

LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 17, 2019

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

**FROM:** John McGeady, Assistant Director     Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB743** by Davis, Yvonne (Relating to the appointment and duties of an attorney ad litem for certain relatives in certain suits affecting the parent-child relationship.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB743, As Introduced: a negative impact of (\$1,253,699) through the biennium ending August 31, 2021.

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
2020	(\$670,474)
2021	(\$583,225)
2022	(\$583,225)
2023	(\$583,225)
2024	(\$583,225)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1	Probable Savings/(Cost) from GR Match For Medicaid 758	Probable Savings/(Cost) from Federal Funds 555	Change in Number of State Employees from FY 2019
2020	(\$667,000)	(\$3,474)	(\$24,318)	9.0
2021	(\$580,203)	(\$3,022)	(\$21,153)	9.0
2022	(\$580,203)	(\$3,022)	(\$21,153)	9.0
2023	(\$580,203)	(\$3,022)	(\$21,153)	9.0
2024	(\$580,203)	(\$3,022)	(\$21,153)	9.0

## **Fiscal Analysis**

The bill would amend the Family Code to mandate the appointment of an attorney ad litem for a person related within the third degree of consanguinity of a child for whom the Department of Family and Protective Services (DFPS) is seeking the termination of parental rights or appointment of a conservator if the relative files a motion requesting appointment as the child's managing conservator and requests the appointment of an attorney ad litem.

The provisions of the bill would only apply to a suit affecting the parent-child relationship filed on or after the effective date of the bill. Suits filed prior are governed by the law in effect when the suit was filed.

The bill would take effect September 1, 2019.

## **Methodology**

The analysis assumes that a greater number of relatives will request, and receive, appointment of an attorney ad litem. As a result, it is anticipated that the amount of time DFPS caseworkers would spend in court and court related activities during conservatorship proceedings would increase.

DFPS indicated that in fiscal year 2018, there were 52,397 children in substitute care. The analysis assumes 10 percent or 5,240 children would have a relative who would request appointment of an attorney ad litem during a suit seeking appointment of a conservator for a child. To account for sibling groups, the total number of children was divided by 1.8 children per caregiver, resulting in the potential for 2,911 relatives with access to legal representation.

The analysis assumes caseworkers would spend on average an additional 3 hours per month on each of the estimated 2,911 relatives due to court proceedings. Therefore, it is assumed that 6.0 conservatorship (CVS) caseworkers would be needed in each fiscal year with 1.0 CPS administrative support, 1.0 CVS supervisor and 1.0 CVS case aid to support the additional caseworkers. This analysis includes \$522,305 in salary and benefits each fiscal year (\$1,044,608 for the 2020-21 biennium). In addition, it is assumed that equipment and other operating costs would total \$172,487 in fiscal year 2020 and \$82,073 in fiscal year 2021. It is also assumed that operating costs totaling \$82,073 would continue in each subsequent fiscal year.

Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished using existing resources.

## **Local Government Impact**

According to the Office of Court Administration, counties are responsible for paying the fees for attorneys ad litem in CPS cases. The expansion of the right to counsel for relatives would likely increase the cost to counties and would vary by the volume of cases in each county.

Tom Green County estimates a potential fiscal impact of at least \$60,000 annually to their county.

Travis County estimates a fiscal impact of \$5.3 million annually due to increased legally mandated civil indigent attorney fees.

Cooke County estimates provisions of the bill could potentially triple the cost of their CPS cases, which were \$160,131 in the last year.

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

**LBB Staff:** WP, LBO, MW, DA, AF, AN