

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 6628-01  
Bill No.: SB 1101  
Subject: Attorneys; Children and Minors; Children’s Division; Courts, Juvenile; Family Law; Guardians; Health Care Professionals; Law Enforcement Officers and Agencies; Physicians; Social Services Department; Social Workers; Victims of Crime  
Type: Original  
Date: March 29, 2016

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Bill Summary: This proposal modifies provisions of law relating to abuse of children less than one year old and child abuse and neglect training.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
General Revenue	(\$15,840 to \$188,530)	(\$15,840 to \$211,192)	(\$15,840 to \$214,222)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(\$15,840 to \$188,530)</b>	<b>(\$15,840 to \$211,192)</b>	<b>(\$15,840 to \$214,222)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 10 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Federal*	\$0	\$0	\$0
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

\* Savings and losses net to \$0.

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
<b>Local Government</b>	<b>(Unknown)</b>	<b>(Unknown)</b>	<b>(Unknown)</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Social Services (DSS), Children's Division (CD), Division of Legal Services (DLS)** and the **State Technical Assistance Team (STAT)** state this bill modifies provisions of law related to the response to allegations of physical abuse with regard to children under the age of one and adds training requirements in the area of medical forensics for all mandated reporters.

In this bill, a new subsection has been added to Section 210.115. Section 210.115 is the section of law that provides requirements for mandated reporting of child abuse and neglect. Section 210.115.9 has been added requiring any person or official required to report under this section to attend at least two hours of training each year in medical forensics related to child abuse and neglect. This training requirement shall also apply to all prosecuting attorneys, assistant prosecuting attorneys, circuit attorneys, and assistant circuit attorneys as described in Chapter 56.

The CD assumes the addition of section 210.115.9 would impact the CD as every employee is a mandated reporter of child abuse. The Division has already partnered with the Children's Justice Act Task Force through an approved grant to develop and distribute training to DSS personnel that would meet the requirements of this section.

Section 210.146.1 of this bill requires that when a medical provider has reasonable cause to suspect that a child under one year of age has been subjected to physical abuse, including but not limited to symptoms indicative of abusive bruising, fractures, burns, abdominal injuries, or head trauma, and reports such suspicions to the CD, the division shall immediately recommend to the juvenile officer that such child be taken into protective custody under chapter 211.

This section would remove the CD's discretion as it relates to safety planning or making reasonable efforts to prevent removal in cases in which a medical provider reports allegations of physical abuse of a child under the age of one without regard for whether or not the alleged perpetrator(s) has the responsibility for the care custody and control of the child or has continued access to the child. In FY2015, the CD received 884 reports of alleged physical abuse to children under the age of one. All of these cases would now be referred to the juvenile officers. The fiscal impact of this provision is dependent up on how many children the juvenile officer places in temporary protective custody that would otherwise would have remained with their caregivers or otherwise diverted from placement in protective custody. Based on the "FY2015 Foster Care Case Management of Child Welfare Cases Annual Report", the State's portion of the costs annually, per child, is \$19,706. With the assumption CD will have a minimum increase of 6 children per year, the State share of the costs would be over \$100,000. The bill may adversely

ASSUMPTION (continued)

impact the ability of the CD to receive federal IV-E funds. One such requirement for earning the IV-E funds is that the court makes a finding that continuation in the home is contrary to the welfare of the child; therefore, it is estimated that the loss of IV-E funds would result in a General Revenue need from \$0 to \$98,530.

Section 210.146.2 of this bill requires that upon receipt of a child abuse or neglect report concerning a child less than one year of age and the division's determination that such report merits an investigation, such investigation shall include an evaluation of the child by a SAFE CARE provider, as defined in section 334.950, or a review of the child's case file and photographs of the child's injuries by a SAFE CARE provider.

This section would not fiscally impact the CD as costs associated with physical abuse exams or child physical abuse case reviews are billed to the Department of Public Safety pursuant to section 334.950. However, the addition of this section would require that all reports of child physical abuse pursuant to language in section 210.146.1 and section 210.146.2 involving a child under the age of one ultimately involve a SAFE CARE provider for either an evaluation or a case review.

