

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

February 23, 2005

TO: Honorable Suzanna Gratia Hupp, Chair, House Committee on Human Services

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

IN RE: HB800 by Uresti (Relating to protective services.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB800, As Introduced: a negative impact of (\$119,494,396) through the biennium ending August 31, 2007.

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
2006	(\$57,607,708)
2007	(\$61,886,688)
2008	(\$69,655,179)
2009	(\$77,496,464)
2010	(\$88,234,211)

All Funds, Five-Year Impact:

Fiscal Year	Probable (Cost) from <i>GENERAL REVENUE</i> <i>FUND</i> 1	Probable (Cost) from <i>FEDERAL FUNDS</i> 555	Change in Number of State Employees from FY 2005
2006	(\$57,607,708)	(\$17,036,534)	1,110.8
2007	(\$61,886,688)	(\$18,574,913)	1,381.2
2008	(\$69,655,179)	(\$21,390,773)	1,596.0
2009	(\$77,496,464)	(\$23,983,181)	1,832.6
2010	(\$88,234,211)	(\$27,841,792)	2,080.9

Fiscal Analysis

Section 1 would require attorneys ad litem to meet with a child or caregiver before each court hearing unless there is a good cause exemption and to complete three hours of continuing legal education. **Section 2** would require the court to appoint an attorney ad litem to represent the interests of an indigent parent in a suit filed by a governmental entity requesting temporary managing conservatorship of a child. **Section 3** would require the court to consider whether the best interests of the child or other children of the parent would be better protected by an order of termination on grounds other than voluntary relinquishment.

Section 4 would require DFPS to improve the system for processing child abuse and neglect reports from professionals. **Section 7** would require the agency to provide joint training for investigators and law enforcement officers. **Section 8** would require the agency, in cooperation with local law enforcements officials and the Commission on State Emergency Communications, to develop a training program for intake workers. **Section 9** would require the agency to include law-enforcement style training in its voluntary

standards for child protective services investigators and to provide advanced training for residential child-care facility (RCCF) investigators. **Section 10** would require a memorandum of understanding between DFPS and county/municipal law enforcement agencies for co-location of child abuse investigators. It would also require DFPS to consider establishing a children's advocacy center in any county that does not have one, and locating investigators at the center.

Section 11 would require DFPS to get court approval for overnight visits with a child's parent or guardian. **Section 13** would change the requirements for mandatory dismissal of a DFPS suit to terminate the parent-child relationship. **Section 14** would require the agency to enter into agreements with other states for the exchange of information relating to children in managing conservatorship. It would also require the agency to maintain a computerized database with information about each person whose parental rights were terminated after December 31, 1999, and require the agency to share this information with other states.

Section 15 would require DFPS to use real-time technology to screen possible placement options, and to institute a quality assistance system for placement decisions. **Section 16** would require DFPS to notify attorneys ad litem about each event reported in a child's case file and to give them 48-hours notice before moving a child.

Section 17 would require DFPS to expand the Preparation for Adult Living program to all areas of the state and to establish a system to monitor the progress of youth who age out of the foster care system. **Section 18** would require the agency to administer a grant program for community organizations to respond to low-priority, less serious cases of child abuse and neglect. **Section 19** would require the agency to include community-based child safety and substance abuse treatment programs in family-based and in-home safety services. It would also require the agency to study, and report by November 1, 2006, on the feasibility of consolidating family-based and in-home safety services. The section would expire on September 1, 2007.

Section 20 would require child fatality review teams to review each case referred under Section 264.5145 regardless of whether the deceased child was the subject of an abuse/neglect report. **Section 21** would require DFPS to establish a database for caseworkers with information about each child fatality caused by abuse or neglect.

Section 22 would authorize county commissioners courts to establish a Family Drug Court Program that would include integrated substance abuse treatment services, comprehensive case management, early identification and prompt placement of eligible parents. Participants would be charged based on their ability to pay, and counties would be encouraged to find federal and state matching funds.

Section 23 would establish requirements for informed consent to the prescription of psychoactive medications for a foster child and require DFPS to provide comprehensive training for caregivers. It would also establish a psychotropic drug review board that would evaluate the administration of psychotropic drugs to foster children and promote best practice standards for mental health services. **Section 26** would require HHSC to provide technical assistance to medical professionals and medical schools on improving the training of physicians who may prescribe psychoactive medications. It would also require DFPS to report, by October 1, 2006, on the frequency at which prescriptions for psychoactive medications are written for foster children. **Section 27** would require HHSC to assist medical associations in developing practice standards relating to the administration of psychoactive medications for children in foster care. It would also require the Texas Board of Medical Examiners to report, by October 1, 2006, on statutory and other protections for physicians who refuse to prescribe or dispense psychoactive medications for foster children.

Section 28 would amend Section 32.0247, Human Resources Code, to require DFPS to provide information about the availability of Medicaid to each person who is potentially eligible and to assist these individuals in applying for Medicaid benefits.

Section 29 would require child-placing agencies to document mental health services received by each child, and require DFPS to verify the appropriateness of mental health services provided under the Medicaid program. **Section 30** would require DFPS to establish a merit system with a career progression schedule that includes compensation increases for full-time child protective services caseworkers. **Section 31** would require HHSC to apply for federal waivers to allow DFPS to offer monetary assistance to relative caregivers who are not licensed or certified foster care providers.

