

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

March 19, 2017

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB7** by Wu (Relating to child protective services suits by the Department of Family and Protective Services.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB7, As Introduced: a negative impact of (\$1,999,411) through the biennium ending August 31, 2019.

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 |
|-------------|--|
| 2018 | (\$1,113,377) |
| 2019 | (\$886,034) |
| 2020 | (\$886,034) |
| 2021 | (\$886,034) |
| 2022 | (\$886,034) |

All Funds, Five-Year Impact:

| Fiscal Year | Probable Savings/(Cost) from General Revenue Fund 1 | Probable (Cost) from GR Match For Medicaid 758 | Probable (Cost) from Federal Funds 555 | Change in Number of State Employees from FY 2017 |
|-------------|---|--|--|--|
| 2018 | (\$1,102,867) | (\$10,510) | (\$272,591) | 9.5 |
| 2019 | (\$876,189) | (\$9,845) | (\$98,448) | 9.5 |
| 2020 | (\$876,189) | (\$9,845) | (\$98,448) | 9.5 |
| 2021 | (\$876,189) | (\$9,845) | (\$98,448) | 9.5 |
| 2022 | (\$876,189) | (\$9,845) | (\$98,448) | 9.5 |

Fiscal Analysis

The bill would amend and add various provisions to the Family Code relating to child protection suits regarding placement and findings by the Department of Family and Protective Services (DFPS).

The bill would provide that a person's voluntary agreement to temporarily place the person's child in the managing conservatorship of DFPS is inadmissible in a court hearing of a suit affecting the parent-child relationship as evidence that the person abused or neglected the child. The bill would require DFPS to, before the full adversary hearing, provide certain information to a parent's attorney or child's attorney ad litem.

The bill would establish a new statewide uniform basic family service plan for removals at the time of removal and expedite the timeframe in which DFPS provides services to the parents. The bill would require the court to incorporate the basic service plan into the order of the court at the full adversary hearing, with certain exceptions.

The bill would require DFPS to develop a statewide uniform basic family service plan to be filed with the court at each full adversary hearing. The bill stipulates what would need to be included in the basic family service plan, and requires DFPS to make all necessary referrals to service providers for parents to comply with the requirements of the service plan within five days of the full adversary hearing, and to provide certain information to the parents. The bill would require DFPS to develop the statewide uniform basic family service plan not later than December 1, 2017.

The effective date of the bill would be September 1, 2017.

Methodology

The bill is estimated to result in a cost of \$1,385,968, in All Funds, in fiscal year 2018, and a cost of \$984,482, in All Funds, in fiscal year 2019 and in each fiscal year thereafter.

The analysis assumes that the addition of Section 262.013 does not establish explicit authority that would be the basis for a person to enter into a voluntary temporary managing conservatorship agreement with DFPS and therefore assumes no cost associated with this provision. If this provision were interpreted to establish such authority, it could result in additional costs associated with an increase in the number of children entering foster care and an increase in the number of children remaining in foster care without parental rights terminated. However, the number of parents that would enter into a voluntary temporary managing conservatorship under such a scenario is uncertain and an estimate of the fiscal implications cannot be determined, but could be significant.

The requirement to provide certain information to the attorney or attorneys representing a parent or a child prior to a full adversary hearing is assumed to require a DFPS attorney to review the evidence. This estimate assumes 30 minutes review for each set of evidence. Based on 19,079 removals with full adversary hearings that occurred in fiscal year 2016, an additional 6.25 attorneys would be required to conduct the review of evidence prior to hearings. This would result in a cost of \$536,309, in All Funds, in fiscal year 2018 for salary and benefits and \$502,559, in All Funds, in each fiscal year thereafter. Additionally, according to DFPS two investigative caseworkers would be necessary to attach evidence to petitions. That would result in a cost of \$220,646, in All Funds, in fiscal year 2018 for salary and benefits and \$209,846, in All Funds, in each fiscal year thereafter. DFPS estimates each removal has an average of 10 photos at \$0.39 cents per photo, resulting in a cost of \$74,408 per fiscal year. According to DFPS, an additional 1.25 investigative caseworkers would be necessary due to a portion of cases resulting in an extension and an additional hearing so that a parent's attorney can attend the meeting for the basic service plan. That would result in a cost of \$137,904, in All Funds, in fiscal year 2018 for salary and benefits and \$131,154, in All Funds, in each fiscal year thereafter.

DFPS assumes establishment of a new statewide uniform basic service plan would result in a cost in several areas. A one-time cost of \$334,986, in All Funds, for modifications to IMPACT to accommodate the new service plan and an ongoing annual cost of \$66,516 for FTE related technology costs are estimated.

This analysis assumes that the removing worker, which is either the investigation worker or the Family Based Safety Services worker, would review the new basic service plan with the family. This analysis assumes that the statewide uniform basic service plan required by the bill would not require actual service planning skills as it would not change from one family to another. Therefore, this analysis assumes this provision of the bill can be implemented using existing agency resources.

The Office of Court Administration anticipates no significant fiscal impact to the court system resulting from this bill.

Technology

The total technology cost is estimated to be \$483,218 in fiscal year 2018 and \$66,516 in each following year through fiscal year 2022 for system changes, computer equipment, software licenses, and basic data storage under the contract for data center services. This includes a one-time systems upgrade to IMPACT estimated to be \$334,986 in fiscal year 2018.

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, KCA, JJ, DFR