

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4084H.08C
 Bill No.: HCS for SS No. 2 for SB 823
 Subject: Children and Minors; Children's Division; Courts; Courts, Juvenile; Department of Elementary and Secondary Education; Department of Health and Senior Services; Department of Social Services; Social Workers
 Type: Original
 Date: April 26, 2022

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

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
General Revenue*	Up to and could exceed (\$3,926,258 to \$7,209,675)	Up to and could exceed (\$11,427,698)	Up to and could exceed (\$12,046,951)
Total Estimated Net Effect on General Revenue	Up to and could exceed (\$3,926,258 to \$7,209,675)	Up to and could exceed (\$11,427,698)	Up to and could exceed (\$12,046,951)

* Range reflects the difference in appropriations for §210.715 (Family First Prevention Services Act – appropriation section 11.325) between the Perfected HCS for HB 3011 and SCS for HCS for HB 3011.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
State Legal Expense Fund (0692)*	\$0	\$0	\$0
Other State Funds	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
Total Estimated Net Effect on <u>Other</u> State Funds	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)

*Transfer-In and expenses net to zero.

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Federal Funds*	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)

* Total income and expenses range from (Unknown) to could exceed \$14 million to \$25.9 million in FY 2023, and \$19 million in FY 2024 ongoing and net to \$0. \$0 to (Unknown) cost range reflects potential increase in litigation to various state agencies.

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
General Revenue	15 to 17.12	15 to 17.12	15 to 17.12
Federal	0 to 0.88	0 to 0.88	0 to 0.88
Total Estimated Net Effect on FTE	15 to 18 FTE	15 to 18 FTE	15 to 18 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 2023	FY 2024	FY 2025
Local Political Subdivisions	\$0 or Unknown to (Unknown)	\$0 or Unknown to (Unknown)	\$0 or Unknown to (Unknown)
Local Government	\$0 or Unknown to (Unknown)	\$0 or Unknown to (Unknown)	\$0 or Unknown to (Unknown)

FISCAL ANALYSIS

ASSUMPTION

§§43.400, 43.401, 210.201, 210.482, 210.487, 210.762, 210.795, and 568.045 – Protection of children

Officials from the **Department of Social Services (DSS)** state DSS is unable to determine the fiscal impact of the proposed language due to ambiguity in the bill language and due to costs that could be incurred by DSS per the proposed bill, which would be outside of the control of DSS.

For instance, 210.762.1(2) includes a penalty provision where any agency or placement provider, which would include foster parents, with legal custody of a child who goes missing that fails to comply with the provisions under this subdivision shall be liable to the injured party, which includes the missing child, parent, foster parent, or legal guardian of the missing child, and the state of Missouri, in an action at law and subject to a civil penalty of fifty thousand dollars per occurrence. The bill does not define how much time an agency or placement provider is given to report a missing child. The question of whether the agency reported as soon as it was determined that the child is missing would be a question of fact to be considered by the trier of fact. If reasonableness of the timeliness of reporting is not codified, this could lead to increased legal cases being filed.

DSS states it is also unclear who would be the recipient of the civil penalty monetary award contemplated by 210.762.1(2). If private individuals would be the recipients of these civil penalties, this could lead to an increase in the amount of litigation and could have an unintended consequence of incentivizing children to run away so that the child or the child's parents could initiate civil actions against the agency or placement provider to try to claim the \$50,000 statutory damages.

Even if the statutory damages would not be payable to private individuals, 210.762.1(2) provides for the filing of a civil action in addition to the civil penalty that is imposed. The proposed bill consistently refers to an "agency or placement provider" as being the potentially liable parties for failure to abide by the terms of the law as proposed. If the terms "agency" or "placement provider" are meant to encompass the Children's Division as being a liable party, this could waive sovereign immunity. The proposed language could also subject foster parents to liability, as foster parents are considered placement providers.

Additionally, since the state of Missouri is recited as being an injured party in 210.762.1(2), it could create a conflict in defense of such actions. The DSS is defended by the Attorney General.

The Attorney General would also have authority to bring actions under the proposed bill. In such situations, the state would likely need to employ private conflicts counsel.

The cost in employing such conflicts counsel and other potential costs as outlined above are unable to be quantified. Therefore, DSS estimates its fiscal impact as \$0 to (Unknown).

Oversight notes a report from U.S. Department of Health and Human Services (DHHS), Office of Inspector General (OIG): [Case Study: Missouri's Efforts To Protect Children Missing From Foster Care](#)

During the times in which the children were missing from care, Missouri frequently failed to comply with requirements that could have aided in locating them. Nearly half of the case files contained no evidence of Missouri reporting the children as missing, as required, to either local law enforcement or the National Center for Missing and Exploited Children. Additionally, for many missing children, there was no evidence that Missouri made the required notifications and contacts to seek information on the children's potential whereabouts.

For 61 percent of children (36 out of 59), there was no evidence that the case managers notified the adults in the child's life when the child went missing from care, as required by Missouri policy. The adults include the juvenile officer, court representative, and parent(s) of the child.

Officials from the **Office of Administration - Budget and Planning (B&P)** state §210.762.1(2) creates a penalty of \$50,000 per occurrence for any agency or placement provider with custody of a child who fails to comply with the requirements of the section. To the extent that the state is found liable, this could impact Total State Revenue.

Oversight notes the provisions of 210.762.1(2) state any agency or placement provider with legal custody of a child who goes missing that fails to comply with the provisions under this subdivision, shall be liable to the injured party, which includes the missing child, parent, foster parent, or legal guardian of the missing child, and the state of Missouri, in an action at law and subject to a civil penalty of fifty thousand dollars per occurrence. Therefore, Oversight will reflect a \$0 (compliance of agency or placement provider) to (Unknown) (non-compliance of agency or placement provider) fiscal impact for fiscal note purposes.

Oversight notes that violations of section 210.762 could result a civil penalty of \$50,000 per occurrence. Oversight also notes per Article IX Section 7 of the Missouri Constitution fines and penalties collected by counties are distributed to school districts. Fine varies widely from year to year and are distributed to the school district where the violation occurred. Oversight will reflect a positive fiscal impact of \$0 to Unknown to local school districts. For simplicity, Oversight will not reflect the possibility that fine revenue paid to school districts may act as a subtraction in the foundation formula.

