

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **SB 109** SLS 13RS 427
 Bill Text Version: **ENROLLED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: May 29, 2013 10:10 AM	Author: MORRISH
Dept./Agy.: Children and Family Services	Analyst: Patrice Thomas
Subject: Second Physical Exam of Suspected Child Abuse Victim	

CHILDREN'S CODE EN SEE FISC NOTE GF EX See Note Page 1 of 1
 Provides relative to a physical examination of a suspected child abuse victim. (8/1/13)

During an investigation of physical abuse of a child who is not in the custody of the state, proposed law provides, if requested by the child's parent or caregiver, the Department of Children and Family Services (DCFS) shall provide copies of all medical information pertaining to the child's condition or treatment obtained during the investigation to a board certified child abuse pediatrician designated by the parent or caretaker so that they may have an independent review. Proposed law requires any report generated by the independent review be submitted to DCFS and considered in assigning a level of risk and protecting the health and safety of the child. Proposed law permits the court, after a contradictory hearing and upon a showing of good cause in an affidavit executed by DCFS or a parent or caretaker, to order a further physical examination of a child and other children in the household by a qualified physician.

EXPENDITURES	2013-14	2014-15	2015-16	2016-17	2017-18	5 -YEAR TOTAL
State Gen. Fd.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
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.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
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						

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 physical child abuse investigations. This proposed legislation grants the following rights to a parent or caretaker in cases of alleged physical abuse of a child: (1) right to request copies of all medical information pertaining to the child's condition or treatment obtained by the DCFS during the investigation; (2) pay for an independent review by a board certified child abuse pediatrician and the right submit the results of the independent review to DCFS and DCFS shall consider the submitted independent review in its investigation process related to assigning a level of risk and protecting the health and safety of the child; and (3) the right to submit an affidavit to the court requesting an additional (second) physical examination and the court is permitted to order DCFS to perform an additional (second) physical examination of the child or other children in the household. To the extent the parent or caregiver submits affidavits to the courts and the court orders a second physical examination, state general fund expenditures in DCFS are anticipated to increase.

Presently, DCFS performs second physical examinations when it is deemed necessary. 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. The Legislative Fiscal Office anticipates that DCFS will mitigate copying costs by charging \$0.25 per copy page, as outlined in the Louisiana Administration Code (LAC) uniform fee schedule, LAC 4:301.

REVENUE EXPLANATION

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

<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

John D. Carpenter
 Legislative Fiscal Officer