

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1666-01  
Bill No.: SB 609  
Subject: Children  
Type: Original  
Date: April 8, 2003

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>
General	(\$3,025,610)	(\$2,143,363)	(\$2,195,216)
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>(\$3,025,610)</b>	<b>(\$2,143,363)</b>	<b>(\$2,195,216)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>
<b>Total Estimated Net Effect on Other State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 7 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>
<b>Federal*</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

\*Income and expenses of approximately \$500,000 in FY 04 and approximately \$50,000 thereafter, would net to \$0.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>
<b>Local Government</b>	<b>(Unknown)</b>	<b>(Unknown)</b>	<b>(Unknown)</b>

## **FISCAL ANALYSIS**

### **ASSUMPTION**

Officials from the **Department of Health and Senior Services** and the **Department of Corrections** assume this proposal would not fiscally impact their agency.

Officials from the **Office of State Courts Administrator (CTS)** state the proposed legislation would revise various statutes relating to the protection of children.

The CTS states this proposal requires that an emergency child protection team be used whenever conducting an emergency preliminary investigation of a Child Abuse and Neglect report (CAN). This emergency child protective team consists of the DFS worker, the juvenile officer and, if necessary, local law enforcement. The new requirement here is the inclusion of the juvenile officer in conducting these investigations. The CTS calculations relating to the fiscal impact are based on the following:

In FY 2002 there were 54,419 total CAN reports; of those reports, 11,564 were coded as "emergency". This information was obtained from DSS/DFS from their Research and Evaluation division.

The CTS assumes that, on average, it would take a minimum of four hours of the Juvenile

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ASSUMPTION (continued)

Officer's time to participate in each investigation. An estimate of the number of additional officers needed statewide was based on the following methodology:

11,564 emergency cases per year X an average of 4 hours of direct service work performed by each officer per case = 46,256 additional direct service work hours.

The Juvenile Weighted Workload estimates that each officer has 110.3 work hours per month to complete direct service work. These 110.3 direct service hours exclude annual leave, sick leave, and holiday time.

The CTS states each officer has 1,324 work hours per year to perform direct service work. Thus, 46,256 additional hours / 1,324 direct service hours available = 35 additional officers statewide would be necessary to complete investigations as provided by this legislation..

Additionally, the CTS states there will be unknown E & E costs to the counties for the necessary videotape or audiotape equipment required by the legislation for all interviews, and for any other related expenses.

**Oversight** assumes expense and equipment costs (based on other state agencies' requests) would be \$400,341 in FY 04; \$114,783 in FY 05; and \$118,226 in FY 06.

Officials from the **Department of Social Services - Division of Family Services (DFS)** state this proposal changes almost all references of DFS probable cause finding of child abuse or neglect and replace it with a raised standard of proof, "preponderance of evidence". This proposal requires DFS to base a finding of child abuse or neglect on preponderance of evidence, which is a higher standard of proof typically found in most civil courts. This proposal changes the types of report, which includes an "emergency preliminary investigation", "central registry investigation" and "summary closure".

Training for specialization is provided by "Finding Words", currently being utilized by CAC's in Missouri. Cost is \$475 per trainee. Missouri has a total of 1,385 workers budgeted, resulting in a total fiscal impact of \$657,875 initial training costs. Social Service worker turnover is approximately 20% per year, therefore, ongoing training for subsequent years is also included.

Section 210.145.7 and 211.059.1 requires all child interviews, conducted by the DFS to be videotaped or audio taped. If the DFS only supplies each investigator with an audio recording device, the estimated cost of each device is \$657. Total cost would be \$909,945 (\$657 x 1,385).

ASSUMPTION (continued)

Officials from the **Department of Social Services - Division of Legal Services (DLS)** state video equipment would be needed for 5 investigators at a cost of \$10,000 for equipment. The DLS stated the on-going cost to video tapes and supplies is \$5,100. In addition the DLS would send 7 investigators to "Finding Words" training which would cost \$14,375 for training, motel and meals. Therefore, the DLS estimates total cost to be \$29,475 for FY 04.

