

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 6, 2011

TO: Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

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

IN RE: SB1178 by Nelson (relating to the regulation of certain shelter day-care facilities, child-care facilities, and individuals providing child-care services, and access to certain criminal history record information; providing an administrative penalty.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend Section 42.044 by giving the Department of Family and Protective Services (DFPS) the authority to investigate a listed home when DFPS receives a complaint that alleges immediate risk of danger to the health or safety of a child in care.

The bill would amend Sections 42.052 and 42.054, Human Resources Code, to allow DFPS to suspend and revoke after six months of non-compliance a facility's, agency's or home's license, listing or registration if they do not pay appropriate fees or submit to appropriate background checks. The bill would also amend Section 42.056 to require the director, owner, or operator of certain additional facilities to submit fingerprints.

The bill would amend Human Resources Code, Chapter 42, by adding Subchapter G, relating to the regulation of temporary shelter day-care facilities. The subchapter would require a shelter to hold a permit issued by DFPS, unless the shelter already holds a certain license or provides shelter for limited times. DFPS must develop a procedure for applications, criminal background checks of certain persons and inspections of the shelters. The bill would authorize the department to charge a reasonable administrative fee for the permit and for the background checks.

The bill would repeal Chapter 249, Health and Safety Code, relating to maternity homes, and Section 42.042 (g-2), Human Resources Code, relating to temporary shelters.

DFPS indicates that the bill could be implemented within existing resources. It is assumed that the Department of Public Safety could absorb any costs associated with implementation of the bill.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety, 530 Family and Protective Services, Department of
LBB Staff: JOB, CL, MB, NB, VJC