In response to a similar proposal, HB 1559 (2022), officials from the **Attorney General's Office (AGO)** stated the AGO is unclear if the term "agency" in section 210.762.1(2) refers to an

agency under the control of the Children’s Division. If this term “agency” refers to a state entity, then the AGO assumes this section would result in a negative unknown impact on the state Legal Expense Fund.

Oversight does not have any information contrary. Therefore, Oversight will reflect AGO’s potential unknown impact for fiscal note purposes to the state Legal Expense Fund. Oversight notes the Legal Expense Fund is funded by the General Revenue Fund as well as other state funds. Oversight notes this possible litigation exposure as described by AGO could also apply to federal funds as well as local political subdivisions.

In response to a similar proposal, HB 1559 (2022), officials from the **Kansas City Police Department**, the **Springfield Police Department**, the **St. Joseph Police Department** and the **St. Louis County Police Department** each assumed the proposal will have no fiscal impact on their organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these entities for these sections.

§§136.055; 302.178 and 302.181 - Waives certain driver's license fees for homeless children or youth or unaccompanied youth

Officials from the **Department of Revenue (DOR)** assume the following regarding this proposal:

Administrative Impact

To implement the proposed change, the Department would be required to:

- Complete business requirements and design documents to modify the Missouri Electronic Driver License (MEDL) issuance system, MEDL central applications and supporting systems to remove the fee for a nondriver for homeless child, youth, or an intermediate for emancipated youths.
- Complete programming and user acceptance testing of the Missouri Electronic Driver License (MEDL) issuance system;
- OA-ITSD Test the file generation and secure transfer process to ensure all required data elements and signature are sent as required;
- Obtain format and procedure approvals from Secretary of State and others as applicable;
- Update policies, procedures, and the Uniform License Issuance Manual (ULIM);
- Update forms, manuals, and the Department website;
- Complete training as required.

FY 2023 – Driver License Bureau

Research/Data Assistant 360hrs. @ \$16.30 per hr. =\$5,868
Research/Data Analyst 400hrs. @ \$24.29 per hr. =\$9,716
Administrative Manager 80 hrs. @ \$26.37 per hr. =\$2,110
Total \$17,694

FY 2023 – Personnel Services Bureau

Associate Research/Data Analyst 20 hrs. @ \$19.47 per hr. =\$389

Associate Research/Data Analyst 10 hrs. @ \$19.47 per hr. =\$195

Total \$584

Total Costs \$18,278

Oversight assumes DOR will use existing staff and will not hire additional FTE to conduct these activities; therefore, Oversight will not reflect the administrative costs DOR has indicated.

DOR notes OA-ITSD services will be required at a cost of **\$55,610** in FY 2023 (585.37 hours x \$95 per hour).

Oversight does not have any information to the contrary in regards to DOR's assumptions; therefore, Oversight will reflect DOR's OA-ITSD costs on the fiscal note.

Revenue Impact

DOR notes during FY 2021 there were a total of 98,691 new non-driver licenses issued. DOR does not have statistics to determine of this count how many potential annual applicants may be eligible for a fee waiver under the proposed provisions, therefore the total impact to State and Local Revenue is unknown.

For each fee waiver eligible non-driver license issued pursuant to this proposed language in §302.181 there would be a loss to General Revenue of: \$6.00

During FY 2021 there were a total of 53,296 intermediate driver licenses issued. DOR does not have statistics to determine of this count how many may potential applicants may be eligible for a fee waiver under the proposed provisions, therefore the total impact to State and Local Revenue is unknown.

For each fee waiver eligible intermediate driver license issued pursuant to this proposed language in §302.178 there would be a loss of fees distributed to the Highway Fund and Local Funds for cities and counties as follows

Hwy Fund Loss (75%) = \$3.75

Cities Fund Loss (15%) = \$0.75

Counties Fund Loss (10%) = \$0.50

For each issued document, DOR would be required to pay fees to the card vendor for printing and postage costs of \$2.44112 per card.

Oversight notes, according to the National Conference of State Legislatures (NCSL), as of January 2019, 6,179 individuals of all ages were homeless in Missouri. Of these, 1,359 were

under the age of 18. Among the homeless youth and young adults, 477 were unaccompanied by an adult.

If all 1,359 of these homeless youth applied for a non-driver license or intermediate driver license, the loss would amount to approximately \$8,154 ($\$1,359 \times \6). Oversight assumes there will be a minimal loss of revenue from this proposal; therefore, Oversight will not reflect a material loss to the Highway Fund or local political subdivisions.

Officials from the **Missouri Department of Transportation** defer to the DOR for the potential fiscal impact of this proposal.

Officials from **B&P** state §§136.055, 302.178, and 302.181 waive driver's license and other registration fees for homeless youth. This provision would impact Total State Revenue to the extent individuals are exempted from paying fees due to their status as a homeless youth. B&P defers to DOR for any specific cost estimates.

§160.261 - Discipline & Abuse Procedures

Officials from from **Department of Social Services (DSS) – Children's Division** state the Children's Division may need additional investigators to investigate allegations in schools. The Department estimates a need of 0 – 2 staff for this workload.

Oversight will show a range of impact to DSS of \$0 (no additional investigators needed) to a cost of two investigators. Per DSS, the cost of the FTE will be split between General Revenue (56%) and Federal Funds (44%).

In response to a similar proposal, HB 2095 (2022), officials from the **Kansas City Police Department** and the **St. Louis County Police Department** each assumed this section of the proposal would have no fiscal impact on their respective organizations.

§163.063 - Designates the residency of children in foster care for purposes of determining state aid for education programs

In response to a similar proposal, HCS for HB 2376 (2022), officials from the **Department of Elementary and Secondary Education (DESE)** assumed this section of 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 this agency for this section.

Oversight is uncertain if children in residential treatment facilities are claimed in average daily attendance (ADA) for purposes of distributing foundation formula dollars to school districts.

Additionally, **Oversight** notes the amount of state funding is district specific. It can vary from under \$1,000 per student to over \$8,000 per student, depending upon the school district.

Oversight assumes, if this proposal changes which district children in foster care are counted for purposes of ADA, this proposal could potentially impact General Revenue and correspondingly school districts by an unknown amount.

