

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4449S.01I
 Bill No.: SB 801
 Subject: Children and Minors; Attorney General; Children's Division; Department Of Social Services; Courts; Juvenile Courts; Family Law; Domestic Relations; Attorneys; Retirement - Local Government; Retirement - State
 Type: Original
 Date: January 16, 2024

Bill Summary: This proposal modifies provisions relating to child protection, including guardians ad litem and juvenile officers.

FISCAL SUMMARY

| ESTIMATED NET EFFECT ON GENERAL REVENUE FUND | | | | |
|--|----------------|----------------|----------------|---|
| FUND AFFECTED | FY 2025 | FY 2026 | FY 2027 | Fully Implemented (FY 2028) |
| General Revenue | Unknown | Unknown | Unknown | (Unknown, could exceed \$99,418,039)* |
| Total Estimated Net Effect on General Revenue | Unknown | Unknown | Unknown | (Unknown, could exceed \$99,418,039) |

***Oversight** assumes the additional cost and additional FTE to establish the Office of Juvenile Officers within the AGO could exceed \$1,000,000 in FY28. Oversight is also reflecting 1,232 current county employees that would now be under the Attorney General’s Office (New State Employees) starting July 1, 2027.

| ESTIMATED NET EFFECT ON OTHER STATE FUNDS | | | | |
|--|------------|------------|------------|-----------------------------|
| FUND AFFECTED | FY 2025 | FY 2026 | FY 2027 | Fully Implemented (FY 2028) |
| Total Estimated Net Effect on Other State Funds | \$0 | \$0 | \$0 | \$0 |

Numbers within parentheses: () indicate costs or losses.

| ESTIMATED NET EFFECT ON FEDERAL FUNDS | | | | |
|---|----------------|----------------|----------------|-----------------------------|
| FUND AFFECTED | FY 2025 | FY 2026 | FY 2027 | Fully Implemented (FY 2028) |
| Federal Funds | Unknown | Unknown | Unknown | Unknown |
| Total Estimated Net Effect on <u>All</u> Federal Funds | Unknown | Unknown | Unknown | Unknown |

| ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE) | | | | |
|---|--------------|--------------|--------------|-----------------------------|
| FUND AFFECTED | FY 2025 | FY 2026 | FY 2027 | Fully Implemented (FY 2028) |
| General Revenue* | 0 FTE | 0 FTE | 0 FTE | 1,232 FTE |
| Total Estimated Net Effect on FTE | 0 FTE | 0 FTE | 0 FTE | 1,232 FTE |

*Does not include potential FTE within the Attorney General’s Office to administer the new Office of Juvenile Officer starting July 1, 2027.

- 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 2025 | FY 2026 | FY 2027 | Fully Implemented (FY 2028) |
| Local Government | \$0 | \$0 | \$0 | Could exceed \$57,591,180 |

FISCAL ANALYSIS

ASSUMPTION

§§27.155, 104.1010, 193.265, 210.145, 210.160, 210.560, 210.565, 210.762, 210.795, 210.830, 211.032, 211.211, 211.261, 211.351, 211.355, 211.361, 211.381, 211.393, 211.401, 211.462, 452.423, 452.785 & 476.405 – Child Protection & Office of Juvenile Officers

Officials from the **Office of the State Courts Administrator (OSCA)** state the proposed legislation modifies provisions relating to child protection including guardians ad litem and juvenile officers.

State funded positions and reimbursements to counties currently appropriated include 525 FTE and \$40,912,858, excluding fringe benefits and the FTE count of reimbursed positions. These appropriations could become budgetary core additions to the Attorney General's Office.

County juvenile officer personnel costs that could become state costs are estimated to be \$57,591,180 and 1,232.07 FTE, excluding fringe benefits. An unknown amount of county costs associated with facility operations and increased reimbursements to the counties could also become costs to the state.

Additional costs could be incurred for access to the case management system utilized by juvenile officers at another state agency, but there is no way to quantify that currently.

Actual costs to implement the proposed legislation would be based on the interpretation and implementation of the proposal. Additional state and non-state costs could be identified if the proposal would be implemented.

Oversight does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by the OSCA as an amount that could be exceeded since it does not include fringe benefits.

