

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 26, 2015

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB3864** by Sanford (Relating to protection of the rights of conscience for child welfare services providers.), **Committee Report 1st House, Substituted**

The fiscal implications of the bill cannot be determined at this time as it is unknown how many child welfare service providers will decline to provide services to individuals under the circumstances described in the bill and then use the cause action in response to adverse action by the Department of Family and Protective Services (DFPS).

The bill would add Chapter 45 to Title 2 of the Family Code which would create a cause of action for child welfare services provider against a state agency if that state agency were to discriminate or take any adverse action against the provider on the basis that the provider declined to provide services to an individual on the basis of the provider's sincerely held religious beliefs, provides or intends to provide religious education, or declined to provide contraceptive services. The bill would also waive sovereign immunity from suit with regard to the extent of liability created by the proposed chapter. The bill specifically prohibits the decline of intake of a child into a welfare services program funded by the state. The bill provides that a law enforcement officer should not be prevented from exercising duties imposed on them under the Family Code and the Penal Code.

DFPS does not keep track of the instances when a child welfare services provider declines to provide services to individuals. A significant portion of child care services providers are faith-based organizations, making the pool of potential litigants large. In cases where DFPS purchases services from the child welfare services provider, such protected action described in the bill could give rise to contractual issues. Due to these reasons, DFPS cannot determine the fiscal implications of this bill.

The Office of Court Administration anticipates no significant fiscal impact resulting from this bill.

The bill would take effect immediately if it receives a vote of two-thirds of all members elected to each house. Otherwise, the bill would take effect on September 1st, 2015.

Local Government Impact

There may be a cost to local governmental entities depending on the number of suits filed; however, the fiscal implications of the bill cannot be determined at this time.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 530 Family and Protective Services, Department of

LBB Staff: UP, ESi, MH, CG, KVe