However, upon further inquiry, **DESE** stated this proposal would not impact the foundation formula. Therefore, **Oversight** will not show an impact to the foundation formula.

Oversight assumes this proposal requires school districts to “pass through to such facility at least eighty percent of any state or local moneys paid to the school district on a per-pupil basis for such child in addition to any other moneys available to the school district through the department of elementary and secondary education for such child.” Although Oversight did not receive any responses from school districts related to the fiscal impact of this section of the proposal, Oversight assumes this would be a loss to school districts if districts are currently allowed to retain the state and local moneys for such children.

§§208.151 and 208.662 - 12 month post-partum coverage for MPW and SMHB participants

In response to a similar proposal, HB 2604 (2022), officials from the **Department of Social Services (DSS), Family Support Division (FSD)** stated this proposal amends §208.151 to extend pregnancy-related and postpartum coverage from the last day of the month that includes the sixtieth day to one year after the pregnancy ends for individuals receiving MO HealthNet for Pregnancy (MPW) effective April 1, 2022. DSS shall submit a state plan amendment (SPA) to the Centers for Medicare and Medicaid Services (CMS) within sixty days of the effective date of this act and the provisions of this legislation shall remain in effect for any period of time during which there is federal authority under 42 U.S.C. Section 1396a(e)(16) or any successor statutes or regulations, is in effect.

Subsection 208.662.6 is amended to extend pregnancy-related and postpartum coverage from the last day of the month that includes the sixtieth day to one year after the pregnancy ends for individuals receiving Show Me Healthy Babies (SMHB). DSS shall submit a SPA to CMS within sixty days of the effective date of this act and the provisions of this legislation shall remain in effect for any period of time during which there is federal authority under 42 U.S.C. Section 1397gg(e)(1)(J) or any successor statutes or regulations, is in effect.

Beginning April 1, 2022, sections 9812 and 9822 of The American Rescue Plan Act of 2021 (ARPA) give states the option to extend Medicaid coverage for pregnant women beyond the required 60-day postpartum period through the end of the month in which a 12-month postpartum period ends. The option provides for continuous eligibility. States electing this option must provide full state plan benefits during the pregnancy and postpartum period; they may not limit coverage to pregnancy-related services. If adopted for Medicaid, the extended postpartum coverage election applies automatically to the Children’s Health Insurance Program (CHIP) in the state. This option is time-limited to a 5-year period beginning on the effective date of the provision, April 1, 2022.

Due to the Families First Coronavirus Response Act (HR 6201, Section 6008), MO HealthNet coverage was maintained at the same benefit level for all cases as of March 18, 2020 and coverage was only closed for voluntary requests, deceased participants, participants moving out of the state, or aging out of CHIP under Title XXI. Due to this requirement, FSD has used data from FY 2020.

The Family Support Division (FSD) determined that approximately 4,565 individuals who received MPW postpartum benefits beginning on the last day of their pregnancy would have coverage extended to twelve months.

FSD arrived at the number in the following manner:

In FY 2020, 46,455 MPW participants lost postpartum coverage after 60 days. Of these:

14,513 MPW moved to other assistance assuming a full benefit package
12,449 MPW moved to Extended Women's Health Services (EWHS) with limited benefits
19,493 MPW received no other assistance
Total: 46,455 MPW participants lost postpartum coverage after 60 days

Under Amendment 2, Missouri Constitution Article IV, Section 36(c), effective July 1, 2021, the DSS extended MO HealthNet coverage to persons age 19 to 64 with income under 138% of the federal poverty level (FPL), known as the Adult Expansion Group (AEG). The extension of this MO HealthNet coverage results in MPW participants that would have previously moved to Extended Women's Health Services (EWHS) or received no other assistance to potentially be eligible for AEG. To estimate the number of MPW participants that could now move directly from MPW to AEG, DSS analyzed MPW participants receiving in February 2020 with income under 138% FPL that do not receive Medicare and determined 87% of the MPW population will now be eligible for AEG and receive a full benefit package. DSS then used the 87% to estimate 27,790 ((12,449 + 19,493 = 31,942) and (31,942 * 0.87 = 27,789.54)) could now move to AEG.

Therefore, the total MPW participants estimated to receive extended postpartum for twelve months is 4,152 (46,455 – 14,513 – 27,790 = 4,152).

46,455 MPW participants lost postpartum coverage after 60 days
14,513 MPW moved to other assistance assuming a full benefit package
27,790 MPW moved to AEG
Total: 4,152 estimated to receive extended postpartum for twelve months

In FY 2020, 553 SMHB participants lost postpartum coverage after 60 days. Of these:
140 moved to other assistance assuming a full benefit package
68 moved to Women's Health Services (WHS) with limited benefits
345 received no other assistance
Total: 553 SMHB participants lost postpartum coverage after 60 days

FSD assumes SMHB participants who moved to EWHS will not be eligible for AEG as their income at the SMHB determination exceeds eligibility guidelines for AEG. The total SMHB participants estimated to receive extended postpartum for twelve months is 413 (553 total – 140 moved to other assistance = 413).

Amending these sections would extend MPW and SMHB coverage for 4,565 (4,152 + 413 = 4,565) total individuals after the postpartum period ended. DSS assumes eligibility for the extended coverage would also include any postpartum participant currently within the initial 60-days of coverage as of the effective date.

If the provisions of this legislation are enacted, the DSS will submit a SPA to CMS for approval. DSS estimates it will take approximately 90 days for the State Plan Amendment (SPA) to be approved. Therefore, DSS estimates implementation of the provisions of this legislation cannot occur until July 1, 2022.

The extension of coverage would have no fiscal impact to FSD.

FSD defers to the MO HealthNet Division (MHD) for costs to the program.

FSD assumes the Office of Administration (OA), Information Technology Services Division (ITSD)/DSS will include the MEDES programming costs for the system changes needed to implement provisions of this bill in their response.

Oversight notes FSD's deferral to MHD and OA, ITSD/DSS for a statement of fiscal impact; for fiscal note purposes, Oversight assumes no fiscal impact for FSD.

