

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 29, 2011

TO: Honorable Richard Pena Raymond, Chair, House Committee on Human Services

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

IN RE: HB253 by Hilderbran (Relating to the protection of children by ensuring reports of abuse or neglect, protecting children from abuse and neglect, ensuring that births are reported, and prosecuting the offense of bigamy; providing criminal penalties.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The committee substitute would amend the Code of Criminal Procedure and the Penal Code to add bigamy with a minor to the list of offenses and limitations periods provided in the Code of Criminal Procedure. The committee substitute would amend the Family Code regarding preventing or eliminating the need to remove a child from the child's home and who may reside with a child who is in danger of abuse or neglect, or has been removed from his or her home. The committee substitute would amend the Health and Safety Code to create a Class A misdemeanor for failure to file a birth certificate, as listed under Section 192.003, Health and Safety Code.

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 of the bill are 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 is anticipated. The bill would take effect September 1, 2011.

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, 665 Juvenile Probation Commission, 696 Department of Criminal Justice

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