

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

February 23, 2005

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

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB384 by Dutton (Relating to a presumption that placement of a child with a parent or relative is in the best interest of the child.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB384, As Introduced: a negative impact of (\$2,183,970) through the biennium ending August 31, 2007.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2006	(\$1,071,009)
2007	(\$1,112,961)
2008	(\$1,202,268)
2009	(\$1,298,939)
2010	(\$1,403,191)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/ (Cost) from <i>GENERAL REVENUE FUND 1</i>	Probable Savings/ (Cost) from <i>GR MATCH FOR MEDICAID 758</i>	Probable Savings/ (Cost) from <i>FEDERAL FUNDS 555</i>	Change in Number of State Employees from FY 2005
2006	(\$1,069,893)	(\$1,116)	(\$243,052)	22.1
2007	(\$1,111,827)	(\$1,134)	(\$246,975)	23.9
2008	(\$1,201,043)	(\$1,225)	(\$266,780)	25.8
2009	(\$1,297,616)	(\$1,323)	(\$288,244)	27.9
2010	(\$1,401,762)	(\$1,429)	(\$311,365)	30.2

Fiscal Analysis

The bill would change the language in Section 262.201(e), Family Code. Currently, the Family Code states that the court shall place a child with a relative, if the placement with a non-custodial parent is inappropriate, unless the placement with either would not be in the child's best interest. The proposed change would result in an automatic affirmative finding that assumes placement with the non-custodial parent or relative is always in the best interest of the child. The proposed language places the burden of proof on the Department of Family Protective Services (DFPS) for argument as to why the proposed placement with the non-custodial parent or relative would not be appropriate.

Methodology

This bill would require DFPS to perform home assessments on multiple relatives prior to the fourteen day adversary hearing. This would result in the need for additional staff to perform these assessments, assuming DFPS performs all assessments. DFPS estimates there will be an increase of 7,357 new children into kinship care as a result of this bill in FY2006. The Legislative Budget Board estimates this would be an increase of 4,686 caregiver families with an estimated 1.08 percent increase per year. There is an average of two people per caregiver family who require background criminal history checks. Each check costs \$41 for a FY2006 total of \$384,251.

In addition to background checks, DPFS would perform home assessments on each family. DFPS reports that each home assessment averages 5.5 hours to complete. Based on the given completion time, a home assessment on 4,686 families which takes 5.5 hours to complete would result in an increase of 25,773 annual hours needed to fulfill the workload. Each caseworker works 1,560 annual hours and would require additional support staff. As a result, an additional 22.1 new FTEs would need to be added to complete these assessments.

Local Government Impact

No significant fiscal implication to units of local government is anticipated. Additional time in court is anticipated due to continuances, and additional money for attorneys would be required, but this amount is not believed to be significant.

Source Agencies: 530 Department of Family and Protective Services

LBB Staff: JOB, LB, PP, WP