Section 210.180 requires the CD to include in its pre-service and in-service training for employees responsible for investigations or assessments at least two hours of medical forensics relating to child abuse and neglect.

The CD would not anticipate additional fiscal costs associated with the necessary modifications to its pre-service or in-service training to include two hours of medical forensics training after the initial training period.

Officials from the **DLS** state this legislation would require DLS employees to attend two hours of training in medical forensics related to child abuse/neglect. DLS would utilize the training already developed for the Children's Division.

The bill may adversely impact the ability of the Children's Division to draw down federal IV-E funds in certain cases. One of the threshold requirements for a case to be qualified to receive federal IV-E funds to assist the state in paying for foster care expenses is a requirement that the court make a finding that continuation in the home is contrary to the welfare of the child. There are many scenarios in which there may be medical evidence of physical injury but it is still in the best interests of the child to return home to the parents. The language of the proposed language in 210.146 will therefore place the Division in the position of being required by law to recommend removal in circumstances where the facts do not warrant removal and, if the court acted on the recommendation, Missouri could face a the possibility of being unable to draw down federal funds to pay for the case.

ASSUMPTION (continued)

Officials from the **STAT** state this legislation would require each employee deemed to be a mandated reporter to attend two (2) hours of medical forensics training each year. This legislation will require STAT's medical consultant and nine POST-certified law enforcement officers, in addition to current training requirements, provided through POST certification training, to have 2 additional hours of Child Abuses and Neglect (CA/N) medical forensics training per year. STAT would utilize the training already developed for the Children's Division.

**Oversight** assumes the General Assembly would replace any IV-E funds lost as a result of this proposal with General Revenue funds.

Officials from the **Office of State Courts Administrator (OSCA)** state the proposed legislation modifies provisions of law relating to abuse of children less than one year old and child abuse and neglect training.

There are approximately 696 single county employees responsible for investigation or family assessment of reports of suspected child abuse and approximately 502 multi county employees responsible for investigation or family assessment of reports of suspected child abuse. The minimum cost of providing a webinar would be  $\$0.11 \times 120$  minutes (2 hours) equals \$13.20 per person for a total of approximately \$15,840 ( $\$13.20 \times 1,200$  employees). If training is provided in person, the cost would be \$50 per person plus meals and travel expense; a total of \$85,000 to \$90,000. ( $\$50 \times 1,200 = \$60,000 + \$25,000$  [meals and travel expense] or  $\$50 \times 1,200 = \$60,000 + \$30,000$  [meals and travel expense]). The projected annual cost would be between \$15,840 and \$90,000.

Officials from the **Hermann Area District Hospital (HADH)** state, based on their reading that the proposal requires them to pay annually for two hours of training in medical forensics for all of their mandated reporters, the training, both initially and on-going, could be a significant cost depending on what training is required for the trainers. It is estimated that the cost would be \$10,000 per year.

Officials from the **Cole County Sheriff's Office** assume the annual cost of the proposal would be \$5,000-\$10,000 annually unless they have to create and up-date the training and provide the trainers.

Officials from the **Columbia Police Department** (Columbia PD) state that Missouri peace officers are now required to complete 24 hours of annual continuing education training. An additional required training topic would create a burden on the Columbia PD. The Columbia PD has 165 sworn members that would have to addend an additional 2 hours of required training.

**Oversight** notes that the Columbia PD did not provide an estimate of the cost of the training for its members and therefore assumes an unknown fiscal impact.

ASSUMPTION (continued)

Officials from the **West Plains Schools** estimate that professional development costs will be between \$5,000-\$10,000 per year.

Officials from the **Pettis County R-XII School District** and **Seymour R-II Schools** each assume the proposal would cost their school district \$500 annually for the additional training.

**Oversight** assumes, for fiscal note purposes, that the proposed legislation will have an unknown fiscal impact on local governments.

Officials from the **Office of Attorney General** assume any potential costs arising from this proposal can be absorbed with existing resources.

Officials from the **University of Missouri (UM) Health Care** has reviewed the proposed legislation and determined that as written, it should not create additional expenses in excess of \$100,000 annually.

