

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 27, 2009

TO: Honorable Patrick M. Rose, Chair, House Committee on Human Services

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

IN RE: HB4255 by Hilderbran (Relating to the protection of children by enforcing compulsory public school attendance requirements, ensuring reports of abuse or neglect, protecting children from abuse and neglect, and ensuring that births are reported and to the prosecution of the offense of bigamy; providing criminal penalties.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Family Code, the Health and Safety Code, and the Education Code relating to the protection of children by enforcing compulsory public school attendance requirements, ensuring reports of abuse or neglect, protecting children from abuse and neglect, and ensuring that births are reported and to the prosecution of the offense of bigamy; providing criminal penalties.

The bill would increase the criminal penalties for the offense of failure to report the abuse or neglect of a child. The bill would also require a court to make an additional finding before issuing a temporary restraining order in a suit by the State to remove an alleged perpetrator from the home. The bill would add bigamy with a minor to the list of offenses and limitations periods provided in the Code of Criminal Procedure, and would enhance the crime of bigamy if it is shown that the person the defendant purports to marry or lives with under the appearance of being married is 17 years of age or younger.

According to the Department of Family and Protective Services (DFPS), the bill may have the effect of increasing the rate of reporting by professionals. DFPS indicates provisions in Section 6 of the bill is consistent with DFPS' experience that there are some cases of child abuse or neglect in which the circumstances of imminent danger are so emergent, and the family is so unwilling or unable to protect the child, that there are no reasonable efforts that can be made to prevent the removal without jeopardizing the child's health and safety. In these circumstances, the bill would allow the court to determine that DFPS met requirements related to making reasonable efforts to prevent removal.

To the extent the bill would amend court procedures relating to child protection cases, no increase in judicial workloads, or significant fiscal implication to DFPS or the State is anticipated. The bill would take effect September 1, 2009.

Local Government Impact

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

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 530 Family and Protective Services, Department of, 696 Department of Criminal Justice

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