

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

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**March 24, 2013**

**TO:** Honorable Tryon D. Lewis, Chair, House Committee on Judiciary & Civil Jurisprudence

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1661** by Thompson, Senfronia (Relating to child custody evaluations and adoption evaluations conducted and testimony provided in certain suits affecting the parent-child relationship; providing penalties; authorizing fees.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB1661, As Introduced: a negative impact of (\$1,499,257) through the biennium ending August 31, 2015.

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:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2014	(\$744,357)
2015	(\$754,900)
2016	(\$765,759)
2017	(\$776,945)
2018	(\$788,465)

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

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1	Probable Savings/(Cost) from <i>GR Match For Medicaid</i> 758	Probable Savings/(Cost) from <i>Federal Funds</i> 555
2014	(\$623,567)	(\$120,790)	(\$233,076)
2015	(\$634,110)	(\$120,790)	(\$233,076)
2016	(\$644,969)	(\$120,790)	(\$233,076)
2017	(\$656,155)	(\$120,790)	(\$233,076)
2018	(\$667,675)	(\$120,790)	(\$233,076)

**Fiscal Analysis**

The bill would repeal the Family Code Chapter 107, Subchapter D, relating to child social study

evaluations. The bill would create new provisions for child custody evaluations and adoption evaluations. Under existing law, social study evaluators are required to have a bachelor's degree. The bill would require that child custody evaluators have a master's degree, and requires that adoption evaluators be qualified as child custody evaluators. The bill prohibits the Department of Family and Protective Services (DFPS) from conducting a child custody evaluation. The bill authorizes DFPS to conduct an adoption evaluation under certain circumstances.

The bill makes changes regarding the qualifications of individuals offering expert testimony in suits relating to the conservatorship or possession of or access to a child. The bill specifies that a person may not offer an expert opinion in such matters unless the person is an appointed guardian ad litem or has conducted a custody evaluation relating to the child. The bill also requires DFPS to supply evaluators with requested records or other information upon request.

## **Methodology**

DFPS estimates that the requirement that evaluators have a master's degree will increase the cost of an adoption evaluation \$64 from \$436 to \$500. DFPS also estimates that the new educational requirement will result in DFPS having to contract annually with outside entities for 25 percent of the 256 (63) evaluations they currently conduct themselves. The agency reports that the changes resulting from the educational standards for evaluators will result in an annual estimated cost of \$351,436 (4,999 annual evaluations multiplied by increased cost of \$64 plus 63 former in-house evaluations multiplied by \$500). This analysis assumes an annual 3% growth rate for assessments.

The agency reports that the bill's prohibition on offering of certain expert testimony unless a person conducted a child custody evaluation would bar testimony from most DFPS employees and contractors. DFPS reports that this may result in judicial decisions which DFPS strongly disagrees with, resulting in additional appeals and additional time spent in foster care for those children. DFPS reports that this would result in an estimated annual cost of \$625,997 (appeals for 176 children (one percent of the 17,625 leaving DFPS care in fiscal year 2012) multiplied by an additional 90 days in foster care at \$39.52 per day).

The agency also assumed an increased cost relating to the bill's provision that would require DFPS to supply records and information to evaluators. However, because it is the agency's current practice to provide records and information to social study evaluators, this analysis assumes that any additional workload resulting from this provision could be absorbed within existing resources.

The Office of Court Administration anticipates that the provisions of the bill will not result in a significant fiscal impact to the court system.

## **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, AM, NB, KKR