**Oversight** assumes this is the materiality threshold for the UM Health Care and that any costs incurred by UM can be absorbed within current resource levels.

Officials from the **Missouri Office of Prosecution Services (MOPS)** state the proposal will have no measurable fiscal impact to MOPS.

Officials from the **Department of Health and Senior Services**, the **Department of Insurance, Financial Institutions and Professional Registration**, the **Department of Mental Health**, the **Department of Public Safety, Missouri State Highway Patrol**, the **Columbia/Boone County Department of Public Health and Human Services**, the **Springfield Police Department**, the **Concordia R-II School District**, the **St. Elizabeth R-4 School District** and the **Webster Groves School District** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Department of Corrections** did not respond to **Oversight's** request for a statement of fiscal impact.

Officials from the following **health departments**: Audrain County Health Unit, Cass County Health Department, Clay County Public Health Center, Cooper County Public Health Center, Harrison County Public Health Department and Hospice, Henry County Health Center, Hickory County Health Department, Howell County Health Department, City of Independence Health Department, Jefferson County Health Department, Linn County Health Department, McDonald

ASSUMPTION (continued)

County Health Department, Madison County Health Department, Marion County Health Department, Miller County Health Center, Morgan County Health Center, Nodaway County Health Center, Platte County Health Department, Polk County Health Center, Pulaski County Health Center and Home Health Agency, Randolph County Health Department, Reynolds County Health Center, Ripley County Health Center, Shelby County Health Department, the St. Francois County Health Center and the St. Joseph Health Department did not respond to **Oversight's** request for a statement of fiscal impact.

Officials from the following **hospitals**: Barton County Memorial Hospital, Bates County Memorial Hospital, Cedar County Memorial Hospital, Cooper County Hospital, Excelsior Springs Medical Center, Golden Valley Memorial Hospital, Macon County Samaritan Memorial Hospital, Putnam County Memorial Hospital and Washington County Memorial Hospital did not respond to **Oversight's** request for a statement of fiscal impact.

Officials from the following **law enforcement agencies**: Boone County Sheriff's Department, Buchanan County Sheriff's Department, Clark County Sheriff's Department, Independence Police Department, Jackson County Sheriff's Department, Jefferson City Police Department, Jefferson County 911 Dispatch, Platte County Sheriff's Department, St. Charles Police Department, St. Joseph Police Department, St. Louis County Police Department and the St. Louis Metropolitan Police Department did not respond to **Oversight's** request for a statement of fiscal impact.

