

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

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

**April 19, 2015**

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

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

**IN RE: HB3678** by Rodriguez, Justin (Relating to the office of independent ombudsman for the Department of Family and Protective Services.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB3678, As Introduced: a negative impact of (\$743,807) through the biennium ending August 31, 2017.

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:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2016	(\$261,093)
2017	(\$482,714)
2018	(\$482,714)
2019	(\$482,714)
2020	(\$482,714)

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

<b>Fiscal Year</b>	<b>Probable Savings/(Cost) from General Revenue Fund</b> <b>1</b>	<b>Change in Number of State Employees from FY 2013</b>
2016	(\$261,093)	5.0
2017	(\$482,714)	5.0
2018	(\$482,714)	5.0
2019	(\$482,714)	5.0
2020	(\$482,714)	5.0

**Fiscal Analysis**

The bill would amend the Human Resources Code to create the Office of Independent Ombudsman for the Department of Family and Protective Services (DFPS) to assist persons with a complaint against DFPS regarding case-specific activities of the programs within DFPS. The Governor would appoint the independent ombudsman to serve at the will of the Governor, and the independent

ombudsman is authorized to appoint assistants to perform the same duties and exercise the same powers. The duties and powers of the independent ombudsman are outlined in the bill.

On or before January 1 of each year, the independent ombudsman would be required to submit a report to certain parties that describes, for the one-year period preceding the report, the work performed and any recommendations for improving the operations of DFPS.

Unless continued in existence by Chapter 325, Government Code, the office would be abolished and the chapter would expire September 1, 2027.

### **Methodology**

The bill does not specify whether the office will be a state agency operating separately from DFPS or whether the office will be administratively attached to DFPS. This cost estimate assumes that the office will be a separate and independent state agency.

The bill authorizes the office to appoint assistants to perform the same duties and exercise the same powers as the independent ombudsman. The Office of Independent Ombudsman for the Texas Juvenile Justice Department (TJJJD) has similar powers and duties and has five FTEs with an annual budget of \$438,831 for the current biennium. Administrative support is provided by TJJJD. This cost estimate assumes similar costs for the Office of Independent Ombudsman for DFPS with a 10% increase per year for travel since the Office of Independent Ombudsman for DFPS staff will have slightly higher travel needs. This estimate also assumes that costs in the first year would be phased in. Since the number of assistants appointed will be at the discretion of the independent ombudsman and dependent upon the number of complaints filed with the ombudsman concerning the actions of DFPS, the cost associated with the provision of the bill could be higher or lower.

The bill also requires the Office of Independent Ombudsman for DFPS to promote awareness of their services. The cost of these promotional activities is undetermined.

DFPS is required to provide access to all records, data, and other information under the control of the agency that the ombudsman determines are necessary to investigate a complaint. DFPS reports that external links to the Information Management Protecting Adults and Children in Texas (IMPACT) system and the Child Care Licensing Automated Support System (CLASS), which are the agency's automated casework systems, will be used to ensure access to records. DFPS also reports that this functionality already exists for IMPACT, and so there would be no additional cost for IMPACT changes. However, a new external link to the CLASS system must be created to allow access to child care records, and DFPS estimates the cost to be \$29,388 in fiscal year 2014.

Total cost associated with the provisions of the bill would be \$261,093 in fiscal year 2016, and \$482,714 in fiscal year 2017 and each year going forward.

The Sunset Advisory Commission, Office of Court Administration, and Office of the Governor do not anticipate any significant fiscal impact as a result of complying with the provisions of the bill.

### **Technology**

DFPS indicates that creating a new external link in CLASS would cost \$29,388 in fiscal year 2014. These costs are included above.

### **Local Government Impact**

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

**Source Agencies:** 116 Sunset Advisory Commission, 212 Office of Court Administration, Texas Judicial Council, 301 Office of the Governor, 530 Family and Protective Services, Department of

**LBB Staff:** UP, NB, WP, SJ, LBe, MW, CL, MB, VJC