

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 21, 2007

TO: Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

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

IN RE: SB452 by Uresti (Relating to access to records maintained by the Department of Family and Protective Services.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB452, As Introduced: a negative impact of (\$1,049,787) through the biennium ending August 31, 2009.

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
2008	(\$262,447)
2009	(\$787,340)
2010	(\$787,340)
2011	(\$787,340)
2012	(\$787,340)

All Funds, Five-Year Impact:

Fiscal Year	Probable (Cost) from <i>GENERAL REVENUE FUND</i> 1	Probable (Cost) from <i>FEDERAL FUNDS</i> 555
2008	(\$262,447)	(\$45,350)
2009	(\$787,340)	(\$136,049)
2010	(\$787,340)	(\$136,049)
2011	(\$787,340)	(\$136,049)
2012	(\$787,340)	(\$136,049)

Fiscal Year	Change in Number of State Employees from FY 2007
2008	6.7
2009	20.0
2010	20.0
2011	20.0
2012	20.0

Fiscal Analysis

Section 1 would amend Section 261.201, Family Code, to require the Department of Family and Protective Services to provide information concerning reported child abuse or neglect to a public requestor if the agency has edited the information to protect the identity of the person who made the report, the child who is the subject of the report, and any other person whose life or safety may be endangered by the disclosure. **Section 2** would add Section 263.007, Family Code, and **Section 3** would amend Section 264.408, Family Code, to require the agency to provide information concerning services provided in substitute care and child welfare cases if the agency has edited the information to protect the identity of any person whose life or safety may be endangered, or whose privacy interest may be violated by the disclosure. The bill would take effect immediately with a two-thirds vote, or on September 1, 2007.

Methodology

The Department of Family and Protective Services estimates that 20 FTE positions would be needed to de-identify information contained in records released pursuant to provisions of the bill. This is based on the following assumptions: the agency will not be able to use an automated redaction program because the bill requires editing of individual narrative sections; it can take up to a week to edit one child's investigation and service records; requests must cover enough children to ensure the requestor cannot reasonably decipher identities; and an employee can handle one large request per month on average.

The agency indicates that two Administrative Assistant IIIs with a salary of \$27,946 would be allocated to each region and to the state office. The method-of-financing includes General Revenue and federal entitlement revenue. It is assumed that the agency would initiate the new program on January 1, 2008, following adoption of rules by the Executive Commissioner of Health and Human Services.

The agency has expressed concern that the federal government may find the bill violates federal child welfare confidentiality requirements which could result in a loss of federal funds.

Local Government Impact

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

Source Agencies: 530 Family and Protective Services, Department of

LBB Staff: JOB, CL, PP, NM