Section 32 would add Subchapter E, Child Protective Services, to Chapter 40 of the Human Resources Code. Section 40.153 would require DFPS to establish a Blue Ribbon task force in each county that does not have a collaborative community approach to child abuse prevention. Section 40.154 would require local child protective services offices to temporarily exceed the maximum number of authorized employees by hiring trainees in anticipation of vacancies in critical employment positions. Section 40.155 would require DFPS to

employ special investigators with law enforcement training to assist caseworkers. Section 40.156 would require caseworkers to complete 12 hours of continuing education per year. It would also require the agency to develop a caseworker train-the-trainer program, an on-the-job training program, and a centralized system to track compliance with training requirements. Section 40.157 would require the agency to establish a certification program for each area of specialization within the child protective services division. Section 40.158 would require the agency to institute training programs that enable caseworkers to provide multiple types of services. Section 40.159 would require the agency to develop training activities for new supervisors and other management staff.

Section 40.160 would require DFPS to ensure that the average caseload per caseworker does not exceed the most recent maximum caseload recommended by the Child Welfare League of America. It would also require the agency to ensure that new caseworkers are assigned fewer cases during the first 12 months of employment.

Section 40.164 would require DFPS to maintain a data collection and analysis system for non-investigative case trends, current caseloads, and caseload forecasts. Section 40.168 would require various parties to periodically evaluate service providers contracting with the agency.

Section 35 relates to privatization of certain child welfare functions. It would require HHSC to identify child protection functions that would improve child welfare if performed by a private person or entity. It would authorize the commission to privatize these functions through pilot programs of limited duration and, if appropriate, statewide within reasonable timeframes. It would also require the commission to develop contingency plans for the emergency takeover of privatized functions when services are disrupted.

Section 36 would require DFPS to determine whether centralizing responsibility for placing children in emergency shelters and substitute care would result in efficiency gains. **Section 38** would require the agency to study the use of mobile child protective services units for children placed in substitute care in rural areas or outside their home county, and to establish such units if the agency finds this approach to be feasible and beneficial. **Section 41** would require the agency to establish internship programs with institutions of higher education to increase the number of qualified applicants for child protective services caseworker positions. **Section 44** would require the agency to study and report, by December 31, 2006, on the effectiveness of community-based prevention and early intervention programs. **Section 45** would prohibit the agency from routinely requiring supervisors to attend court hearings that are attended by the appropriate caseworker.

Methodology

Section 10 (Co-Location of Investigators and Law Enforcement): Cost of \$1.8 million in fiscal year 2006.

Section 13 (Dismissal of Suit): Cost of \$0.4 million in each fiscal year for 7.0 FTEs related to additional workload.

Section 15 (Real-Time Technology and Quality Assistance Program): Cost of \$0.9 million in fiscal year 2006 and \$0.3 million in each subsequent year.

Section 19 (Substance Abuse Treatment Programs/Feasibility Study): Cost of \$8.1 million in fiscal year 2006 and \$7.7 million in each subsequent year.

Section 21 (Child Fatality Review Database): Cost of \$0.1 million in fiscal year 2006.

Section 22 (State Auditor's Office): Cost of \$0.3 million each biennium; 3.1 additional FTEs for 2007 and 2009.

Section 23 (Medical Passport Related to Administration of Psychoactive Medications): Cost of \$0.6 million in fiscal year 2006.

Section 26 (Report on Psychoactive Drug Prescriptions for Foster Children): Cost of \$0.2 million in fiscal year 2006.

Section 32 (Reducing Caseload per Worker): Cost of \$62.7 million in fiscal year 2006 rising to \$107.7 million by fiscal year 2010; additional FTEs of 1,103.8 in 2006 rising to 2,073.9 in 2010.

Not included in the table above are potential costs for implementation of Section 10 (children's

advocacy centers), Section 17 (statewide independent living program), Section 18 (grant program for less serious cases of child abuse/neglect), and Section 35 (privatization of certain child welfare functions).

It is assumed that all remaining sections of the bill would have no significant fiscal impact. It is assumed that Temporary Assistance for Needy Families (TANF) Federal Funds would not be available to finance any of the activities mentioned above; therefore General Revenue Funds are used in place of TANF Federal Funds (\$32.5 million for 2006 rising to \$49.4 million for 2010).

Technology

Multiple technology impacts included in costs above.

Local Government Impact

Costs to local courts to implement the provisions of the bill would depend upon: the number of attorneys ad litem appointed for a child in a proceeding under Chapter 262 or 263; the number of attorneys ad litem appointed to indigent parents responding in opposition to a temporary managing conservatorship suit requested by a governmental entity; the number of requests for overnight visits by parents whose child is held in conservatorship by DFPS; and the number of child protective services cases on the docket in the jurisdiction of each county attorney or criminal district attorney.

Costs to county governments to create family drug court programs would be partially offset by requiring participants to pay the costs of treatment, based upon ability to pay. Counties could also use court improvement project funds or seek federal and state matching funds to offset costs.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 308 State Auditor's Office, 503 Board of Medical Examiners, 529 Health and Human Services Commission, 530 Department of Family and Protective Services, 537 Department of State Health Services

LBB Staff: JOB, CL, PP, LR, NM, KJG, RC