

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 25, 2013

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1453 by Gonzalez, Naomi (Relating to visitation for certain children in the temporary managing conservatorship of the Department of Family and Protective Services.),
Committee Report 1st House, Substituted

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| <p>No significant fiscal implication to the State is anticipated.</p> |
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The bill would amend the Family Code and Government Code to require the Department of Family and Protective Services (DFPS) to ensure that a parent who was entitled to possession of a child before removal of the child by DFPS has an opportunity to visit the child within three days following DFPS being named temporary managing conservator of the child unless certain criteria are met.

Before a hearing conducted under Subchapter C, DFPS, in collaboration with each parent of the child, is required to develop a visitation schedule for the child's visits with each parent and certain factors must be considered. At the first hearing, the court would be required to review the visitation plan and make modifications as needed.

The changes in law made by this bill would apply only to a child who is taken into possession by DFPS on or after the effective date of the bill. A child taken into possession by DFPS before the effective date of the bill is governed by the law in effect on the date the child was taken into possession, and the former law is continued in effect for that purpose. To the extent of any conflict, this bill prevails over any other bill of the 83rd Legislature, Regular Session, 2013, relating to nonsubstantive additions to and corrections in enacted codes.

The Office of Court Administration and DFPS do not anticipate any significant fiscal impacts as a result of complying with the provisions of the bill. DFPS indicates that the provisions conform to current agency best practice efforts.

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, CL, MB, SJ, VJC