

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**April 26, 2011**

**TO:** Honorable Jim Jackson, Chair, House Committee on Judiciary & Civil Jurisprudence

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

**IN RE: HB2876** by Aycock (Relating to reimbursement by the state for attorney ad litem fees paid by counties in certain suits affecting the parent-child relationship.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB2876, As Introduced: a negative impact of (\$74,000,000) through the biennium ending August 31, 2013.

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:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2012	(\$37,000,000)
2013	(\$37,000,000)
2014	(\$37,000,000)
2015	(\$37,000,000)
2016	(\$37,000,000)

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable (Cost) from General Revenue Fund 1</b>
2012	(\$37,000,000)
2013	(\$37,000,000)
2014	(\$37,000,000)
2015	(\$37,000,000)
2016	(\$37,000,000)

**Fiscal Analysis**

The bill would amend the Family Code to allow a county to request reimbursement from the Comptroller for ad litem fees, for both children and parents, incurred under Sec. 107.015 of the Family Code. According to the Office of Court Administration (OCA), attorneys' fees are a significant cost to counties in the area of family law, and more particularly in the area of child protection cases. OCA reports many times the children removed by the state in protection cases come from economically disadvantaged families, who cannot pay ad litem costs, which then must be paid by the county. The bill would take effect September 1, 2011.

## **Methodology**

In January of 2011, the Supreme Court of Texas Permanent Judicial Commission for Children, Youth and Families published a report that estimates that Texas counties spent \$34-37 million dollars on attorneys' fees associated with court appointments in child protection cases in fiscal year 2009. Accordingly, to the extent that appropriations are made to fund all applicable ad litem costs currently borne by the counties, the fiscal impact would be approximately \$37 million per fiscal year from General Revenue.

## **Local Government Impact**

The bill would result in a revenue gain to counties of an estimated \$37 million each fiscal year which would equal the cost to the state.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 530 Family and Protective Services, Department of

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