Officials from **DSS, MHD** state, currently, MHD covers pregnancy-related and postpartum mothers for up to 60 days after the pregnancy ends. This legislation would extend coverage to twelve months after the pregnancy ends. An SPA amendment and MCO Contract Amendment would be needed for this legislation. There is a portion of the SMHB population that may not be eligible for coverage under the ARPA state plan option but may be eligible under the CHIP state plan option.

FSD determined a grand total of 4,565 (413 SMHB plus 4,152 MPW) participants would qualify for coverage under this legislation. MHD assumes a new Medical Eligibility (ME) code would need to be created for this population, with a total cost of \$75,000, split 10% GR; 90% Federal. MHD also found an average monthly per member per month (PMPM) rate of \$547.21 for this population. This rate includes carved-out services, which mainly includes DMH services as well as Pharmacy related services.

MHD will assume: system costs and the creation of the ME Code in FY23; plus 4 months of coverage for this population due to the timing to acquire a SPA amendment; and the MCO Contract Amendment. MHD assumes only new eligible mothers would qualify for extended coverage when this legislation takes effect.

FY23 Total: \$5,326,574 (GR: \$1,803,013; Federal: \$3,523,561)
FY24 Total: \$28,968,149 (GR: \$9,904,210; Federal: \$19,063,939)
FY25 Total: \$31,004,016 (GR: \$10,600,273; Federal: \$20,403,743)

Oversight notes the estimate of MO HealthNet coverage costs provided by DSS have changed slightly from those provided for similar proposals. DSS has reviewed costs based on the timing of the program's implementation. Oversight does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by MHD.

Officials from the **DSS, Division of Legal Services (DLS)** estimates it will require one (1) additional FTE Hearing Officer to implement this legislation. This need stems from a likely increase in administrative appeals associated with the bill's new requirements. The Family Support Division estimates that 4,565 new participants would qualify for services under this legislation. MO HealthNet Division estimates that 5% of those new participants would need an administrative hearing for some reason during the year. DLS's hearings unit will need to adjudicate an additional 229 administrative hearings. Given the hearings officer's normal caseload of 696 hearings, one (1) additional hearing officer will be needed to absorb this increase in hearings [$((4,565 * 0.05) / (696)) = 0.33 = 1$ new FTE hearings officer].

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

In response to a similar proposal, SCS for SBs 698 and 639 (2022), officials from the **Office of Administration (OA), Information Technology Services Division (ITSD)/DSS** stated the Missouri Eligibility Determination and Enrollment System (MEDES) currently provides eligibility determinations and case management functions for family MO HealthNet programs, including the MO HealthNet for Pregnant Women (MPW) and Show-me Healthy Babies (SMHB) programs, and the Children's Health Insurance Program (CHIP) administered by the DSS Family Support Division using the Modified Adjusted Gross Income (MAGI) criteria established under the Patient Protection and Affordable Care Act of 2010 (ACA).

Subsection 208.151.1(28) changes the length of postpartum coverage to 12 months. Currently, coverage ends on the last day of month in which the 60th day after the woman's pregnancy ends occurs. The revision would provide coverage until the last day of the 12th month after the woman's pregnancy ends. Modifications to MEDES would be required to calculate the end date based on 12 months with coverage extended to the last day of resulting month.

Subsection 208.662.6(2) changes the coverage for women on the SMHB program to extend to the last day of the month in which the 12th month after the woman's pregnancy ends. Currently, women who are United States citizens receive coverage through the last day of the month in which the 60th day after pregnancy ends. Women who are not citizens receive coverage through the 10th day after their pregnancy terminates or on the day when they leave the hospital, whichever is later. The following modifications would be required for this group:

- A new Medicaid Eligibility (ME) code will need to be created for the extended coverage for non-citizens on the SMHB program.
- Because SMHB functionality is not included in the base software, the program was added to by developing fully custom Java code. This code will need to be modified to calculate the coverage end date under the new rules.
- Notices for approvals, rejections and closings will need to be developed for non-citizen coverage.
- Operational and management reports will need to be developed for the non-citizen program under the new ME code.

Assuming most of the work will occur in FY 2023 due to the time policy staff will need to acquire any state plan amendment approvals or waivers from the federal government required to implement the MPW and SMHB program changes.

Systems modifications will be executed via a Project Assessment Quotation (PAQ) under the existing Redmane contract for MEDES Maintenance and Operations as an enhancement. Hourly IT costs under this contract vary by position title and work type. It is estimated to take 1,068 hours for a total cost of \$197,472 in FY 2023 exclusively (50% GR; 50% Federal).

Therefore, the total MEDES upgrades will be split \$98,736 GR; \$98,736 Federal in FY 2023 exclusively.

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

§§210.127; 210.305; 210.565– "Diligent search" for relatives of foster children

Officials from the **Department of Social Services (DSS), Children's Division (CD)** state the Children's Division 2020 Annual Report, Table 16 indicated that 6,912 children came into or re-entered foster care, which would require the diligent search proposed in this legislation. As a result, CD anticipates needing 12 FTE total (2 Associate Social Services Specialists per region * 6 regions in the state) in order to carry out diligent searches.

DSS estimates the cost of 12 Associate Social Services Specialists with a starting salary of \$37,346 will cost approximately \$950,000 per year in personal service, fringe benefits and other expenses; 100% GR. **Oversight** does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by the DSS/CD.

Officials from the **DSS, Division of Legal Services (DLS)** anticipate a fiscal impact to DLS that could be covered by two attorneys. DLS believes the bill will generate additional CD requests for assistance from DLS litigation or permanency attorneys in seeking judicial orders releasing CD from "diligent search" efforts. DLS notes the legislation could have a significant fiscal impact on CD because the bill would dramatically expand CD's duties to identify and locate biological

parents, grandparents, and “relatives” (with “relatives” likely including all persons related by blood or affinity and all persons with a close relationship to the child or the child’s family); makes several search-effort duties ongoing until a court excuses search efforts or such persons are located and identified (and in some cases until the child is placed with a relative); and requires CD report its efforts to locate and identify such persons at each court hearing until excused by the court or the child’s “relatives” are located. In addition, the bill could increase the number of potential placement “relatives” for which background checks would need to be conducted.

DSS estimated the cost of 2 Attorneys with a starting salary of \$62,000 will cost approximately \$212,000 per year in personal service, fringe benefits and other expenses; 100% GR. **Oversight** does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by the DSS/DLS.

