

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 9, 2009

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

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

IN RE: HB4426 by Hernandez (Relating to extending foster care coverage for certain children.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB4426, As Introduced: a negative impact of (\$23,665,705) 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) Impact to General Revenue Related Funds
2010	(\$6,389,314)
2011	(\$17,276,391)
2012	(\$17,767,048)
2013	(\$18,230,119)
2014	(\$18,460,434)

All Funds, Five-Year Impact:

Fiscal Year	Probable (Cost) from General Revenue Fund 1	Probable (Cost) from GR Match For Medicaid 758	Probable (Cost) from Federal Funds 555	Change in Number of State Employees from FY 2009
2010	(\$6,376,814)	(\$12,500)	(\$384,336)	44.0
2011	(\$17,246,533)	(\$29,858)	(\$938,490)	44.0
2012	(\$17,734,519)	(\$32,529)	(\$1,063,669)	44.0
2013	(\$18,195,656)	(\$34,463)	(\$1,131,309)	44.0
2014	(\$18,426,274)	(\$34,160)	(\$1,123,701)	44.0

Fiscal Analysis

Section 1 of the bill amends Texas Family Code to expand the definition of "child" to include a person who is (1) not a U.S. citizen, (2) is under 21 years of age, (3) does not have parent in the U.S. able to care for or have physical custody of the person due to abuse, neglect or abandonment, and (4) is either enrolled in a high school program or equivalent or is subject to a court order naming a managing conservator for the child. This section would expand the Department of Family and Protective Service's (DFPS) duties under Texas Family Code; Chapters 262, 263 and 264 to any non-citizen under 21 years of age without a parent due to abuse, neglect or abandonment, who is in high school.

Section 3 of the bill also would amend the Texas Family Code to require DFPS to continue to pay the cost of foster care, including medical care, for an additional category of child, those classified as

Special Immigrant Juvenile Status (SIJS), until the date the U.S. Department of Homeland Security revokes that status or the child becomes a permanent resident.

DFPS' Child Protection Services (CPS) would have to begin investigating referrals of abuse/neglect/abandonment of 18, 19, and 20 year olds that are not U.S. citizens and begin providing DFPS services, including removals, filing petitions with the court and placement in foster care.

Methodology

DFPS' Child Protection Services (CPS) would have to begin investigating referrals of abuse/neglect/abandonment of 18, 19, and 20 year olds that are not U.S. citizens and begin providing DFPS services, including removals, filing petitions with the court and placement in foster care.

It is assumed that a total of 50 referrals per month would be investigated from the addition of the child definition to the Texas Family Code in fiscal year 2010. Of the 50 additional investigations per month, a 50% removal rate is assumed. The number of investigations is held constant.

It is assumed that using 50% of referrals as the removal rate; using an average stay in care as 24 months, and 67% would be at Basic and 33% at Moderate would result in a cost of \$4,304,080 in fiscal year 2010 and \$13,167,160 in fiscal year 2011 for foster care costs associated with these new placements. The method of finance for the foster care costs is 100% general revenue as these youth are not qualified aliens. A caseload growth of 2 percent is assumed.

It is estimated that 44 FTEs and their related costs would be \$2,072,734 in General Revenue and \$384,336 in Federal Funds in fiscal year 2010 and \$4,079,373 in General Revenue and \$938,490 in Federal Funds in fiscal year 2011.

It is estimated that the fiscal year 2010 total fiscal impact would be \$6,773,651 in All Funds and the fiscal year 2011 total impact would be \$18,214,881 in All Funds.

Technology

FPS indicates it will have computer costs for new FTEs of \$39,211 in fiscal year 2010, \$99,247 million in fiscal year 2011, and \$108,697 in fiscal year 2012 and \$112,897 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 impact on the court system is anticipated.

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

LBB Staff: CL, JOB, MH