<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
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**GENERAL REVENUE**

Costs - Office of State Courts

Administrator

Personal Services (35 FTE)	(\$1,120,735)	(\$1,378,504)	(\$1,412,967)
Fringe benefits	(\$453,561)	(\$557,881)	(\$571,828)
Expense and equipment	(\$400,341)	(\$114,783)	(\$118,226)

Total Costs - Office of State Courts

<u>Administrator</u>	(\$1,974,637)	(\$2,051,168)	(\$2,103,021)
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Costs - Department of Social Services -  
Division of Family Services

Recording equipment	(\$600,564)	\$0	\$0
Training	(\$434,198)	(\$89,445)	(\$89,445)

Total Costs - Department of Social

<u>Services - Division of Family Services</u>	(\$1,034,762)	(\$89,445)	(\$89,445)
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Costs - Department of Social Services -  
Division of Legal Services

Recording equipment and supplies	(\$8,305)	(\$2,750)	(\$2,750)
Training	(\$7,906)	\$0	\$0

Total Costs - Department of Social

<u>Services - Division of Legal Services</u>	(\$16,211)	(\$2,750)	(\$2,750)
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**ESTIMATED NET EFFECT ON  
GENERAL REVENUE**

<u>(\$3,025,610)</u>	<u>(\$2,143,363)</u>	<u>(\$2,195,216)</u>
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## **FEDERAL**

### Income - Department of Social Services - Division of Family Services

Federal Assistance	\$546,322	\$47,327	\$47,327
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### Costs - Department of Social Services - Division of Family Services

Recording equipment	(\$309,381)	\$0	\$0
Training	(\$223,677)	(\$45,077)	(\$45,077)

<u>Total Costs - Department of Social    Services - Division of Family Services</u>	<u>(\$533,058)</u>	<u>(\$45,077)</u>	<u>(\$45,077)</u>
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### Costs - Department of Social Services - Division of Legal Services

Recording equipment and supplies	(\$6,795)	(\$2,250)	(\$2,250)
Training	(\$6,469)	\$0	\$0

<u>Total Costs - Department of Social    Services - Division of Legal Services</u>	<u>(\$13,264)</u>	<u>(\$2,250)</u>	<u>(\$2,250)</u>
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<b>ESTIMATED NET EFFECT ON    FEDERAL FUNDS</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
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<u>FISCAL IMPACT - Local Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
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## **LOCAL GOVERNMENTS**

### Costs-County Governments

Audio/video equipment	(unknown)	(unknown)	(unknown)
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<b>ESTIMATED NET EFFECT ON    LOCAL FUNDS</b>	<b><u>(UNKNOWN)</u></b>	<b><u>(UNKNOWN)</u></b>	<b><u>(UNKNOWN)</u></b>
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### FISCAL IMPACT - Small Business

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

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## DESCRIPTION

This proposal modifies the law relating to protective services for children. The standard of proof for child care proceedings is raised from probable cause to a preponderance of the evidence.

The Division of Family Services must develop protocols that ensure the well-being and safety of abused and neglected children and that provide due process to those individuals accused of child abuse and neglect. The Division must classify reports into three categories:

- (1) Alleged incidents that indicate the need for an emergency preliminary investigation;
- (2) Alleged incidents which warrant a central registry investigation; or
- (3) Alleged incidents for which summary closure is appropriate.

Emergency child protection teams shall be used whenever conducting an emergency preliminary investigation. These teams shall consist of personnel of the local Division office, the juvenile officer, and if necessary, local law enforcement.

Discipline shall not be considered abuse in a licensed child care facility if it is administered in a reasonable manner and in accordance with the facility's written policy on discipline. The Division of Family Services shall not have jurisdiction to investigate these matters.

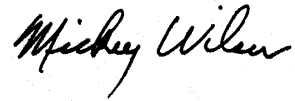
Interrogations or interviews of children taken into protective custody shall be either videotape or audiotape recorded in its entirety. Failure to comply with the recording requirements shall render the child's statement inadmissible.

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

Department of Social Services  
Office of State Courts Administrator  
Department of Health and Senior Services  
Department of Corrections

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A handwritten signature in black ink, reading "Mickey Wilson". The signature is written in a cursive, flowing style.

MICKEY WILSON, CPA  
DIRECTOR  
APRIL 8, 2003