Officials from **B&P** state §§210.127, 210.305, and 210.565 require DSS to conduct a "diligent search" for a biological parent or relative when a child is placed in the custody of this Children's Division. B&P defers to DSS for any specific cost estimates associated with this section.

§§210.135; 210.140; 210.147; 210.715; 210.762; 211.081 - Child protection provisions

In response to a previous version, officials from the **Department of Social Services (DSS)** stated this legislation (210.715) provides support to implement the federal legislation for Families First Prevention Services Act (FFPSA). There is a fiscal impact to the FFPSA legislation. A new decision item has been requested based on this fiscal impact. Unless Missouri implements certain components of the Family First Act, the state could lose federal funds. Implementation of these components will significantly reduce that impact. Additionally, the U.S. Centers for Medicare & Medicaid Services (CMS) released guidance in October 2021, allowing for a waiver which will reduce the loss of federal funding for a period of 2 years. Therefore, there is no fiscal impact to DSS.

Oversight notes Perfected HCS for HB 3011 appropriated \$10,860,064 (\$500,000 GR; \$10,360,064 Federal), while SCS for HCS for HB 3011 appropriates \$25,902,505 (\$3,783,417 GR; \$22,119,088 Federal) for DSS’s the Family First Residential Cost, with \$2 million in Federal funding for the provisions of §210.1450. Oversight does not have any information to the contrary. Therefore, Oversight will reflect the appropriations included in HCS for HB 3011 and SCS for HCS for HB 3011 for the Family First Residential Cost for FY 2023 as a range (\$500,000 to \$3,783,417 GR; \$8,360,064 to \$20,119,088 Federal), and “\$0 to (Unknown)” costs for ongoing (FY 2024 and beyond) expenses related to implantation.

Oversight notes the following description in DSS’ supplemental NDI:

“The Family First Prevention Services Act (FFPSA) was signed into law on February 9, 2018. The Act aims to prevent children from entering foster care by allowing federal reimbursement for mental health services, substance use treatment, and in-home parenting skill training to

families and children who are at risk of entering the child welfare system. FFPSA, also, aims to ensure children already in foster care are placed in the least restrictive, most family-like setting appropriate to the child's specialized needs when foster care is needed, and incentivizes states to reinvest funds, currently used for residential care, into prevention funds."

"Family First significantly changes federal reimbursement for residential treatment. Families first reduced the ability to claim IV-E (which provides federal reimbursement for room and board costs for Title IV-E eligible children). This Act also reduces the amount of Medicaid that can be claimed on Residential Facilities. This act may cause many of the current residential providers to be qualified as an Institution for Mental Diseases (IMD). This removes the ability to claim Medicaid on Residential Treatment costs if child is placed in an IMD instead of a residential treatment provider."

"In addition, this Act creates the need for two additional provider types (Qualified Residential Treatment Program (QRTP) and Psychiatric Residential Treatment Facility (PRTF)) and corresponding rates for these providers. Overall, this Act has a significant impact on the federal funding for Residential Treatment Placements. This increases the amount of state funding needed to support these programs and changes how these programs are administered."

In response to a previous version, officials from the **Office of State Courts Administrator (OSCA)** stated there may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

Oversight does not have any information to the contrary. Therefore, Oversight assumes OSCA 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 OSCA for fiscal note purposes. Oversight also assumes OSCA may seek additional appropriations if the proposal results in a significant increase in costs.

In response to a previous version, officials from the **Office of Administration - Administrative Hearing Commission** and the **Hermann Area Hospital District**, 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 for these agencies.

§210.493 - Background checks required of certain individuals

In response to a similar proposal, HB 2623 (2022), officials from the **Attorney General's Office**, the **OA - Administrative Hearing Commission**, the **Kansas City Police Department**, the **St. Joseph Police Department** and the **St. Louis County Police Department**, each assumed the proposal will not have a material 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 for this section.

§210.1450 – Certain licensed residential care facilities shall obtain national accreditation

Officials from the **Department of Social Services (DSS), Children’s Division (CD)** anticipates a need for zero to one (1) additional FTE to develop and manage any grants provided to residential treatment agencies as part of this requirement. This will allow for appropriate compliance/ oversight and compliance with contract (grant) monitoring. Additional cost may be associated with the fiscal amount of the grants provided.

DSS has not included any cost for the grants because they are subject to appropriations.

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

Oversight notes this legislation, subject to appropriations, could provide grants to licensed residential care facilities for the purpose of helping the facilities obtain national accreditation and developing the infrastructure, workforce, and programming necessary to meet the standards for a designation as a QRTP. Grants to providers to assist with residential facility readiness is included in HCS for HB 3011 with an appropriation of \$2 million.

DSS has noted in a revised fiscal impact response that there is federal funding available to assist the participating agencies in this process. This cost is listed in federal funding.

Oversight also notes this proposal has an emergency clause, and if the emergency clause is adopted, facilities may have a difficult time achieving accreditation without assistance with upfront costs. Therefore, Oversight will reflect the grant amount as “\$2,000,000” in FY 2023 and “\$0 to (Unknown)” in FY 2024 in Federal funds for fiscal note purposes. As the licensed residential care facilities must be accredited by January 1, 2024, Oversight assumes the additional DSS FTE will not be needed past FY 2024.

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

DYS residential care facilities are most likely already accredited by the standards set forth in this proposal. However, if they are not accredited or somehow lose accreditation, they would no longer qualify as a residential care facility for DSS. OA, ITSD/DSS has a few WebAware pages and miscellaneous screens that will need to be modified to prevent the display or return information on these unqualified facilities.

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 DHS application are estimated at \$95/hour. It is

assumed the above modifications will require 51.84 hours for a cost of \$4,925 (51.84 * \$95) in FY 2023, 100% GR.

Changes to FACES could be required to track the accreditation and licensing information. OA, ITSD/DSS assumes much of this work is already handled with the Family First Qualified Residential Treatment Program, but this estimate is to cover any additional requirements.

IT contract rates for the FACES application are estimated at \$95/hour. It is assumed the necessary modifications will require 318.60 hours for a cost of \$30,267 (318.60 * \$95) 100% GR in FY 2023. Ongoing services are estimated at \$6,205 in FY 2024, and \$6,360 and in FY 2025, 100% GR.

