

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

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**May 6, 2021**

**TO:** Honorable James B. Frank, Chair, House Committee on Human Services

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB1190** by Krause (Relating to a required court finding of abuse or neglect before an individual's name is added to the central child abuse or neglect registry.), **Committee Report 1st House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB1190, Committee Report 1st House, Substituted : a negative impact of (\$102,639,718) through the biennium ending August 31, 2023.

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:**

<i>Fiscal Year</i>	<i>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</i>
2022	(\$55,129,627)
2023	(\$47,510,091)
2024	(\$47,510,091)
2025	(\$47,510,091)
2026	(\$47,510,091)

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

<i>Fiscal Year</i>	<i>Probable (Cost) from General Revenue Fund 1</i>	<i>Probable (Cost) from GR Match For Medicaid 758</i>	<i>Probable (Cost) from Federal Funds 555</i>	<i>Change in Number of State Employees from FY 2021</i>
2022	(\$55,068,609)	(\$61,018)	(\$6,057,716)	615.0
2023	(\$47,457,369)	(\$52,722)	(\$5,220,319)	614.0
2024	(\$47,457,369)	(\$52,722)	(\$5,220,319)	614.0
2025	(\$47,457,369)	(\$52,722)	(\$5,220,319)	614.0
2026	(\$47,457,369)	(\$52,722)	(\$5,220,319)	614.0

**Fiscal Analysis**

The bill would amend Family Code to prohibit the Department of Family and Protective Services (DFPS) from placing a person's name on the central registry unless a court of competent jurisdiction enters into a final order in a civil, criminal, or juvenile proceeding in which the court found the individual had abused or neglected the child.

## Methodology

Currently, the State Office of Administrative Hearings (SOAH) is the only mechanism available for DFPS to make a finding of abuse or neglect in a court of competent jurisdiction. As the bill does not include administrative hearings, it is assumed SOAH would no longer be utilized for review of findings. DFPS would instead use the court that conducts the Suit Affecting the Parent Child Relationship (SAPCR) which DFPS uses when a child is removed.

Based on data over the last five fiscal years provided by DFPS, it is assumed that an additional 51,182 annual court hearings will occur each year to add a name to the central registry.

The analysis assumes each case will take 6.35 hours, including 1.0 hour dedicated to each SAPCR hearing, based on similar DFPS cases. This analysis also estimates that child protective investigators would spend approximately 8.0 hours preparing, including reading reports, conducting staffing with attorneys, and traveling to the hearings and testifying. This would result in a need of 270.0 Investigator caseworkers Full-time Equivalents (FTEs) and 45.0 supervisor FTEs.

This analysis assumes that DFPS would need to provide their own legal representation due to the fact the requirements of the bill would not fall within the services that HHSC currently provides DFPS. This would result in a need of 222.0 additional Attorney III FTEs, and 22.0 Legal Assistant II FTEs and 9.0 Administrative Assistant FTEs to support the attorneys.

This analysis assumes it would take DFPS 1.5 hours to redact information of each SAPCR hearing resulting in the need for an additional 45.0 Redaction specialist FTEs. In addition, each FTE would require access to an Adobe Acrobat Pro DC license at an annual cost of \$193 per license.

This analysis assumes the need of 1.0 Investigator II FTE to monitor and track hearings and perform any necessary background checks.

## Technology

This analysis assumes changes to the Information Management Protecting Adults and Children in Texas (IMPACT) system at DFPS will be required to return sustained perpetrator results from the batch job for Central Registry Check matches; modify the records retention stored procedure; and update multiple auto-generated notification letters. It is assumed that this would cost \$160,520 and would require 1.0 Systems Analyst V FTE in fiscal year 2022.

## Local Government Impact

DFPS assumes there may be a fiscal impact to local government entities due to the bill requiring a court of competent jurisdiction to make a finding on the allegations of abuse and neglect prior to an individual's name being placed on the central registry as the SAPCR process can be held in county courts.

**Source Agencies:** 360 Office Adm Hearings, 529 Hlth & Human Svcs Comm, 530 Family & Protective Services

**LBB Staff:** JMc, AKI, JLI, AN, MPUK