

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 2, 2009

TO: Honorable Todd Hunter, Chair, House Committee on Judiciary & Civil Jurisprudence

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

IN RE: HB1940 by Herrero (Relating to an agreement authorizing a non-parent relative of a child to make certain decisions regarding the child; providing a penalty.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would require the Department of Family and Protective Services (DFPS) to prescribe forms for a disclosure statement and authorization agreement that would allow a non-parent relative of a child to make certain decisions regarding the child. It would also require DFPS and the Texas Education Agency (TEA) to make the forms available on their websites or provide paper copies to the public on request without charge. DFPS indicates significant fiscal resources would not be required to implement the provisions of the bill. TEA estimates any costs associated with providing documents electronically or in hard copy to comply with the provisions of the bill can be absorbed within existing resources.

Local Government Impact

The bill would make it a Class B misdemeanor offense to present an authorization agreement that is invalid, to make a false statement on an authorization agreement, or to obtain an authorization agreement by fraud, duress, or misdemeanor. A Class B misdemeanor is punishable by confinement in a county jail for any term of not more than 180 days, or, in addition to confinement, a fine not to exceed \$2,000. Costs associated with enforcement, prosecution, and confinement could be absorbed within existing resources. Revenue gain from fines imposed and collected would not have a significant fiscal implication.

Source Agencies: 530 Family and Protective Services, Department of, 701 Central Education Agency

LBB Staff: JOB, MN, NM