

## Department of Planning and Budget 2009 Fiscal Impact Statement

**1. Bill Number:** HB 1937

House of Origin      X   Introduced               Substitute               Engrossed  
Second House               In Committee           Substitute               Enrolled

**2. Patron:** Ingram

**3. Committee:** Health, Welfare and Institutions

**4. Title:** Adoption Records

**5. Summary:** The proposed legislation will delete the requirement that an adoption be finalized on or after July 1, 1994 in order for the adopted person's birth parents and adult siblings, the adoptive parents, or other legal custodian to be authorized to apply to the Commissioner of the Department of Social Services (DSS) for the disclosure of identifying information about the birth family. This bill will also eliminate the requirement in parental placement adoptions that an adoption be finalized after July 1, 1994 for the entire adoption record to be open to the adoptive parents, the adoptee who is eighteen years of age or older, and a birth parent who executed a written consent to the adoption.

**6. Fiscal impact estimates are preliminary.**

**Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars*</i>	<i>Positions</i>	<i>Fund</i>
2009	-	-	-
2010	\$3,395,347	1.5	General
	\$703,321	1.5	Federal
2011	\$1,888,805	1.5	General
	\$391,253	1.5	Federal
2012	\$1,888,805	1.5	General
	\$391,253	1.5	Federal
2013	\$1,888,805	1.5	General
	\$391,253	1.5	Federal
2014	\$1,178,903	1.5	General
	\$244,201	1.5	Federal
2015	\$1,178,903	1.5	General
	\$244,201	1.5	Federal

\* The above costs do not include local funds (see item 8)

**7. Budget Amendment Necessary:** Yes, Items 337 and 339.

**8. Fiscal Implications:** The additional disclosure requirements associated with this legislation would increase the workload on the social services system, primarily on local departments of social services. Currently, disclosure of identifying information from the adoption file may be available where an adoption is finalized on or after July 1, 1994. This bill would require requests for disclosure of adoption files to be available regardless of when the adoption was

finalized. This change will increase the number of requests received by DSS, which will increase the workload of the department as well as the local departments of social services, and possibly the Circuit Courts. Note: This fiscal has not yet accounted for potential court costs.

There is no data to suggest how many additional requests the department will receive each year due to the passage of this legislation. However, since there will clearly be more requests this analysis will make several assumptions in an effort to estimate the magnitude of any potential costs. The department receives approximately 600 requests for disclosure each year. This proposal would open approximately 118,000 additional records (adoptions finalized prior to July 1, 1994). If each person or group submits an application (the adopted person's birth parents and adult siblings, the adopted parents and other legal custodians) then there exists a potential for the department to receive 354,000 ( $118,000 \times 3$ ) or more additional applications. (Note: The request ceiling calculation is in no way suggesting that the department would actually receive a request from all potential parties, it only serves as a reference point for calculations.) It is assumed that there would initially be a surge in requests, which could slow after several years. Assuming that initially two percent (or six requests per 100 cases) would apply for disclosure the first year, DSS and local departments would need to process 7,080 more applications in FY 2010. Assuming the requests declined by half over the next three years, the department would process 3,540 additional requests from FY 2011 through FY 2013. It is assumed that beyond FY 2013, the requests would drop again, adding about 1,770 to the current caseload.

When an application for disclosure is received, the department processes the disclosure application, searches for the records, copies them and forwards the records along with the request to the local department. Once the records and request are forwarded to the local department, the local department performs a search to locate the birth parents, contacts the birth parents and sends a report back to the DSS central office where it is determined whether or not the information should be released. If the information is not released, the person requesting the information has a right to petition the Circuit Court to release that information.

On average it takes an administration specialist approximately 2.5 hours to process the disclosure application, perform a records search, copy the files and send them to the localities. If DSS receives 7,080 additional applications for FY 2010, the department estimates that it would need 12 more positions (3 classified) at an average pay of \$62,511. A local worker spends on average 18 hours per disclosure request. If there are an additional 7,080 requests per year, that would require at least 84 local workers (21 classified) dedicated to performing searches. These numbers would be reduced by half in FY 2011 and half again in FY 2014.

Again, the assumptions are intended to reflect the magnitude of cost as workload increases. As the number of requests vary, so will the cost of processing them.

**Cost Summary**

	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Salaries and Benefits	\$ 3,947,543	\$ 2,308,773	\$ 2,308,773	\$ 2,308,773	\$ 1,489,387
Operating Costs	\$ 779,040	\$ 389,520	\$ 389,520	\$ 389,520	\$ 194,760
One-time Equipment	\$ 123,912	\$ -	\$ -	\$ -	\$ -
Total Cost	\$ 4,850,495	\$ 2,698,293	\$ 2,698,293	\$ 2,698,293	\$ 1,684,147
General	\$ 3,395,347	\$ 1,888,805	\$ 1,888,805	\$ 1,888,805	\$ 1,178,903
Federal	\$ 703,321	\$ 391,253	\$ 391,253	\$ 391,253	\$ 244,201
Local	\$ 751,827	\$ 418,235	\$ 418,235	\$ 418,235	\$ 261,043

**9. Specific Agency or Political Subdivisions Affected:**

Department of Social Services  
Local Department of Social Services  
Circuit Courts

**10. Technical Amendment Necessary:** No**11. Other Comments:** None

**Date:** 1/21/2009

**Document:** G:\2009 Fiscal Year\EFIS\HB1937.Doc