

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 4, 2011

TO: Honorable Chris Harris, Chair, Senate Committee on Jurisprudence

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

IN RE: SB1490 by Uresti (Relating to the recording of proceedings and the issuance of a warrant to take physical custody of a child in certain suits affecting the parent-child relationship; creating an offense.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Family Code to require a record in all proceedings under the Hague Convention (international child custody). The bill would also provide a procedure for a court to issue a warrant to take physical custody of a child where there is risk of imminent serious physical harm or removal from the jurisdiction. The bill would create a third degree felony for making a false statement relating to a child custody determination. The Department of Family and Protective Services (DFPS) estimates provisions in the bill would affect 178 potential cases per year and that 75 percent of these would be resolved within 5 days with the balance, or 44 cases resulting in court filings. DPFS reports it can absorb these cases within existing resources. Further, DPFS reports fiscal year 2012 program costs related to tracking this new population in agency DFPS database systems. This analysis assumes programming costs can be absorbed within the agency's existing resources. To the extent the bill would amend court procedures, the increase in judicial or DFPS workloads is anticipated to be minimal; 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.

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

LBB Staff: JOB, TB, JT