Officials from the **Missouri Consolidated Health Care Plan** defers to the Office of Administration and other state departments to calculate the cost of coverage of these new employees, as health insurance will be included in the fringe rate used in their calculation of this proposal.

Officials from the **Attorney General's Office (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.

For the sections described in Section B of the proposed legislation, officials from the AGO further estimate no fiscal impact for fiscal years 2025, 2026, and 2027 as the effective date of these sections is July 1, 2027.

Although pursuant to Section B, certain sections of the proposed legislation are beyond the date range for the analysis of the fiscal note for SB 801 (2024), the AGO offers the following comment: As of fiscal year 2028, the AGO assumes that all appropriations currently allocated to fund juvenile court personnel pursuant, including those described in section 211.381 RSMo, would be available to the AGO to fund such personnel in the newly established Office of Juvenile Officers within the AGO (see proposed section 27.155 RSMo – SB 801 (2024)).

In addition, as of fiscal year 2028, the AGO further assumes the need for a yet to be determined number of additional FTE to manage and operate the newly established Office of Juvenile Officers within the AGO.

Oversight does not have information to the contrary and therefore, Oversight will reflect an unknown cost to reflect the number of additional FTE to manage and operate the newly established Office of Juvenile Officers within the AGO.

Oversight notes the new section within the AGO could be similar to the Missouri Office of Prosecution Services (MOPS). The current budget authority for MOPS (HB 12 - 2023) is for \$5,267,248 (\$1,658,047 General Revenue) and 12 FTE.

Actual expenditures for MOPS has been:

| | |
|---------|-------------|
| FY 2023 | \$1,902,713 |
| FY 2022 | \$1,789,680 |
| FY 2021 | \$1,711,754 |

Officials from the **Department of Social Services (DSS)** assume no fiscal impact on the Children’s Division (CD) in the underlying CAN cases in juvenile court, as the county/juvenile office usually pays for these contracted attorneys to represent juvenile officers.

It is unknown what cost the proposed legislation would have on the CD as it is unclear whether the CD or the county would cover the cost of a child’s attorney and a Guardian Ad Litem (GAL).

The DSS will continue to analyze potential cost of the proposed legislation. Since it is unknown how the court would implement this proposed legislation, the DSS is providing an impact of Unknown.

In summary, the potential fiscal impact to General Revenue and Federal Funds for DSS is an unknown cost avoidance.

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

Officials from the **Joint Committee on Public Employee Retirement** assume the proposal will 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.

Officials from the **County Employees Retirement Fund (CERF)** assume the proposal will 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.

| <u>FISCAL IMPACT – State Government</u> | FY 2025 (10 Mo.) | FY 2026 | FY 2027 | Fully Implemented (FY 2028) |
|--|---------------------|---------|---------|--------------------------------|
| GENERAL REVENUE | | | | |
| <u>Cost Avoidance</u> – DSS – appointment of attorney for children in certain abuse and neglect cases | Unknown | Unknown | Unknown | Unknown |
| <u>Cost Avoidance</u> – OSCA - state funded positions to be re-appropriated from OSCA to establish the Office of Juvenile Officers (§27.155 & §104.1010) | \$0 | \$0 | \$0 | Could exceed \$40,912,858 |
| FTE Change – OSCA | 0 FTE | 0 FTE | 0 FTE | (525 FTE) |
| <u>Cost</u> – AGO – state funded positions to be re-appropriated from OSCA to establish the Office of Juvenile Officers (§27.155 & §104.1010) | \$0 | \$0 | \$0 | (Could exceed \$40,912,858) |
| FTE Change – AGO | 0 FTE | 0 FTE | 0 FTE | 525 FTE |
| <u>Cost</u> – AGO – county juvenile costs could be state costs (NEW STATE EMPLOYEES) (§27.155 & §104.1010) | \$0 | \$0 | \$0 | (Could exceed \$57,591,180) |
| <u>Fringe Benefits</u> – for 1,232 new state employees | \$0 | \$0 | \$0 | (\$40,826,859) |
| <u>Total Costs</u> – AGO – current county employees will become state employees | \$0 | \$0 | \$0 | Could exceed (\$98,418,039) |

