

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **SB 109** SLS 13RS 427

Bill Text Version: **REENGROSSED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

| | |
|--|--------------------------------|
| Date: May 13, 2013 8:26 AM | Author: MORRISH |
| Dept./Agy.: Children and Family Services | Analyst: Patrice Thomas |
| Subject: Second Physical Exam of Suspected Child Abuse Victim | |

CHILDREN'S CODE

RE INCREASE GF EX See Note

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Provides relative to a physical examination of a suspected child abuse victim. (8/1/13)

Present law permits the court, upon a showing of good cause in an affidavit executed by the child abuse investigator, may order a physical examination and evaluation of the child or other children in the household by any physician. Such an order may be granted ex parte. Proposed law retains present law and requires that when the Department of Children and Family Services (DCFS) receives a mandatory report from a health care practitioner of abuse or neglect of a child who is not in the custody of the state, upon request of the child's parent or caretaker, the department shall schedule independent medical examination of the child to be conducted promptly by a health care practitioner selected by the child's parent or caretaker. Proposed law requires the department to pay the cost of the second physical examination. Proposed law requires the reports of both examinations shall be made available to the department and to the child's parent or caretaker. Proposed law clarifies an "applicant to the court" in present law may be the investigator or the child's parent or caretaker.

| EXPENDITURES | 2013-14 | 2014-15 | 2015-16 | 2016-17 | 2017-18 | 5 -YEAR TOTAL |
|---------------------|----------------|----------------|----------------|----------------|----------------|----------------------|
| State Gen. Fd. | INCREASE | INCREASE | INCREASE | INCREASE | INCREASE | |
| Agy. Self-Gen. | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Ded./Other | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Federal Funds | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Local Funds | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |
| Annual Total | | | | | | |
| REVENUES | 2013-14 | 2014-15 | 2015-16 | 2016-17 | 2017-18 | 5 -YEAR TOTAL |
| State Gen. Fd. | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Agy. Self-Gen. | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Ded./Other | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Federal Funds | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Local Funds | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |
| Annual Total | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |

EXPENDITURE EXPLANATION


This proposed legislation may increase cost over and above current State General Fund expenditures by an indeterminable amount in Department of Children and Family Services (DCFS) as a result of scheduling a second physical examination of children in child abuse investigations. If the department receives a mandatory report of abuse or neglect from a health care practitioner, this proposed legislation requires the department to schedule a second physical examination upon the request of the child's parent or caretaker. Also, the legislation states the child's parent or caretaker selects the health care practitioner to perform the second physical examination and DCFS is responsible for the cost of the second physical examination.

To the extent it is deemed necessary, DCFS currently performs second physical examinations. In FY 12, DCFS investigated 16,891 reports of child abuse and neglect. According to the department, 4,228 or 25% of the investigations involved physical or sexual abuse allegations (16,891 x 25% = 4,228); and approximately 1%, 42 investigations, were court ordered second physical examinations (4,228 x 1% = 42). Presently, the costs of 42 second physical examination are in the department's existing budget; however, if this legislation increases the number of second physical examinations, the department will need additional funding or reduce other expenditures within the department to meet the requirements of this legislation. The cost of a physical examination range from \$400 to \$2,000 per exam depending on the complexity. This legislation will have no fiscal impact on the judicial or court system.

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure.

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|---|----------------------------|--|
| <u>Senate</u> | <u>Dual Referral Rules</u> | <u>House</u> |
| <input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H} | | <input type="checkbox"/> 6.8(F) >= \$500,000 Annual Fiscal Cost {S} |
| <input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H} | | <input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S} |


John D. Carpenter
Legislative Fiscal Officer