

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

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

**February 26, 2003**

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

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

**IN RE: HB320** by Grusendorf (Relating to the refusal to administer or consent to the administration of certain psychiatric or psychological treatment to a child.), **As Introduced**

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| <b>No significant fiscal implication to the State is anticipated.</b> |
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The Department of Protective and Regulatory Services (PRS) indicates that the bill would impact the definition of neglect of a child. Specifically, PRS suggests that exempting the refusal of a parent, guardian, or conservator to administer or consent to the administration of a psychotropic drug to the child or to consent to the psychiatric treatment of a child from those actions constituting neglect may impede PRS' ability to intervene in certain matters. Moreover, PRS suggests that the language of the bill may arguably preclude Texas from making assurances required by federal law, such as the ability to take steps to ensure and protect the safety of abused and neglected children. According to PRS, if unable to meet these assurances, Texas could potentially be at risk for loss of federal funds. The language of the bill, however, does not limit PRS' ability to investigate or intervene in any allegation of abuse or neglect. Under the language of the bill, the refusal to consent to psychological treatment or to administer psychotropic medications to a child could still be determined to be neglect if the refusal occurred in connection with other actions or omissions.

**Local Government Impact**

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

**Source Agencies:** 529 Health And Human Services Commission, 530 Department Of Protective And Regulatory Services

**LBB Staff:** JK, GO, KF, AJ