Therefore, the total DYS and FACES upgrades will cost \$35,192 in FY 2023; \$6,205 in FY 2024 and \$6,360 in FY 2025, 100% GR.

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

§571.031 - Establishes Blair's Law

Officials from the **Office of the State Public Defender (SPD)** state the proposed legislation creates a new criminal offense under Section 571.031, which could increase the number of persons who are eligible for representation by State Public Defender (SPD). The fiscal impact of this legislation on SPD is unknown as the number of additional cases eligible for representation as the result of the legislation is unknown, but it is anticipated that the impact would be under \$250,000.

Oversight notes in FY22 the SPD was appropriated moneys for 53 additional FTE. Oversight assumes this proposal will create a minimal number of new cases 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.

In response to a similar proposal, HB 1568 (2022), officials from the **Department of Corrections (DOC)** stated the areas already covered in statute for unlawfully discharging a firearm include dwelling house, railroad, train, boat, aircraft, motor vehicle, schoolhouses, courthouses or church buildings. These locations cover many areas within a municipality. For that reason, the additional instances which would fall within Blair's Law is believed to have no fiscal impact to the department.

In response to a similar proposal, HB 1568 (2022), officials from the **Missouri Office of Prosecution Services (MOPS)** assumed the proposal will have no measurable fiscal impact on MOPS. The enactment of a new crime creates additional responsibilities for county prosecutors

and the circuit attorney which may, in turn, result in additional costs, which are difficult to determine.

In response to a similar proposal, HB 1568 (2022), officials from the **Department of Public Safety – Missouri National Guard**, the **Missouri Department of Conservation**, the **Office of the State Courts Administrator**, the **City of Springfield**, the **City of St. Louis**, the **Kansas City Police Department** and the **St. Louis County Police Department**, each assumed these sections of 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.

Responses regarding the proposed legislation as a whole

Officials from the **Department of Mental Health (DMH)** defer to DSS for the anticipated fiscal impact to the Comprehensive Psychiatric Rehab (CPR), Comprehensive Substance Treatment and Rehabilitation (CSTAR) and Developmental Disabilities (DD) waiver services.

Oversight notes DMH's deferral to DSS for a statement of fiscal impact; for fiscal note purposes, Oversight assumes no fiscal impact for DMH.

Officials from the **Department of Corrections**, the **Department of Elementary and Secondary Education**, the **Department of Health and Senior Services**, the **Department of Public Safety**, **Missouri Highway Patrol**, the **Missouri Office of Prosecution Services**, the **City of Claycomo**, the **City of Kansas City**, the **City of Kansas City Health Department**, the **City of St. Louis Budget Division**, the **Gordon Parks Elementary School**, the **Newton County Health Department**, the **Phelps County Sheriff's Department** and the **St. Louis County Health 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 a previous version, the **Office of Administration (OA)** 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 this agency.

Oversight only reflects the responses received from state agencies and political subdivisions; however, other police, sheriff's departments, local public health departments, hospitals and school districts were requested to respond to this proposed legislation but did not. A general listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

Rule Promulgation

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

Officials from the **Office of the Secretary of State (SOS)** notes 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 2023 (10 Mo.)	FY 2024	FY 2025
GENERAL REVENUE			
<u>Cost – DOR – OA-ITSD services</u> (§§136.055; 302.178 and 302.181) p. 5-7	(\$55,610)	\$0	\$0
<u>Costs – DSS (§160.261) p. 7</u>	\$0 to ...	\$0 to ...	\$0 to ...
Personnel Service	(\$43,756)	(\$53,032)	(\$53,562)
Fringe Benefits	(\$39,329)	(\$47,370)	(\$47,548)
Expense & Equipment	(\$40,858)	(\$28,539)	(\$29,252)
<u>Total Costs - DSS</u>	(\$123,943)	(\$128,941)	(\$130,362)
FTE Change	0 to 1.12 FTE	0 to 1.12 FTE	0 to 1.12 FTE
<u>Costs – DSS/DLS (§§208.151 and 208.662) p. 11</u>	12 Months		
Personal service	(\$61,073)	(\$61,684)	(\$62,301)
Fringe benefits	(\$35,269)	(\$35,473)	(\$35,680)
Equipment and expense	(\$14,149)	(\$11,195)	(\$11,474)
<u>Total Costs - DSS/DLS</u>	(\$110,491)	(\$108,352)	(\$109,455)
FTE Changes	1 FTE	1 FTE	1 FTE
<u>Costs – DSS/MHD (§208.662) new SMHB ME code p. 10</u>	(\$7,500)	\$0	\$0
<u>Costs - DSS/MHD (§208.662) Program distributions for SMHB pp. 10-11</u>	(\$1,803,013)	(\$9,904,210)	(\$10,600,273)
<u>Costs – OA,ITSD/DSS (§208.662) MEDES system changes p. 11-12</u>	(\$98,736)	\$0	\$0
<u>Costs – DSS/CD (§§210.127; 210.305 and 210.565) pp. 12-13</u>			
Personal service	(\$373,460)	(\$452,634)	(\$457,160)
Fringe benefits	(\$273,154)	(\$329,287)	(\$330,804)
Equipment and expense	(\$245,138)	(\$171,230)	(\$175,510)
<u>Total Costs -</u>	(\$891,752)	(\$953,151)	(\$963,474)
FTE Changes	12 FTE	12 FTE	12 FTE

