

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 26, 2013

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB165 by Flynn (Relating to suits affecting the parent-child relationship and placement decisions for children in foster care.), **Committee Report 1st House, Substituted**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Family Code to decrease the minimum time period before a foster parent would have legal standing to bring a suit affecting the parent-child relationship. Currently, foster parents don't have standing to bring such an action until a child has lived in their home for at least 12 months, ending not more than 90 days preceding the filing of the petition. The bill decreases this period to six months, or three months if an infant was placed with the foster parent when the child was under two months of age.

The bill specifies that the provisions regarding foster parent standing do not apply in cases in which the Department of Family and Protective Services' (DFPS) goal is reunification with the foster's child's parent and DFPS determines, in accordance with agency rules, that the child's parent is making satisfactory progress on a plan to return the child to the parent's home before the first anniversary of the date the child was placed with the foster parent. The bill also requires that DFPS consider certain criteria when determining foster care placement modifications. The bill would take effect September 1, 2013.

It is not anticipated that the bill will result in any significant fiscal impact to the court system. DFPS reported that the bill would result in a significant ongoing fiscal impact to the agency. The agency assumed that the bill's provision decreasing the eligibility timeline for foster parent standing would result in an increase in adversarial proceedings and additional time in paid foster care placements for children that are the subject of such proceedings. This analysis assumes that the exception to the amended timeline for foster parent standing specified in the bill will avoid any significant fiscal impact associated with an increase in paid foster care days resulting from extended adversarial proceedings. The bill may result in adoptions occurring sooner than they would have otherwise in certain cases, but any cost savings resulting from these adoption is not anticipated to be significant.

The agency also reported that the bill's exception to foster parent standing did not eliminate DFPS costs because the term "satisfactory progress" is subjective and would result in litigation. However, because the bill expressly delegates the determination of satisfactory parental progress to DFPS, this analysis assumes that any potential litigation costs regarding DFPS' interpretation of the exception to foster parent standing could be absorbed within existing resources.

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: UP, AM, CL, MB, VJC, SJ