

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 21, 2009

TO: Honorable Jeff Wentworth, Chair, Senate Committee on Jurisprudence

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

IN RE: SB1767 by Watson (Relating to practices and procedures in child abuse and neglect cases.),
As Introduced

Estimated Two-year Net Impact to General Revenue Related Funds for SB1767, As Introduced: a negative impact of (\$480,000) 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	(\$300,000)
2011	(\$180,000)
2012	(\$180,000)
2013	(\$180,000)
2014	(\$180,000)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1	Change in Number of State Employees from FY 2009
2010	(\$300,000)	2.0
2011	(\$180,000)	2.0
2012	(\$180,000)	2.0
2013	(\$180,000)	2.0
2014	(\$180,000)	2.0

Fiscal Analysis

The bill amends the Family Code relating to child abuse and neglect cases. The bill requires the Supreme Court to adopt rules to establish procedures to make the courtroom environment more accommodating to children who must testify. The bill also alters continuing legal education requirements for persons appointed as attorneys ad litem for children and amends the Government Code related to training for judges in matters affecting children. Under the bill, the Permanent Judicial Commission for Children, Youth and Families, in conjunction with the State Bar of Texas, must compile and make available a statewide registry of attorneys available for appointment as attorneys ad litem for children. The bill also requires the Judicial Commission for Children, Youth, and Families to study issues related child abuse and neglect cases and submit a report on suggested statutory changes to the Governor, Lieutenant Governor, Speaker of the House, and the chair of the standing committee in each house of the Legislature with primary jurisdiction over child abuse and neglect cases no later

than October 1, 2010.

The bill would take effect September 1, 2009.

Methodology

The bill would have an estimated cost to the state of \$300,000 in fiscal year 2010 and \$180,000 per year each year thereafter. According to the Office of Court Administration the bill would require two additional FTEs, an attorney (paid \$75,000) and an administrative assistant (paid \$40,000), at the Supreme Court to coordinate and correspond with the courts and State Bar of Texas, to setup processes for attorney ad litem, and to provide feedback systems for the courts. Salary costs for the two FTEs are estimated to total \$115,000 plus an additional \$32,856 per year in employee benefits. This estimate assumes additional ongoing other operating costs of \$2,144 per year.

This estimate assumes systems development and maintenance costs of \$150,000 in fiscal year 2010 and \$30,000 in fiscal year 2011 and each year thereafter. According to the Office of Court Administration the additional cost in the first year is the requirement to develop and maintain a state registry of attorneys ad litem available to represent children. Continuing costs of maintaining the system are estimated at 20 percent of the development cost each year thereafter.

According to the Court of Criminal Appeals and the Office of Court administration the bill's requirement to add an additional hour of continuing education for attorneys ad litem and for judges relating to child abuse and neglect cases is expected to be minimal and could be accomplished with existing resources.

Local Government Impact

No significant fiscal implication for units of local government is anticipated. However, it is possible that the statewide registry requirement could result in a cost to those counties that do not currently maintain records in a manner that would coordinate with a statewide list. It is also possible that the training requirements for attorneys ad litem under the bill could result in a cost to counties that pay for attorney continuing legal education as a way to attract attorneys to serve as ad litem appointments in child cases.

Source Agencies: 211 Court of Criminal Appeals, 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JOB, MN, JP