<u>FISCAL IMPACT – State Government</u> (continued)	FY 2023 (10 Mo.)	FY 2024	FY 2025
<u>Costs – DSS/DLS (§§210.127; 210.305 and 210.565) p. 12-13</u>			
Personal service	(\$109,017)	(\$132,128)	(\$133,449)
Fringe benefits	(\$61,204)	(\$73,883)	(\$74,326)
Equipment and expense	(\$29,658)	(\$28,539)	(\$29,252)
<u>Total Costs - DSS/DLS</u>	<u>(\$199,879)</u>	<u>(\$234,550)</u>	<u>(\$237,027)</u>
FTE Changes	2 FTE	2 FTE	2 FTE
<u>*Costs – DSS/CD §§210.135; 210.140; 210.147; 210.715; 210.762; 211.081) NDI for FFPSA implementation p. 13-14</u>	(\$500,000 to \$3,783,417)	(Unknown)	(Unknown)
<u>Cost – DSS (§210.762) Potential civil penalty for non-compliance p. 3-5</u>	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Transfer Out – to the State Legal Expense Fund – OA (§210.762) Potential increase in litigation p. 3-5</u>	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Costs – DSS, CD (§210.1450) p. 15</u>	\$0 to	\$0 to	
Personal service	(\$46,881)	(\$47,350)	\$0
Fringe benefits	(\$30,512)	(\$30,669)	\$0
Equipment and expense	(\$22,749)	(\$14,270)	\$0
<u>Total Costs - DSS, CD</u>	<u>(\$100,142)</u>	<u>(\$92,289)</u>	<u>\$0</u>
FTE Changes	0 to 1 FTE	0 to 1 FTE	0 FTE
<u>FISCAL IMPACT – State Government</u> (continued)	FY 2023 (10 Mo.)	FY 2024	FY 2025
<u>Costs - OA, ITSD/DSS (§210.1450) p. 15-16</u>			
DYS system changes	(\$4,925)	\$0	\$0
FACES changes	(\$30,267)	(\$6,205)	(\$6,360)
<u>Total Costs - OA, ITSD/DSS</u>	<u>(\$35,192)</u>	<u>(\$6,205)</u>	<u>(\$6,360)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE*	<u>Up to and could exceed</u>	<u>Up to and could exceed (\$11,427,698)</u>	<u>Up to and could exceed (\$12,046,951)</u>

	<u>(\$3,926,258 to \$7,209,675)</u>		
Estimated Net FTE Change on the General Revenue Fund	15 to 17.12 FTE	15 to 17.12 FTE	15 to 17.12 FTE
* NDI for FFPSA implementation in FY 2023 with unknown ongoing implementation costs.			
OTHER STATE FUNDS			
<u>Cost - (\$210.762) Potential increase in litigation to various state agencies p. 13-14</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>
ESTIMATED NET EFFECT ON OTHER STATE FUNDS	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>
STATE LEGAL EXPENSE FUND (0692)			
<u>Transfer In – from General Revenue and Other State and Federal Funds p.5</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>
<u>Cost – OA (\$210.762) Potential increase in litigation p. 13-14</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>
ESTIMATED NET EFFECT ON THE STATE LEGAL EXPENSE FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT – State Government (continued)</u>	<u>FY 2023 (10 Mo.)</u>	<u>FY 2024</u>	<u>FY 2025</u>
FEDERAL FUNDS			
<u>Income – DSS (§160.261) p. 7</u>	<u>\$0 to \$74,731</u>	<u>\$0 to \$81,213</u>	<u>\$0 to \$82,084</u>
<u>Income - DSS/MHD (§208.662) Reimbursement for SMHB program p. 10-11</u>	<u>\$3,523,561</u>	<u>\$19,063,939</u>	<u>\$20,403,743</u>

<u>Income</u> – DSS/MHD (§208.662) Reimbursement for new SMHB ME code p. 10	\$67,500	\$0	\$0
<u>Income</u> – OA,ITSD/DSS (§208.662) Reimbursement for MEDES system changes p. 11-12	\$98,736	\$0	\$0
* <u>Income</u> – DSS/CD (§§210.135; 210.140; 210.147; 210.715; 210.762; 211.081) NDI for FFPSA implementation p. 13-14	\$8,360,064 to \$20,119,088	Unknown	Unknown
<u>Income</u> – DSS, CD (§210.1450) Grant to facilities subject to appropriations p. 15	\$2,000,000	\$0 to Unknown	\$0
<u>Costs</u> – DSS (§160.261) p. 7	\$0 to ...	\$0 to ...	\$0 to ...
Personnel Service	(\$34,379)	(\$41,668)	(\$42,085)
Fringe Benefits	(\$22,375)	(\$26,988)	(\$27,128)
Expense & Equipment	(\$17,977)	(\$12,557)	(\$12,871)
<u>Total Costs</u> - DSS	(\$74,731)	(\$81,213)	(\$82,084)
FTE Change	0 to 0.88 FTE	0 to 0.88 FTE	0 to 0.88 FTE
<u>Costs</u> - DSS/MHD (§208.662) Program distributions for SMHB p. 10-11	(\$3,523,561)	(\$19,063,939)	(\$20,403,743)
<u>Costs</u> – DSS/MHD (§208.662) new SMHB ME code p. 10	(\$67,500)	\$0	\$0
<u>FISCAL IMPACT</u> – State Government (continued)	FY 2023 (10 Mo.)	FY 2024	FY 2025
<u>Costs</u> – OA,ITSD/DSS (§208.662) MEDES system changes p. 11-12	(\$98,736)	\$0	\$0
* <u>Cost</u> – DSS/CD §§210.135; 210.140; 210.147; 210.715; 210.762; 211.081) NDI for FFPSA implementation p. 13-14	(\$8,360,064 to \$20,119,088)	(Unknown)	(Unknown)

<u>Cost</u> - (§210.762) Potential increase in litigation to various state agencies p. 13-14	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Costs</u> – DSS, CD (§210.1450) Grant to facilities subject to appropriations p. 15	(\$2,000,000)	\$0 to (Unknown)	\$0
ESTIMATED NET EFFECT ON FEDERAL FUNDS	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>
Estimated Net FTE Change on Federal Funds	0 to 0.88 FTE	0 to 0.88 FTE	0 to 0.88 FTE
* NDI for FFPSA implementation in FY 2023 with unknown ongoing implementation costs.			

<u>FISCAL IMPACT – Local Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025
LOCAL POLITICAL SUBDIVISIONS			
<u>Revenue</u> – School districts (§210.762) Potential fine revenue p. 13-14	\$0 or <u>Unknown</u>	\$0 or <u>Unknown</u>	\$0 or <u>Unknown</u>
<u>Cost</u> - (§210.762) Potential increase in litigation p. 13-14	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Loss</u> – School districts (§163.063.2) from transferring 80% of state and local dollars to residential treatment facilities p. 7	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	<u>\$0 or</u> <u>Unknown to</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>Unknown to</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>Unknown to</u> <u>(Unknown)</u>

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

This bill changes the age a person is considered a child, as it pertains to the provisions in the bill, to anyone under the age of 18 instead of 17. A missing child can also include a person still in foster care regardless of their age.

