

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

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**April 5, 2017**

**TO:** Honorable Charles Schwertner, Chair, Senate Committee on Health & Human Services

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

**IN RE:** SB213 by Menéndez (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 SB213, As Introduced: a negative impact of (\$743,807) 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:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2018	(\$261,093)
2019	(\$482,714)
2020	(\$482,714)
2021	(\$482,714)
2022	(\$482,714)

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

<b>Fiscal Year</b>	<b>Probable Savings/(Cost) from General Revenue Fund</b>	<b>Change in Number of State Employees from FY 2017</b>
	<b>1</b>	
2018	(\$261,093)	5.0
2019	(\$482,714)	5.0
2020	(\$482,714)	5.0
2021	(\$482,714)	5.0
2022	(\$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. The would take effect September 1, 2017.

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, 2029.

### **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 (TJJJ) has similar powers and duties and has five FTEs with a annual budget of \$438,831 for the previous biennium. Administrative support is provided by TJJJ. 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.

According to DFPS, in order 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, a new external link to the Child Care Licensing Automated Support System (CLASS) system must be created to allow access to child care records. DFPS estimates the cost to be \$29,388 in fiscal year 2018.

Total cost associated with the provisions of the bill would be \$261,093 in fiscal year 2018, and \$482,714 in fiscal year 2019 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 2018. 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, 300 Trusteed Programs Within the Office of the Governor, 530 Family and Protective Services, Department of, 301 Office of the Governor

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