

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 21, 2021

TO: Honorable Joan Huffman, Chair, Senate Committee on Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2107 by Wu (Relating to services for children who are unfit or lack responsibility to proceed in juvenile court proceedings as a result of intellectual disabilities.), **As Engrossed**

No significant fiscal implication to the State is anticipated. There may be a significant cost to the local intellectual and developmental disability authorities in order to create an outpatient fitness to proceed attainment program.

The bill would amend the Family Code to allow a juvenile court to order a child who has been found unfit to proceed, or to lack responsibility for the child's conduct, as a result of intellectual disability to receive services for the intellectual disability on an outpatient basis for not more than 90 days. The bill would require the court to consult with a probation department and with local treatment providers to determine appropriate treatment before issuing a court order for outpatient treatment.

Based on information provided by the Office of Court Administration, no significant impact to the state court system is anticipated as a result from implementing the provisions of the bill. According to the Juvenile Justice Department, there is no fiscal impact for the agency to implement the provisions of the bill. According to the Health and Human Services Commission (HHSC), administrative costs to HHSC associated with the bill could be absorbed within the agency's existing resources. This analysis assumes implementing the provisions of the bill would not result in a significant impact on state correctional populations or on the demand for state correctional resources.

Local Government Impact

According to HHSC, there is not currently a state program to allow children suspected of having an intellectual or developmental disability to receive court-ordered outpatient treatment. It is assumed that the local intellectual and developmental disability authorities (LIDDAs) would need to create a 90-day outpatient treatment option at five regional sites to allow children to receive fitness to proceed attainment treatment. Analysis provided by HHSC indicates staff would be required at each of the sites to assist with supervision and treatment at a cost of \$205,000 per site. HHSC also assumes that in addition to the per site costs, the total LIDDA administrative costs to be \$102,500 per year and an additional \$13,500 per year needed for determination of intellectual disability assessments for children based on historical trends for fitness to proceed attainment. Actual costs may vary depending on how many children are referred to the treatment option.

It is assumed costs to probation departments associated with the bill could be absorbed within existing resources.

Source Agencies: 529 Hlth & Human Svcs Comm, 644 Juvenile Justice Department

LBB Staff: JMc, SLE, JLI, SB, DKN