

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

March 22, 2021

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2552 by Dutton (Relating to certain Department of Family and Protective Services procedures during an investigation of child abuse or neglect.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2552, As Introduced : a negative impact of (\$9,876,081) 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 | (\$5,392,551) |
| 2023 | (\$4,483,530) |
| 2024 | (\$4,483,530) |
| 2025 | (\$4,483,530) |
| 2026 | (\$4,483,530) |

All Funds, Five-Year Impact:

| <i>Fiscal Year</i> | <i>Probable Savings/(Cost) from General Revenue Fund 1</i> | <i>Probable Savings/(Cost) from GR Match For Medicaid 758</i> | <i>Probable Savings/(Cost) from Federal Funds 555</i> | <i>Change in Number of State Employees from FY 2021</i> |
|--------------------|--|---|---|---|
| 2022 | (\$5,333,292) | (\$59,259) | (\$533,329) | 75.0 |
| 2023 | (\$4,434,260) | (\$49,270) | (\$443,426) | 75.0 |
| 2024 | (\$4,434,260) | (\$49,270) | (\$443,426) | 75.0 |
| 2025 | (\$4,434,260) | (\$49,270) | (\$443,426) | 75.0 |
| 2026 | (\$4,434,260) | (\$49,270) | (\$443,426) | 75.0 |

Fiscal Analysis

The bill would amend Family Code to prohibit the Department of Family and Protective Services (DFPS) from requiring a parent or child to submit to a drug test or from threatening or coercing a parent to consent to a drug test, including by notifying the parent that the child will be removed if the parent fails to consent.

Methodology

In fiscal year 2020, child protective investigations completed 154,593 total investigations and of those, 19.5

percent, or 30,146, involved substance abuse. This analysis assumes that DFPS would need to seek legal intervention to obtain a drug test to ensure the safety of the child for those who do not consent to a drug test. This analysis assumes that approximately 25.0 percent, or 7,536, of the cases, would require legal involvement to obtain a drug test. This analysis assumes in the remainder of the cases the individuals will consent to a drug test or there would be other indications of child abuse or neglect that would warrant a removal of the child.

Due to the increased time associated with legal action, this analysis assumes caseworkers would spend an average of 4.0 additional hours writing affidavits and an average of 3.0 additional hours providing testimony for uncontested cases which are assumed to be 80.0 percent of cases, and an average of 15.0 additional hours of testimony for contested cases.

This analysis assumes a need of 47.0 additional caseworker Full-time Equivalents (FTEs) and 28.0 additional support staff FTEs to support that additional legal work.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 530 Family & Protective Services

LBB Staff: JMc, AKI, JLI, AN