| <u>FISCAL IMPACT – State Government</u> | FY 2025 (10 Mo.) | FY 2026 | FY 2027 | Fully Implemented (FY 2028) |
|--|-----------------------|-----------------------|-----------------------|--|
| FTE Change - AGO | 0 FTE | 0 FTE | 0 FTE | 1,232 FTE |
| <u>Cost – AGO – additional FTE positions needed to establish the Office of Juvenile Officers (§27.155 & §104.1010)</u> | \$0 | \$0 | \$0 | (Unknown, could exceed \$1,000,000) |
| <u>Cost – OSCA – access to Case Management System from other agencies (§27.155 & §104.1010)</u> | \$0 | \$0 | \$0 | \$0 to (Unknown) |
| ESTIMATED NET EFFECT ON GENERAL REVENUE | <u>Unknown</u> | <u>Unknown</u> | <u>Unknown</u> | <u>(Unknown, could exceed \$99,418,039)</u> |
| Net Change in FTE | 0 FTE | 0 FTE | 0 FTE | 1,232 FTE |
| FEDERAL FUNDS | | | | |
| <u>Cost Avoidance – DSS – appointment of attorney for children in certain abuse and neglect cases</u> | <u>Unknown</u> | <u>Unknown</u> | <u>Unknown</u> | <u>Unknown</u> |
| ESTIMATED NET EFFECT ON FEDERAL FUNDS | <u>Unknown</u> | <u>Unknown</u> | <u>Unknown</u> | <u>Unknown</u> |

| <u>FISCAL IMPACT – Local Government</u> | FY 2025 (10 Mo.) | FY 2026 | FY 2027 | Fully Implemented (FY 2028) |
|---|---------------------|---------|---------|--------------------------------|
| COUNTY FUNDS | | | | |
| <u>Cost Avoidance – OSCA – county juvenile costs could be state costs (§27.155 & §104.1010)</u> | \$0 | \$0 | \$0 | Could exceed \$57,591,180 |

| <u>FISCAL IMPACT – Local Government</u> | FY 2025 (10 Mo.) | FY 2026 | FY 2027 | Fully Implemented (FY 2028) |
|--|---------------------|-------------------|-------------------|---|
| <u>Cost Avoidance – Fringe Benefits for current employees that will become state employees on July 1, 2027</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>Unknown</u> |
| ESTIMATED NET EFFECT ON COUNTY FUNDS | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>Could exceed \$57,591,180</u> |

FISCAL IMPACT – Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This act modifies provisions relating to guardians ad litem in cases involving child abuse and neglect and juvenile officers.

Current law requires courts to appoint a guardian ad litem for a child in certain child abuse and neglect cases, including when a child is under the jurisdiction of the juvenile court for reasons relating to the abuse or neglect or if abuse or neglect has been alleged in a custody proceeding. In other cases not involving abuse or neglect, the court may, in its discretion, appoint a guardian ad litem to represent the best interests of the child in that proceeding.

This act repeals provisions relating to the appointment of a guardian ad litem when a child is under the jurisdiction of the juvenile court for reasons relating to abuse or neglect of the child. In such cases, the court shall appoint an attorney for the child prior to the first hearing who shall represent the child in all proceedings, including appeal, during the pendency of the case. The attorney shall not represent the child and the parents or guardians. Right to representation by counsel in such cases shall not be waived by the child.

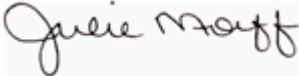
In cases involving custody, including separation, dissolution of marriage, or paternity cases, appointment of a guardian ad litem in cases where child abuse or neglect has been alleged shall only occur if the alleged abuse or neglect has been reported to the Children's Division.

Currently, juvenile officers and juvenile officer support staff are employees of the courts, with salaries and benefits paid by the state and various counties. Under this act, the juvenile officers and support staff shall be employees of the Attorney General beginning July 1, 2027, with salaries and benefits paid by the state. Those juvenile officers and support staff serving in that capacity prior to July 1, 2027, shall continue to serve as such on July 1, 2027, at the pleasure of the Attorney General.

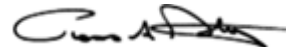
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the State Courts Administrator
Attorney General's Office
Department of Social Services
Missouri Consolidated Health Care Plan
Joint Committee on Public Employee Retirement
County Employees Retirement Fund



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Director
January 16, 2024



Ross Strope
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January 16, 2024