way of knowing how many such homes there are, nor whether DHSS will

reimburse PHHS for the inspections, nor whether the reimbursement will cover the entire cost of the inspection.

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

Responses regarding the proposed legislation as a whole

Officials from the **Department of Social Services (DSS), Children's Division (CD)** state this bill establishes §210.143 stating the CD, juvenile officer (JO), or prosecuting attorney (PA) may petition the circuit court for an order directing a child residential home as defined under §210.1253 that is the subject of an investigation of child abuse or neglect to present the child at a place and time designated by the court to a CD worker for an assessment of the child's health, safety, and well-being.

The petition for subpoena or an order under this section shall be filed in the juvenile or family court that may have taken judicial custody of the child under §211.031 or in the circuit court of another county as specified in §210.143.

The time frames for CD to complete its investigation and notify the alleged perpetrator of its decision set forth in sections 210.145, 210.152, and 210.183 shall be tolled from the date that CD files a petition for a subpoena until the information is produced in full, until such subpoena is withdrawn, or until a court of competent jurisdiction quashes such subpoena.

§210.1256 adds that DSS shall be the notification agency for all child residential homes, and DSS shall discharge as additional duties and responsibilities the provisions of §§210.1250-210.1286.

§210.1268 adds that when DSS is advised or has reason to believe any child residential home is operating without proper notification in accordance with §§210.1250 to 210.1286, DSS shall request a meeting with the governing board and executive director of such home to ascertain the fact.

If DSS finds that such home is providing supervision, care, lodging, or maintenance for any children without such notification, it shall give the executive director of the home written notice by certified mail that such person shall file notification in accordance with §§210.1250 to 210.1286 within thirty days after receipt of such notice, or DSS may request a court injunction.

DSS shall notify the Attorney General of any case in which DSS makes a referral to a juvenile officer for removal of a child from a child residential home. DSS shall also maintain a list of all child residential homes and the list shall be provided upon request. The list shall include information regarding how a person may obtain information about the nature and disposition of any child abuse reports at or related to the child residential home.

CD does anticipate a potential fiscal impact if this bill is passed. Due to the number of child residential homes being unknown in the State of Missouri, it is difficult to project how the passing of this bill would fiscally impact programming. CD sees the potential need for additional full-time employees (FTEs) in the Residential Program Unit (RPU) as there would be additional work requirements within this unit with this bill's addition of the child residential homes. CD would like to propose two (2) additional FTEs for handling the unlicensed facilities and will reevaluate the need for additional staff following the first year of implementation. The cost for these FTEs with a starting salary of \$40,794, will cost approximately \$138,000 per year in personal service and fringe benefit costs to CD, split 56% GR and 44% Federal.

There is also the potential for additional **DSS, Division of Legal Services (DLS)** attorneys being needed to assist the Children's Division regarding court and legal matters. Again, since the number of child residential homes is unknown in the State of Missouri, it is difficult to quantify how many additional attorneys could potentially be needed. DLS is proposing one (1) FTE litigation attorney and one (1) FTE for special counsel with a starting salary of \$60,000, will cost approximately \$190,000 per year in personal service and fringe benefit costs to CD, split 56% GR and 44% Federal.

Allegations of abuse and neglect would be investigated by the Children's Division's Out of Home Investigation Unit (OHI), but there doesn't appear to be a potential fiscal impact for that unit as the workload would be absorbed into current staffing.

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

Officials from the **Office of Administration (OA), Information Technology Services Division (ITSD)/DSS** state, at this point in time, CD is already collecting similar data and storing it on the SharePoint program. There has been no indication they would want to change their procedure at this time. If that would change then this would be an impact to ITSD-DSS.

Oversight does not have any information to the contrary. Therefore, Oversight will a zero impact in the fiscal note for this agency.

Officials from the **Office of State Public Defender (SPD)** state, for the purpose of the proposed legislation, and as a result of excessive caseloads, the SPD cannot assume existing staff will be able to provide competent, effective representation for any new cases where indigent persons are charged with the proposed new crime(s) of class A misdemeanor concerning the protection of children under Section 210.143. However, if this offense was classified as a class D misdemeanor, it would not qualify for public defender representation because it would be punishable by a fine only, and therefore there would be no impact on MSPD. The Missouri State Public Defender System is currently providing legal representation in caseloads in excess of recognized standards. While the number of new cases may be too few or uncertain to request additional funding for this specific bill, the Missouri State Public Defender will continue to

request sufficient appropriations to provide competent and effective representation in all cases where the right to counsel attaches.

Oversight assumes the SPD 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 SPD for fiscal note purposes.

Officials from the **Office of Attorney General (AGO)** assume any additional litigation costs arising from this proposal can be absorbed with existing personnel and resources. However, the AGO may seek additional appropriations if there is a significant increase in litigation.

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.

Officials from the **Department of Elementary and Secondary Education, the Department of Health and Senior Services, the Department of Public Safety, Division of Fire Safety, the Missouri Office of Prosecution Services, the Office of Administration, the Columbia Police Department, the Crestwood Police Department, the Kansas City Police Department, the Newton County Health Department, the Springfield Police Department, the St. Louis County Health Department and the St. Louis County 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.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other local public health agencies, circuit clerks, sheriffs, police, fire protection districts, and associations were requested to respond to this proposed legislation but did not. A general listing of political subdivisions included in our database is available upon request.