Officials from the following **school districts**: Arcadia Valley R-2, Avilla R-13, Bakersfield, Belton, Benton County R-2, Bismark R-5, Bloomfield R-14, Blue Springs, Bolivar R-I, Bowling Green R-1, Branson, Brentwood, Bronaugh R-7, Campbell R-2, Carrollton R-7, Caruthersville, Cassville R-4, Central R-III, Chilhowee R-4, Chillicothe R-II, Clarkton C-4, Cole R-I, Columbia, Crawford County R-1, Crocker R-II, Delta C-7, East Carter R-2, East Newton R-6, Eldon R-I, Everton R-III, Fair Grove, Fair Play, Fayette R-3, Forsyth R-3, Fox C-6, Fredericktown R-I, Fulton, Grain Valley, Hancock Place, Hannibal, Harrisonburg R-8, Harrisonville, Hillsboro R-3, Hollister R-5, Humansville R-4, Hurley R-1, Independence, Jefferson City, Kansas City, Kearney R-1, Kennett #39, King City R-1, Kingston 42, Kirbyville R-VI, Kirksville, Lee Summit, Leeton R-10, Lewis County C-1, Lindbergh, Lonedell R-14, Macon County R-1, Macon County R-4, Malta Bend, Mehville, Meramec Valley R-3, Mexico, Middle Grove C-1, Midway R-1, Milan C-2, Moberly, Monroe City R-I, Morgan County R-2, New Haven, Nixa, North St. Francois Co. R-1, Northeast Nodaway R-5, Odessa R-VII, Oregon-Howell R-III, Orrick R-11, Osage County R-II, Osborn R-O, Parkway, Pattonville, Pierce City, Plato R-5, Princeton R-5, Raymore-Peculiar R-III, Raytown, Reeds Springs R-IV, Renick R-5, Richland R-1, Richmond R-XVI, Riverview Gardens, Salisbury R-4, Sarcoxie R-2, Scotland County R-I, Sedalia, Shelby County R-4, Shell Knob #78, Sikeston, Silex, Smithville R-2, Special School District of St. Louis County, Spickard R-II, Springfield, St Joseph, St Louis, St. Charles, Sullivan, Valley R-6, Verona R-7, Warren County R-3, Warrensburg R-6, Westview C-6 and the Wright City R-2 School District did not respond to **Oversight's** request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
<b>GENERAL REVENUE FUND</b>			
<u>Costs - DSS (§210.146)</u>			
Replacement of lost IV-E funds	\$0 to (\$98,530)	\$0 to (\$121,192)	\$0 to (\$124,222)
<u>Costs - OSCA (§210.115)</u>			
Additional training, travel and meal expenses	<u>(\$15,840 to \$90,000)</u>	<u>(\$15,840 to \$90,000)</u>	<u>(\$15,840 to \$90,000)</u>
<b>ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND</b>	<b><u>(\$15,840 to \$188,530)</u></b>	<b><u>(\$15,840 to \$211,192)</u></b>	<b><u>(\$15,840 to \$214,222)</u></b>
<b>FEDERAL FUNDS</b>			
<u>Savings - DSS (§210.146)</u>			
Reduction in IV-E funds spent	\$0 to \$98,530	\$0 to \$121,192	\$0 to \$124,222
<u>Loss - DSS (§210.146)</u>			
Reduction in children qualifying for IV-E funds	<u>\$0 to (\$98,530)</u>	<u>\$0 to (\$121,192)</u>	<u>\$0 to (\$124,222)</u>
<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
<u>FISCAL IMPACT - Local Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
<b>LOCAL GOVERNMENTS - ALL</b>			
<u>Costs - All Local Governments</u>			
Additional training costs	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<b>ESTIMATED NET EFFECT ON ALL LOCAL GOVERNMENTS</b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>



FISCAL IMPACT - Small Business

The proposal may impact small business education companies that can provide the additional medical forensics training mandated by the proposal.

FISCAL DESCRIPTION

Under this act, mandatory reporters of child abuse and neglect, certain Children's Division employees, and other specified individuals shall attend at least 2 hours of training each year in medical forensics relating to child abuse and neglect.

Additionally, when a medical provider has reasonable cause to suspect that a child under one year of age has been subjected to physical abuse, including but not limited to symptoms indicative of abusive bruising, fractures, burns, abdominal injuries, or head trauma, and the provider reports such suspicions to the Children's Division, the Division shall immediately recommend to the juvenile officer that such child be taken into protective custody.

Finally, upon receipt of a report of child abuse or neglect concerning a child under one year of age and the Division's determination that such report merits an investigation, such investigation shall include an evaluation of the child by a SAFE CARE provider or a review of the child's case file and photographs of the injuries by a SAFE CARE provider.

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

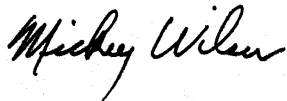
Office of Attorney General  
Department of Health and Senior Services  
Department of Insurance, Financial Institutions and Professional Registration  
Department of Mental Health  
Department of Public Safety -  
    Missouri State Highway Patrol  
Department of Social Services -  
    Children's Division  
    Division of Legal Services  
    State Technical Assistance Team  
Missouri Office of Prosecution Services  
Office of State Courts Administrator  
Columbia/Boone County Department of Public Health  
    and Human Services

SOURCES OF INFORMATION (continued)

Hermann Area District Hospital  
University of Missouri Health Care  
Cole County Sheriff  
Columbia Police Department  
Springfield Police Department  
Concordia R-II School District  
Pettis County R-XII School District  
St. Elizabeth School District  
Seymour R-II Schools  
Webster Groves School District  
West Plains Schools

Not Responding:

Department of Corrections



Mickey Wilson, CPA  
Director  
March 29, 2016

Ross Strobe  
Assistant Director  
March 29, 2016