

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 2, 2011

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

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

IN RE: HB906 by Thompson (Relating to appointments made in and the appeal of certain suits affecting the parent-child relationship.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the appellate procedure for child protection cases, and calls upon the Supreme Court to adopt rules accelerating disposition of these cases in the appellate courts. On behalf of the Court, the Office of Court Administration reports that rule revisions needed for the bill can be handled within existing resources. The Department of Family and Protective Services (DFPS) reports the change in appellate procedures will impact the legal practitioners more than the clients, and any training needs or revisions to agency forms can reasonably be handled within existing resources. Further, DFPS reports the bill is not anticipated to result in significantly increased litigation that would negatively impact permanency for children. Accordingly, no significant fiscal implication to the State is anticipated. The bill would take effect September 1, 2011.

Local Government Impact

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

Under the bill, once a parent has been declared indigent by a court in a suit to terminate a parent-child relationship, the parent is presumed to remain indigent throughout the court proceedings unless the court determines otherwise. An attorney ad litem appointed in such a case shall continue to serve in that role until the suit is dismissed, all appeals have been exhausted, or when the attorney is relieved of his/her duties, whichever is earliest. Though the proposed standard meets the current practice in most areas, it may lengthen the appointment in some counties and thus may increase county-paid attorney fees.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 530 Family and Protective Services, Department of

LBB Staff: JOB, TB, JT