

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

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 6, 2019**

**TO:** Honorable Jeff Leach, Chair, House Committee on Judiciary & Civil Jurisprudence

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

**IN RE:** **HB3605** by Sanford (relating to appointment of an attorney ad litem or guardian ad litem to represent an unborn child during a judicial bypass proceeding for an abortion for a pregnant minor.), **Committee Report 1st House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB3605, Committee Report 1st House, Substituted: a negative impact of (\$950,000) 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:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2020	(\$475,000)
2021	(\$475,000)
2022	(\$475,000)
2023	(\$475,000)
2024	(\$475,000)

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

<b>Fiscal Year</b>	<b>Probable Savings/(Cost) from General Revenue Fund</b>
	1
2020	(\$475,000)
2021	(\$475,000)
2022	(\$475,000)
2023	(\$475,000)
2024	(\$475,000)

## **Fiscal Analysis**

The bill would amend the Family Code to allow a court to appoint an attorney ad litem to represent the unborn child in a case where a pregnant minor applies for judicial bypass of the parental notification and consent requirements for obtaining an abortion. The bill would require the Office of the Attorney General to develop and maintain a registry of persons willing to serve and have been asked to serve as an attorney ad litem of an unborn child. The bill would allow the court to issue an order requiring the state to pay for the cost of an attorney ad litem appointed for an unborn child.

The bill would take effect September 1, 2019.

## **Methodology**

Based on information provided by the Health and Human Services Commission (HHSC), under current law the state compensates a person appointed attorney ad litem for a pregnant minor undergoing a judicial bypass proceeding. In fiscal year 2018, HHSC paid \$475,000 in attorney's fees for this purpose.

Based on information provided by HHSC, this analysis assumes the number of cases where a court would appoint an attorney ad litem to represent an unborn child would be equivalent to the number of cases where a person would be appointed attorney ad litem for a pregnant minor. The table above reflects the amount of \$475,000 estimated to be paid each fiscal year for the cost of attorneys ad litem that would be appointed for an unborn child.

According to the Office of Court Administration, the cost of an attorney ad litem in a judicial bypass case generally ranges from \$500-\$1,000 per case.

According to the Office of the Attorney General, the development and maintenance of the registry could be reasonably absorbed with current resources.

## **Local Government Impact**

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

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 529 Health and Human Services Commission

**LBB Staff:** WP, SLE, MW, DA, RD