

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 10, 2021

TO: Honorable Lois W. Kolkhorst, Chair, Senate Committee on Health & Human Services

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3041 by Frank (Relating to the provision of certain services by the Department of Family and Protective Services as an alternative to removing a child and certain procedures with respect to children in the managing conservatorship of the department.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3041, As Engrossed : a negative impact of (\$3,476,129) 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	(\$1,236,487)
2023	(\$2,239,642)
2024	(\$2,239,642)
2025	(\$2,239,642)
2026	(\$2,239,642)

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	(\$1,222,899)	(\$13,588)	(\$122,290)	4.0
2023	(\$2,215,031)	(\$24,611)	(\$221,503)	6.0
2024	(\$2,215,031)	(\$24,611)	(\$221,503)	6.0
2025	(\$2,215,031)	(\$24,611)	(\$221,503)	6.0
2026	(\$2,215,031)	(\$24,611)	(\$221,503)	6.0

Fiscal Analysis

The bill would require the Department of Family and Protective Services (DFPS) to establish a pilot program to dispose of an investigation by referring a family of a foster care candidate to family preservation services and allowing the child to return home instead of entering foster care or by providing services to a child who is pregnant or is a parent. DFPS would be allowed to obtain a court order to compel the family to participate in prevention services and file a suit to request the family to participate. DFPS would be required to submit reports to the legislature on the progress of the pilot program.

The bill would require that a court hear the suit within 14 days after the filing and if the court finds evidence of abuse or neglect or if the court finds family preservation services are appropriate, DFPS must develop a family preservation services plan. The bill would also require courts to identify a method of financing for services, and local jurisdiction that will pay for services, if they are not approved under the federal Family First Prevention Services Act (FFPSA).

Methodology

This analysis assumes there would be two pilots, one for the rural areas of the state and one for urban areas in which Community-based Care is implemented. This analysis assumes a six month ramp-up period for DFPS to establish the pilots, hire staff and develop prevention service plans. Therefore, 58.0 families in rural areas and 230.0 families in urban areas would be served in the pilot in fiscal year 2022. In each subsequent year, 115.0 families in rural areas and 460.0 families in urban areas would be served. The cost per family to receive services for approved programs under the Family First Prevention Services is assumed to be \$3,547 per year.

This analysis assumes 1.0 Program Specialist III Full-time Equivalent (FTE) in each fiscal year to oversee contractual requirements and provide fiscal management as well as 1.0 Program Specialist V FTE in each fiscal year to provide implementation support and programmatic oversight. In addition, to support an assumed increase in court action associated with cases, this analysis assumes the need for 1.0 Attorney III FTEs and 1.0 Legal Assistant II FTEs in fiscal year 2022 and 2.0 Attorney III FTEs and 2.0 Legal Assistant II FTEs in each subsequent year.

This analysis assumes that any other costs associated to implementing the provisions of the bill could be absorbed within existing resources.

Local Government Impact

Based on information from DFPS, this analysis assumes local government entities may incur costs associated with additional court cases and costs associated with the provision of any court-ordered non-FFPSA services but the cost cannot be determined at this time.

Source Agencies: 212 Office of Court Admin, 529 Hlth & Human Svcs Comm, 530 Family & Protective Services

LBB Staff: JMc, AKI, JLI, AN