

LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 23, 2013

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

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

**IN RE:** **HB3399** by Raymond (Relating to the stability of placements for children in the conservatorship of the Department of Family and Protective Services.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB3399, As Introduced: a negative impact of (\$1,924,729) 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	(\$1,431,478)
2015	(\$493,251)
2016	(\$493,251)
2017	(\$493,251)
2018	(\$493,251)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1	Probable Savings/(Cost) from GR Match For Medicaid 758	Probable Savings/(Cost) from Federal Funds 555	Change in Number of State Employees from FY 2013
2014	(\$1,413,497)	(\$17,981)	(\$187,986)	9.2
2015	(\$489,311)	(\$3,940)	(\$69,293)	9.2
2016	(\$489,311)	(\$3,940)	(\$69,293)	9.2
2017	(\$489,311)	(\$3,940)	(\$69,293)	9.2
2018	(\$489,311)	(\$3,940)	(\$69,293)	9.2

Fiscal Analysis

The bill would amend the Family Code to require the Department of Family and Protective

Services (DFPS) to hold a placement stability conference for each child for whom the department has been appointed temporary or permanent managing conservator after the department receives notification of a second failed placement for the child. Not later than the second day after the date DFPS receives notice that a second placement for a child has failed, DFPS is required to provide notice of a placement stability conference to certain parties identified in the bill.

The department is required to hold the placement stability conference, as soon as practicable after the child's second failed placement, but not later than the 10th day after the date the department receives notice of the failed placement. The department is authorized to hold additional placement stability conferences for the child after any subsequent failed placement at the department's discretion.

At the placement stability conference, if a unanimous agreement regarding the child's placement cannot be reached, the court is required to decide the placement. Not later than the next business day after a placement stability conference at which there was not a unanimous agreement for the placement of the child, DFPS is required to file a motion requesting the court to render an order on the child's placement. The court is required to hold a hearing on the placement not later than 12 days after DFPS files the motion.

DFPS is also required to identify each child for whom the department has been appointed temporary or permanent managing conservator who has had two or more placements during the preceding 12 months and collect certain information as indicated in the bill. At least once each month, a report of the information collected is required to be provided to the DFPS Commissioner and the assistant commissioner for Child Protective Services (CPS). The aggregated data is required to be included in the department's annual data report.

Section 263.357, Family Code would take effect September 1, 2013. All other provisions of the bill would take effect January 1, 2014.

## **Methodology**

DFPS reports that in fiscal year 2012, 2,960 children experienced two or more failed placements. Assuming that child protective services (CPS) would hold placement stability conferences for each of these children at 2 hours each for set-up, coordination, and facilitation, these conferences would require 5,920 ( $2,960 \times 2$ ) hours.

Of those 2,960 conferences held, assuming that 10% would not reach unanimous consensus and would require a court hearing under the provisions of the bill at 4 hours each for notification of all the required parties, preparing necessary reports, and attending/testifying at the hearing, a total of 1,148 ( $2,960 \times 10\% \times 4$ ) hours would be needed.

DFPS assumed that the residential treatment coordinator (RTPC) and central placement unit (CPU) will spend an additional 3 hours per placement to gather and locate new placements for children in contested situations for a total of 888 ( $296 \times 3$ ) hours and the caseworker will spend an additional 1.5 hours per contested placement to review information received from the RTPC and CPU and secure an interim placement for an additional 444 ( $296 \times 1.5$ ) hours.

DFPS reports that the total additional hours to implement the bill would result in the need for 5 additional caseworkers, 3 support staff (supervisor, administrative technician, and human services technician), 1 RTPC FTE, and 0.2 oversight FTEs at the Health and Human Services Commission at a cost of \$634,978 in fiscal year 2014 and \$562,544 for fiscal year 2015 and each fiscal year going forward in All Funds.

DFPS also estimates that there would be a cost of \$984,486 in fiscal year 2014 in All Funds for modifications to the Information Management Protecting Adults and Children in Texas (IMPACT) system, which is the agency's automated casework system, in order to comply with the reporting requirements of the bill.

Total cost associated with the provisions of the bill would be \$1,619,464 in fiscal year 2014 and \$562,544 in fiscal year 2015 and each fiscal year going forward in All Funds.

The Office of Court Administration does not anticipate any significant fiscal impacts as a result of complying with the other sections of the bill.

### **Technology**

DFPS indicates that additional devices and software and changes to IMPACT, at a cost of \$993,005 in fiscal year 2014 in All Funds and \$8,519 in fiscal year 2015 and each fiscal year going forward would be needed. These costs are included above.

### **Local Government Impact**

No 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