Rule Promulgation

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

Officials from the **Office of the Secretary of State** notes many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The Secretary of State's office is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to Secretary of State's office for Administrative Rules is less than \$5,000. The Secretary of State's office recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, we also recognize that many such bills may be passed by the General Assembly in a given year and that collectively the costs

may be in excess of what our office can sustain with our core budget. Therefore, we reserve the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

<u>FISCAL IMPACT – State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
GENERAL REVENUE FUND			
<u>Costs – DSS (§§210.143-210.1286)</u>			
Personal service p. 5	(\$55,650)	(\$113,306)	(\$114,439)
Fringe benefits	(\$44,490)	(\$68,798)	(\$69,173)
Equipment and expense	(\$18,704)	(\$33,230)	(\$24,626)
<u>Total Costs – DSS</u>	<u>(\$118,844)</u>	<u>(\$215,334)</u>	<u>(\$208,238)</u>
FTE Change – DSS	2.23 FTE	2.23 FTE	2.23 FTE
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(\$118,844)</u>	<u>(\$215,334)</u>	<u>(\$208,238)</u>
Estimated net FTE Change on the General Revenue Fund	2.23 FTE	2.23 FTE	2.23 FTE
CRIMINAL RECORDS SYSTEM FUND (0671)			
Income – MHP (§210.1263) Fees Collected From Background Checks p. 3	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
ESTIMATED NET EFFECT ON THE CRIMINAL RECORDS SYSTEM FUND	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>

<u>FISCAL IMPACT – State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
FEDERAL FUNDS			
<u>Income - DSS (§§210.143-210.1286)</u> Program reimbursements p. 5	(\$94,712)	(\$172,302)	(\$165,953)
<u>Costs – DSS (§§210.143-210.1286)</u>			
Personal service p. 5	(\$44,350)	(\$90,298)	(\$91,201)
Fringe benefits	(\$35,456)	(\$54,828)	(\$55,127)
Equipment and expense	(\$14,906)	(\$27,176)	(\$19,625)
<u>Total Costs – DSS</u>	<u>(\$94,712)</u>	<u>(\$172,302)</u>	<u>(\$165,953)</u>
FTE Change – DSS	1.77 FTE	1.77 FTE	1.77 FTE
ESTIMATED NET EFFECT ON FEDERAL FUNDS	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Estimated net FTE Change on Federal Funds	1.77 FTE	1.77 FTE	1.77 FTE

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
LOCAL GOVERNMENTS –County Health Departments			
Costs – County Health Departments (§210.1265) Facility inspections	(Unknown)	(Unknown)	(Unknown)
ESTIMATED NET EFFECT ON LOCAL GOVERNMENTS - COUNTY HEALTH DEPARTMENTS	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

FISCAL IMPACT – Small Business

This proposal may impact small business residential children’s homes (§§210.143, 210.1250, 210.1253, 210.1256, 210.1259, 210.1262, 210.1263, 210.1264, 210.1265, 210.1268, 210.1271, 210.1274, 210.1277, 210.1280, 210.1283, and 210.1286).

FISCAL DESCRIPTION

This bill adds a process by which "child residential homes" as defined are required to notify DSS of their existence and compliance with provisions that protect the safety of the children in residence. These include; fire and safety inspections, local health department inspections, medical records for all residents, and information about schools serving the children.

It also specifies that the homes must conduct background checks of all employees and volunteers at the home and details the background check findings that will exclude people from working or volunteering in the home. When there are allegations of abuse or neglect in the home, the bill outlines how DSS can petition a court for an order for a home to present a child that is the subject of a child abuse investigation. The bill specifies that any case in which a referral is made to a juvenile officer for removal of a child, a referral will also be made to the Attorney General.

The bill further details that failure to comply with these provisions may result in fines, misdemeanor charges for failure to conduct background checks, and potential removal of children.

The bill specifies that DSS may promulgate necessary rules that include a fee to cover the cost of the notification process. However, it is not permitted to regulate any religious program, curriculum, or ministry.

The bill includes an emergency clause for immediate implementation to protect children (§§210.143, 210.1250, 210.1253, 210.1256, 210.1259, 210.1262, 210.1263, 210.1264, 210.1265, 210.1268, 210.1271, 210.1274, 210.1277, 210.1280, 210.1283, and 210.1286).

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

SOURCES OF INFORMATION

Attorney General's Office
Department of Elementary and Secondary Education
Department of Health and Senior Services
Department of Public Safety
 Division of Fire Safety
 Missouri Highway Patrol
Department of Social Services
Office of Administration
Office of the Secretary of State
Office of the State Public Defender
Joint Committee on Administrative Rules
Missouri Office of Prosecution Services
Office of the State Courts Administrator

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Columbia/Boone County Public Health & Human Services

Columbia Police Department

Crestwood Police Department

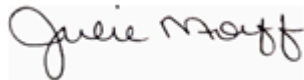
Kansas City Police Department

Newton County Health Department

Springfield Police Department

St. Louis County Health Department

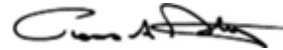
St. Louis County Police Department



Julie Morff

Director

February 8, 2021



Ross Strobe

Assistant Director

February 8, 2021