

LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 8, 2009

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

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

**IN RE: HB4425** by Hernandez (Relating to authorizing a suit to declare that certain children have been abused, neglected, or abandoned.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB4425, As Introduced: a negative impact of (\$28,007,929) through the biennium ending August 31, 2011.

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)<br>Impact to General Revenue Related<br>Funds |
|-------------|--|
| 2010        | (\$8,020,785)  |
| 2011        | (\$19,987,144)   |
| 2012        | (\$21,256,586)   |
| 2013        | (\$22,529,017)   |
| 2014        | (\$22,552,427)   |

All Funds, Five-Year Impact:

| Fiscal Year | Probable (Cost) from<br>General Revenue Fund<br>1 | Probable (Cost) from<br>GR Match For<br>Medicaid<br>758 | Probable (Cost) from<br>Federal Funds<br>555 | Change in Number of<br>State Employees from<br>FY 2009 |
|-------------|---|---|--|--|
| 2010        | (\$7,805,766)                                     | (\$215,019)   | (\$626,505)                                  | 42.0   |
| 2011        | (\$19,676,873)                                    | (\$310,271)   | (\$1,200,303)                                | 42.0   |
| 2012        | (\$20,851,237)                                    | (\$405,349)   | (\$1,576,206)                                | 42.0   |
| 2013        | (\$22,055,717)                                    | (\$473,300)   | (\$1,922,835)                                | 42.0   |
| 2014        | (\$22,086,806)                                    | (\$465,621)   | (\$1,877,254)                                | 42.0   |

Fiscal Analysis

This bill would amend the Texas Family Code to provide for special declaratory actions relating to non-citizens under age 21 who may be eligible for the federal immigration benefit known as Special Immigrant Juvenile Status (SIJS). This court determination is needed for persons to qualify for the federal SIJS status.

The Department of Family and Protective Services (DFPS) believes that since the bill does not require the child to have a managing conservator before petitioning for declaratory relief, many undocumented children may attempt to obtain permanent resident status this way. If approved, the court would be required to refer the situation to DFPS for investigation to determine if the child qualifies for DFPS services. This expands the scope of Child Protective Services' (CPS) investigatory

duties and potentially, the population CPS serves. A significant percentage of the CPS investigations would result in a removal.

CPS currently has no authority to investigate alleged abuse or neglect of a person aged 18 or older, so referrals for a "child" between the ages of 18 and 21 would need to be investigated by APS.

**Methodology**

According to DFPS, there would be an increasing number of children coming into DFPS care (to the extent the child is under age 18) as a result of the special declaratory actions by courts. This analysis assumes that CPS will end up removing the child in 60% of the cases. APS would be required to investigate such referrals from the court. However, unless the person 18 up to age 21 needed a guardian, APS would not remove the person 18 up to age 21.

It is estimated that new referrals from courts would be 50 per month for CPS and 50 per month for APS: For CPS: 10 in Houston, 10 in Dallas Fort Worth, 10 in San Antonio, 10 in the Rio Grande Valley, and 10 in El Paso, Odessa, Lubbock. It is assumed that the number of referrals would remain constant over time. The same estimates are used for APS for persons between the ages of 18 and 21.

It is assumed that using 60% of referrals as the removal rate; using an average stay in care as 24 months and 60% would be at Basic, 30% at Moderate, 8% at Specialized, and 2% at Intense Level would result in a cost of \$4,825,925 in fiscal year 2010 and \$14,789,731 in fiscal year 2011 for foster care costs associated with these new placements. A caseload growth of 2 percent is assumed.

It is estimated that 42 FTEs and their related costs would be \$3,194,860 in General Revenue and \$411,485 in Federal Funds in fiscal year 2010 and \$5,197,414 in General Revenue and \$890,031 in fiscal year 2011.

It is estimated that the fiscal year 2010 total fiscal impact would be \$8,432,271 and the fiscal year 2011 total impact would be \$20,877,175.

**Technology**

DFPS indicates it will have one-time start up costs for new FTEs of \$58,461 in fiscal year 2010, \$120,750 million in fiscal year 2011, and \$142,800 in fiscal year 2012 and \$163,275 in each fiscal year 2013 and fiscal year 2014. The method of financing would be General Revenue and federal matching funds. These costs are included above.

**Local Government Impact**

According to the Office of Court Administration., no significant fiscal implication to courts is anticipated.

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

**LBB Staff:** CL, JOB, MH, TB