

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

March 20, 2003

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

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB1752 by Hupp (Relating to investigations and other procedures with respect to allegations of child abuse or neglect.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1752, As Introduced: a negative impact of (\$1,210,121) through the biennium ending August 31, 2005.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2004	(\$896,951)
2005	(\$313,170)
2006	(\$313,170)
2007	(\$313,170)
2008	(\$313,170)

All Funds, Five-Year Impact:

Fiscal Year	Probable (Cost) from <i>GENERAL REVENUE</i> <i>FUND</i> 1	Probable Savings from <i>GENERAL REVENUE</i> <i>FUND</i> 1	Probable Savings from <i>FEDERAL FUNDS</i> 555	Probable (Cost) from <i>FEDERAL FUNDS</i> 555
2004	(\$6,017,139)	\$5,120,188	\$14,572,843	(\$14,731,618)
2005	(\$5,433,358)	\$5,120,188	\$14,572,843	(\$13,302,359)
2006	(\$5,433,358)	\$5,120,188	\$14,572,843	(\$13,302,359)
2007	(\$5,433,358)	\$5,120,188	\$14,572,843	(\$13,302,359)
2008	(\$5,433,358)	\$5,120,188	\$14,572,843	(\$13,302,359)

Fiscal Year	Change in Number of State Employees from FY 2003
2004	385.0
2005	385.0
2006	385.0
2007	385.0
2008	385.0

Fiscal Analysis

The bill would make changes relative to child abuse and neglect allegations. The bill would mandate disclosure of confidential abuse and neglect records after a hearing if the life or safety of a child who

is the subject of the record, a person who makes the report, or any other person who participates in the investigation is not endangered. Current law gives a court the discretion to disclose such reports. The bill would delete the requirement that disclosure be essential to the administration of justice. The bill would require that interviews with all children be audio or video recorded during an investigation of abuse or neglect. Under current law, an interview with the child who is the alleged victim in such investigation would be recorded but for good cause. The proposal appears to require the recording of any child's interview, not just the alleged victim's. The bill would require that the parent of the child receive a copy of the recording(s). Under the proposal, an investigation can no longer include medical, psychological, or psychiatric examination of other children in the home of the alleged victim, and such examination of the alleged victim must be authorized by a parent, conservator, or legal guardian or court ordered.

The bill would require the removal of all information about a person's alleged role in an abuse and neglect report and information relative to the child and family from PRS' records, unless the person requests that PRS retain such information.

The bill would allow a parent of a child who was being taken into custody by a governmental entity to designate another to care for the child as an alternative. If such designation is made, the entity may not take the child into custody with or without a court order. The child remains in such placement until a permanent managing conservator is designated. The bill would create a rebuttable presumption that the alternative placement is in the child's best interest. The bill would require a hearing within three (3) days of placing the child in alternative care.

Methodology

PRS estimates the following costs for additional recordings of the children's interviews and the parents' copies of the recordings as follows: 432,000 audio tapes @ \$0.52 each and 48,000 video tapes @ \$1.69 each. PRS would need additional staff to monitor a child's placement in an alternative setting to ensure the child's safety. Since PRS would likely have no knowledge of the alternative caregiver, it estimates that 33.08 additional hours (24 hours for family preservation services and 9.08 hours of investigative services) per 792.8 child cases and 2.31 additional hours per 1,823.5 family cases (foster parent recruitment, if appropriate). PRS estimates that 286 workers could manage the additional work with the assistance of 99 additional staff such as supervisors and attorneys, based upon current staff ratios.

PRS assumes that 1,484 children would be cared for by the alternative caregiver thereby reducing foster care costs. This number is based upon the following assumptions: (1) 45 percent of the parents of children who entered substitute care would designate an alternative caregiver and (2) 75 percent of those in alternative caregiver's placement would eventually enter PRS' care. Total annual savings is estimated at \$19,693,031. Match ratio reflects the current method of finance for the program.

The Department of Protective and Regulatory Services (PRS) expressed concern that the proposed changes would jeopardize its receipt of federal funds (a potential loss of \$965 million per year) in that state assurances regarding the safety of children and maintenance of confidentiality of records will fall short of federal requirements.

Technology

Minor programming costs to purge records of those determined not to have abused or neglected a child. Costs could reasonably be absorbed within existing resources.

Local Government Impact

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

Source Agencies: 212 Office Of Court Administration, Texas Judicial Council, 530 Department Of Protective And Regulatory Services

LBB Staff: JK, GO, KE, AJ