

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

May 21, 2003

TO: Honorable Will Hartnett, Chair, House Committee on Judicial Affairs

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB1410 by Deuell (Relating to the appointment of the Department of Protective and Regulatory Services to serve as a temporary or permanent guardian for a ward.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1410, As Engrossed: a negative impact of (\$4,281,702) 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:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2004	(\$1,404,471)
2005	(\$2,877,231)
2006	(\$4,802,991)
2007	(\$6,610,822)
2008	(\$8,236,131)

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from <i>GENERAL REVENUE FUND 1</i>	Probable Revenue Gain/(Loss) from <i>GR MATCH FOR MEDICAID 758</i>	Probable Revenue Gain/(Loss) from <i>FEDERAL FUNDS 555</i>	Change in Number of State Employees from FY 2003
2004	(\$1,274,957)	(\$129,514)	(\$216,081)	19.0
2005	(\$2,687,444)	(\$189,787)	(\$289,603)	52.0
2006	(\$4,489,929)	(\$313,062)	(\$475,628)	88.0
2007	(\$6,183,058)	(\$427,764)	(\$648,242)	122.0
2008	(\$7,705,418)	(\$530,713)	(\$803,161)	153.0

Fiscal Analysis

The bill would permit a court to appoint the Department of Protective and Regulatory Services (PRS) as a guardian as a last resort if the proposed ward is an individual described by Section 48.209 of the Human Resources Code and no individual is willing and able to serve as the proposed ward's guardian. The bill would also require PRS to conduct a study to identify distinct populations for whom the agency may appropriately provide guardianship services. The bill would take effect on September 1, 2003.

Methodology

The Department of Protective and Regulatory Services (PRS) assumes that by giving the court final authority to determine when the agency may be appointed as guardian the bill would establish PRS as the guardian of last resort. PRS estimates that 1,492 new guardianship appointments would be made through fiscal year 2008 which would increase the agency's guardianship caseload by a monthly average of 158 in fiscal year 2004, 450 in fiscal year 2005, 742 in fiscal year 2006, 1,034 in fiscal year 2007, and 1,326 in fiscal year 2008.

PRS reports that a guardianship case requires 7.61 hours of specialized staff time per month and estimates that 103 guardianship specialists would be needed by the end of fiscal year 2008 to handle the additional workload. The guardianship specialists would be supported by 13 supervisors (1:8 ratio), 3 attorneys (1:30 ratio), 17 clerks (1:6 ratio), 14 accountants (1:100 cases), 2 program specialists, and one trainer.

PRS reports that an average of \$80 is spent on a confirmed adult protective services case to help meet basic needs such as food, shelter, clothing, and medical care. It is assumed that a guardianship case would require the same amount of purchased services.

PRS estimates that the guardianship study would cost about \$14,300, including \$11,500 for one-quarter of one Program Specialist V's time and \$2,800 for travel.

The total cost for fiscal years 2004-05 would include \$2.4 million for salaries, \$1.0 million for professional services and other operating expenses, \$0.7 million for fringe benefits, \$0.4 million for equipment, and \$0.3 million for travel. The method-of-financing would be approximately 87% General Revenue Funds and 13% Federal Funds (Medicaid).

Technology

The Department of Protective and Regulatory Services reports that the bill would require modifications to the Child and Adult Protective System (CAPS) with an estimated cost of \$415,000.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 530 Department of Protective and Regulatory Services

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