The bill requires law enforcement agencies to take a missing child report from any member of the family support team, as defined in this bill, and provide a copy of the report to the agency or placement provider with legal custody of the missing child.

An agency or placement provider with legal custody of a child is required to ensure a missing child report is filed once it has determined that a child in its custody is missing. The agency or placement provider shall maintain all missing child reports for any child under its legal custody. Within 72 hours of a missing child report being filed for a child placed in an authorized agency or foster care or within 72 hours of an authorized agency or foster care being notified that a child under its custody is missing, whichever event first occurs, the family support team, as defined in this bill, shall hold a meeting to discuss the whereabouts of the missing child and to discuss the initial decision regarding the custody and placement of the missing child once the child is found.

This bill also requires case workers to notify a juvenile officer if a child under their supervision goes missing or is suspected to be on the run. Once notified, the juvenile officer shall file with the court a notice in the child's case file that states the child is missing and include any other relevant information, which shall include the missing child report. If the missing child is found, the juvenile officer shall file with the court a notice in the child's case file that the child has been found and include any other relevant information.

There is a penalty provision for any agency or placement provider with legal custody of a child who goes missing but fails to comply with the provisions in this bill. Failure to comply with the provisions in this bill will cause the agency or placement provider to be liable to any injured party, which includes the missing child, parent, foster parent, or legal guardian of the missing child, and the state of Missouri, and subject to a civil penalty of \$50,000 (§§43.400, 43.401, 210.201, 210.482, 210.487, 210.762, 210.795, and 568.045).

This proposal waives certain driver's license fees for homeless children or youth or unaccompanied youth (§§136.055; 302.178 and 302.181).

This bill states no pupil shall be subject to corporal punishment procedures outlined in the discipline and corporal punishment policy without a parent or guardian being notified and providing written permission for the corporal punishment.

The bill repeals language related to the jurisdiction of the Children's Division within the Department of Social Services and its ability to investigate reports of alleged child abuse by

personnel of a school district, a teacher, or other school employee. It also repeals language related to how a school and school district are to handle reports of alleged child abuse (§160.261).

This bill determines that the residency of foster children for the purpose of determining state and local funding shall be determined by the location of where the child resides.

If a child resides in a residential treatment facility and is unable to attend the resident public school due to safety or behavioral concerns, and the residential facility provides the education for the child the facility is entitled to at least 80% of all state money paid to the resident district on a per-pupil basis along with any addition funding provided through the Department of Elementary and Secondary Education. The bill outlines alternative funding scenarios, and requires school districts to provide annual accounting to the residential treatment facility and must support or approve a facility plan for the foster child or provide for the child's education on the facility site (§163.063).

Currently, low-income pregnant and postpartum women receiving benefits through MO HealthNet for Pregnant Women or Show-Me Healthy Babies are eligible for pregnancy-related coverage throughout the pregnancy and for 60 days following the end of the pregnancy. Under this act, MO HealthNet coverage for these low-income women will include full Medicaid benefits for the duration of the pregnancy and for one year following the end of the pregnancy. This coverage shall begin April 1, 2022, or the effective date of the act, whichever is later, and shall continue during any period of time the federal authorization for such coverage is in effect. Currently, the federal American Rescue Plan of 2021 has authorized 5 years of this coverage (§208.151 and §208.662).

This bill requires the Children's Division (CD) within the Department of Social Services (DSS) to make diligent searches for the biological parent or parents in a timely manner after a child is placed into its custody. Additionally, when an initial emergency placement of a child is deemed necessary, CD is to diligently search and locate grandparents for placement of the child. If grandparents are deemed unavailable or unfit, then CD must make a diligent search to locate other relatives for placement of the child within 30 days from the time the emergency placement is deemed necessary for the child (§210.127; §210.305 and §210.565).

Information provided online by the [Office of the Administration for Children & Families, Children's Bureau](#), states the Family First Prevention Services Act (FFPSA), enacted as part of Public Law (P.L.) 115—123, authorized new **optional** title IV-E funding for time-limited prevention services for mental health, substance abuse, and in-home parent skill-based programs for children or youth who are candidates for foster care, pregnant or parenting youth in foster care, and the parents or kin caregivers of those children and youth. Although this legislation is not federally mandated, [DSS began implementing FFPSA in October 2021](#), and passage of this proposal would allow them to comply with the federal guidelines of the program (§§210.135; 210.140; 210.147; 210.715; 210.762; 211.081).

This bill requires all residential care facilities currently contracted with the Department of Social Services to seek and obtain national accreditation from one of the entities listed in the bill.

The bill requires DSS to issue a qualified residential treatment program designation to all qualified applicants within 45 days of receiving their application. DSS shall assess and determine if each qualified residential treatment program is an institution for mental diseases (IMD) using the criteria provided in The State Medicaid Manual. DSS shall also seek a section 1115 demonstration waiver of the IMD exclusion for qualified residential treatment programs within 90 days after the effective date of this bill and seek an extension of said waiver 180 days before the waiver is to expire (§210.1450).

§210.1450 and the repeal and reenactment of sections 208.151, 208.662, 210.201, and 210.211 contain an emergency clause.

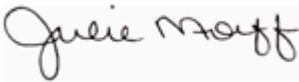
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

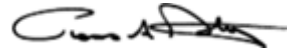
Attorney General's Office
Department of Corrections
Department of Elementary and Secondary Education
Department of Health and Senior Services
Department of Mental Health
Department of Public Safety
 Missouri Highway Patrol
 Missouri National Guard
Department of Revenue
Department of Social Services
Joint Committee on Administrative Rules
Missouri Department of Conservation
Missouri Department of Transportation
Missouri Office of Prosecution Services
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
City of Claycomo
City of Kansas City
City of Kansas City Health Department
City of Springfield

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City of St. Louis Budget Division
Gordon Parks Elementary School
Hermann Area Hospital District
Kansas City Police Department
Newton County Health Department
Springfield Police Department
St. Joseph Police Department
St. Louis County Health Department
St. Louis County Police Department
Phelps County Sheriff's Department



Julie Morff
Director
April 26, 2022



Ross Strobe
Assistant Director
April 26, 2022