

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION**

**April 23, 2003**

**TO:** Honorable Harold V. Dutton, Jr., Chair, House Committee on Juvenile Justice & Family Issues

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: HB79** by Wise (Relating to possession of or access to a child.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB79, As Introduced: an impact of \$0 through the biennium ending August 31, 2005.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2004	\$0
2005	\$0
2006	\$0
2007	\$0
2008	\$0

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable (Cost) from <i>CRIME VICTIMS COMP ACCT</i> 469</b>
2004	(\$136,026)
2005	(\$138,774)
2006	(\$141,522)
2007	(\$145,644)
2008	(\$148,392)

**Fiscal Analysis**

The bill would require the appointment of a guardian ad litem in all cases affecting the parent-child relationship in which an attorney ad litem is not appointed. The Office of the Attorney General (OAG) indicates that this provision would have an operational impact on its child support program but not a significant fiscal impact.

The bill would also add a presumption that the mother of a child is entitled to exclusive possession of a child who is born out of wedlock under certain circumstances.

The bill would further authorize a court to order the reimbursement of costs associated with the location and recovery of a child who was wrongfully taken or retained by his or her parent. The bill provides that this reimbursement may be made from the Crime Victims' Compensation Fund.

## **Methodology**

Based upon historical data from arrest records, the OAG assumes that 99 arrests will be made for the crime of interference with child custody in FY 2004. The OAG assumes that this will increase by 2.3% per year. The OAG assumes that each case will result in a claim for compensation from the Crime Victims' Compensation Fund, and payments will average \$1,374 per case.

## **Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 530 Department of Protective and Regulatory Services

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