

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

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 6, 2015**

**TO:** Honorable Harold V. Dutton, Jr., Chair, House Committee on Juvenile Justice & Family Issues

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

**IN RE: HB2837** by King, Susan (Relating to authorization agreements between a parent and a relative or other person for the care and custody of the parent's child and an exemption from a licensing requirement; authorizing a fee.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Family Code to allow a parent to enter into an authorization agreement with a person who is not a relative of the parent's child as long as the authorization agreement is entered into with the assistance of a qualified nonprofit organization. For each request received for an authorization agreement, the qualified nonprofit organization is required to ensure that for each person to whom powers would be delegated to under the agreement and for each person age 14 or older who resides in the home: 1) a criminal history background check is conducted through the Department of Public Safety (DPS); 2) a fingerprint-based criminal history check is conducted through DPS and the FBI; 3) an abuse or neglect registry check (both in-state and out-of-state) is conducted by the Department of Family and Protective Services (DFPS). Additionally, the nonprofit organization must ensure that each person providing care for a child under an authorization agreement is trained in the rights, duties, and limitations regarding providing care for a child under an authorization agreement. The nonprofit organization would be required to notify DFPS of the request and verify that there is not an open investigation involving the child or parent or is not otherwise providing services to the parent. If DFPS has an open investigation related to the child or is providing services to the parent, the department must approve the authorization agreement before it can take effect.

The executive commissioner of the Health and Human Services Commission (HHSC) would be required to establish a fee for DFPS to charge for each abuse or neglect registry check conducted for a qualified nonprofit organization. The fee must cover the cost to DFPS for conducting the registry check.

The bill also amend the Government Code to allow qualified nonprofit organizations to obtain criminal history record information from DPS.

The amendment to the Human Resources Code would exempt certain homes working with qualified nonprofit organizations from the licensing standards.

HHSC, DFPS, and the Department of Public Safety do not anticipate any significant impacts as a result of complying with the provisions of the bill. DFPS did indicate that 2.0 FTEs would be

needed in fiscal year 2016 and 4.0 FTEs for each year thereafter.

Because the amount of the fee that would be established by the executive commissioner of HHSC is unknown, the revenue impact cannot be estimated. The revenue impact from the criminal history background checks through DPS would be minimal.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 304 Comptroller of Public Accounts, 405 Department of Public Safety, 529 Health and Human Services Commission, 530 Family and Protective Services, Department of

**LBB Staff:** UP, ESi, WP, SJ, NB