

Fiscal Estimate - 2005 Session

Original Updated Corrected Supplemental

LRB Number 05-0416/1	Introduction Number SB-97
Subject Parental consent for a minor's abortion	
Fiscal Effect	
State: <input type="checkbox"/> No State Fiscal Effect <input type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Create New Appropriations <input type="checkbox"/> Decrease Costs	
Local: <input checked="" type="checkbox"/> No Local Government Costs <input type="checkbox"/> Indeterminate 1. <input type="checkbox"/> Increase Costs 3. <input type="checkbox"/> Increase Revenue 5. Types of Local Government Units Affected <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities 2. <input type="checkbox"/> Decrease Costs 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts	
Fund Sources Affected Affected Ch. 20 Appropriations <input checked="" type="checkbox"/> GPR <input checked="" type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS s.20.435 (4)(b), (4)(o)	
Agency/Prepared By DHFS/ Ellen Hadidian (608) 266-8155	Authorized Signature Andy Forsaith (608) 266-7684
Date 6/3/2005	

Fiscal Estimate Narratives

DHFS 6/6/2005

LRB Number	05-0416/1	Introduction Number	SB-97	Estimate Type	Original
Subject					
Parental consent for a minor's abortion					

Assumptions Used in Arriving at Fiscal Estimate

SB 97 makes numerous changes to the law that requires an unemancipated minor to obtain parental or other adult consent or a judicial waiver of consent before she may have an abortion.

Under current law, a minor may not obtain an abortion unless the minor has given voluntary informed consent, received specified oral and written information at least 24 hours before the abortion, and voluntary informed consent is given by a parent, one of several adult family members, or a foster parent, or a court has granted the minor a petition for a waiver of the consent. SB 97 eliminates the authority of an adult family member, a foster parent, a treatment foster parent, or a parent who does not have legal custody of a child to consent to an abortion for the minor.

The bill also requires an adult who consents to an abortion to sign and acknowledge a consent document in front of a notary public who is responsible for verifying the identity of the individual. The notary is required to keep confidential any information acquired in taking the acknowledgement and verification.

Under current law, consent or a judicial waiver is not required if the person who intends to perform or induce the abortion believes that a medical emergency exists that complicates the pregnancy so as to require an immediate abortion. This bill defines medical emergency as a condition that requires an abortion to avert the death of a pregnant woman or for which a 24-hour delay in performance will seriously risk substantial and irreversible impairment of one or more of the woman's major bodily functions.

In addition, current law allows the consent provisions to be waived if a psychiatrist or psychologist states in writing that the minor is likely to commit suicide rather than seek consent or a judicial waiver. This bill eliminates that provision.

Under current law, a person who intentionally performs an abortion without receiving proper consent is liable to the minor and the minor's parent, guardian, or legal custodian for damages arising out of the abortion. This bill eliminates the requirement that the violation be intentional and instead provides that the violation be committed under circumstances in which the person knew, or, in the exercise of reasonable care, should have known that the consent requirements were not fulfilled.

Also under current law, a member of the clergy may petition the court for a waiver of the consent requirements on the minor's behalf and may be present at the initial court appearance instead of the minor. If the clergy person files an affidavit stating that he or she has explored all the minor's alternatives and has determined that it is in the minor's best interest to obtain an abortion, the court may grant the petition and the minor does not have to appear in court. This bill eliminates the option for a member of the clergy to file a petition and affidavit on behalf of the minor. Under this bill, the minor must file her own petition and be present at the initial appearance and the court must appoint counsel for the minor and hold a hearing to consider the petition. This bill also requires that the court must hear testimony relating to the nature of the relationship between the minor and her parents before a waiver may be granted.

It is likely that the number of abortions provided to minors will decrease under this bill. As a result, the number of births to minors will increase. In 2003, 737 minors received abortions. For those who received adult consent, 62 received consent from an adult family member other than a custodial parent, which would not be allowed under this bill. Of the remaining, 3 received consent from guardians and 560 received parental consent. It is not known how many of these parents were custodial parents.

It is assumed that the 62 minors who obtained abortions as the result of consent from an adult family member other than a custodial parent would no longer be able to do so under this bill. In addition, those minors who received consent from a non-custodial parent would not be able to obtain abortions. According

to census data, approximately 28% of American children live with one parent. If this percentage applies to the families of minors who received abortions, and if half of those minors received permission for the abortion from a non-custodial parent, then 78 minors would not receive an abortion. Using these estimates, a total of 140 abortions which occurred in 2003 might not have taken place under this bill.

Approximately 86% of births to minors are funded by Medicaid (MA). MA birth-related costs, including obstetric services, hospital discharges, and child costs for the first year, average \$9,103 AF per client annually. In addition, the mother would be added to the Medicaid caseload, at a cost of \$2,520 AF/person annually for her non-birth related health costs. To the extent that the number of births to minors will increase as a result of this bill, costs to MA will also increase. If there are 140 fewer abortions for minors annually, and if 86% of the subsequent births (120) are funded by MA, there would be an increased cost of \$1,394,800 AF (\$581,100 GPR and \$813,700 FED) to Medicaid annually.

In addition, the changes in this bill will affect the Termination of Pregnancy Reporting form which the Department is currently required to file. The changes will include a change in forms, a database change, the redesign and reprinting of forms, and the distribution of the new forms with an explanation of the changes. The one-time cost for these changes is estimated to be \$2,800 GPR.

Long-Range Fiscal Implications

Fiscal Estimate Worksheet - 2005 Session

Detailed Estimate of Annual Fiscal Effect

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Subject			
Parental consent for a minor's abortion			
I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):			
Changes to Termination of Pregnancy Reporting Form \$2,800 GPR			
II. Annualized Costs:		Annualized Fiscal Impact on funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
	State Operations - Salaries and Fringes	\$	
	(FTE Position Changes)		
	State Operations - Other Costs		
	Local Assistance		
	Aids to Individuals or Organizations	1,394,800	
	TOTAL State Costs by Category	\$1,394,800	\$
B. State Costs by Source of Funds			
	GPR	581,100	
	FED	813,700	
	PRO/PRS		
	SEG/SEG-S		
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)			
		Increased Rev	Decreased Rev
	GPR Taxes	\$	\$
	GPR Earned		
	FED		
	PRO/PRS		
	SEG/SEG-S		
	TOTAL State Revenues	\$	\$
NET ANNUALIZED FISCAL IMPACT			
		<u>State</u>	<u>Local</u>
	NET CHANGE IN COSTS	\$1,394,800	\$
	NET CHANGE IN REVENUE	\$	\$
Agency/Prepared By			
DHFS/ Ellen Hadidian (608) 266-8155		Authorized Signature	
		Andy Forsaith (608) 266-7684	
		Date	
		6/3/2005	