

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1465-02  
Bill No.: Truly Agreed To And Finally Passed HCS for SB 348  
Subject: Allows for the termination of guardianship of children in certain circumstances.  
Type: Original  
Date: May 9, 2001

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**FISCAL SUMMARY**

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 4 pages.

**FISCAL ANALYSIS**

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### ASSUMPTION

Officials from the **Department of Social Services** and **Office of State Courts Administrator** assume the proposed legislation will not fiscally impact their organizations.

Officials from the **Office of Secretary of State (SOS)** stated this bill allows for the termination of guardianship of children in certain cases. The division of Family Services will promulgate rules to implement this bill. Based on experience with other divisions, the rules, regulations and forms issued by the Division of Family Services could require as many as 10 pages in the *Code of State Regulations*. For any given rule, roughly half again as many pages are published in the *Missouri Register* as in the Code because cost statements, fiscal notes and the like are not repeated in the Code. These costs are estimated. The estimated cost of a page in the *Missouri Register* is \$23.00. The estimated cost of a page in the *Code of State Regulations* is \$27.00. The actual cost could be more or less than the numbers given. The impact of this legislation in future years is unknown and depends upon the frequency and length of rules filed, amended, rescinded or withdrawn. The SOS estimates the fiscal impact of the proposed legislation to be \$615 [(10 pgs. x \$27) + ( 15 pgs. x \$23)].

**Oversight** assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

### FISCAL IMPACT - Small Business

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

### DESCRIPTION

This legislation proposes that any person desiring to adopt another person as his or her child shall petition the juvenile division of the appropriate circuit court which the person seeking to adopt resides, the child sought to be adopted was born, the child is located at the time of filing the petition, or either birth person resides. If the child is under the continuing jurisdiction of a court then the petition must be made to the juvenile division of the circuit court which has jurisdiction over the child. Jurisdiction may be transferred by the court.

If the petitioner has a spouse that spouse may join in the petition to adopt. However, if the spouse does not join the petition, the court may order such joinder. A court or child-placing agency shall not deny or delay the placement of a child for adoption when an approved family is available and the court shall expedite the placement of the child for adoption.

Except in certain circumstances, no decree for the adoption of a child under eighteen shall be entered until a full investigation has been completed to determine whether the child is suitable for adoption by the petitioner and the petitioner is suitable as a parent for the child. This investigation shall be made by the Division of Family Services, a juvenile court officer, a licensed child-placement agency, a licensed social worker, or other suitable person appointed by the court.

The Department of Social Services, Division of Family Services, shall develop rules and regulations regarding the content of the assessment of the petitioner(s). The content of the assessment shall include, but not be limited to, a report on the condition of the petitioner's home and information on the petitioner's education, financial, marital, medical and psychological status and criminal background check.. In cases where the adoption or custody involves a natural child of one of the petitioners, the court may waive the investigation and report, except the criminal background check.

Any adult person(s) over the age of eighteen, who, as foster parent(s), have cared for a foster child continuously for a period of nine months or more and bonding has occurred, may apply for placement of the child with them for the purpose of adoption if the child is eligible for adoption. The agency and court shall give preference and first consideration for adoptive placements to foster parent.

The court shall conduct a hearing to determine whether the adoption shall be finalized. The six month custody period may be waived if the child is under the prior and continuing jurisdiction of a court and the person desiring to adopt the child is the child's current foster parent.

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

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Department of Social Services  
Office of State Courts Administrator  
Office of Secretary of State

A handwritten signature in black ink, appearing to read "Jeanne Jarrett". The signature is stylized with a large initial "J" and a cursive "e" at the end.

Jeanne Jarrett, CPA  
Director

May 9, 2001