

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

March 29, 2021

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3041 by Frank (Relating to the procedures and grounds for taking possession of a child and authorizing a family preservation services pilot program as an alternative to removal in suits affecting the parent-child relationship.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3041, As Introduced : a negative impact of (\$3,689,208) 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	(\$1,284,256)
2023	(\$2,404,952)
2024	(\$2,404,952)
2025	(\$2,404,952)
2026	(\$2,404,952)

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	(\$1,270,143)	(\$14,113)	(\$127,014)	7.0
2023	(\$2,378,524)	(\$26,428)	(\$237,852)	14.0
2024	(\$2,378,524)	(\$26,428)	(\$237,852)	14.0
2025	(\$2,378,524)	(\$26,428)	(\$237,852)	14.0
2026	(\$2,378,524)	(\$26,428)	(\$237,852)	14.0

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. 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, 50.0 families in rural areas and 200.0 families in urban areas would be served in the pilot in fiscal year 2022. In each subsequent year, 100.0 families in rural areas and 400.0 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 fiscal year 2022 and 2.0 Program Specialist III FTEs in each subsequent year to oversee contractual requirements and provide fiscal management as well as 1.0 Program Specialist V FTE in fiscal year 2022 and 2.0 Program Specialist V FTEs in each subsequent 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 2.0 Attorney III FTEs and 2.0 Legal Assistant II FTEs in fiscal year 2022 and 4.0 Attorney III FTEs and 4.0 Legal Assistant II FTEs in each subsequent year.

This analysis also assumes the need for 1.0 Data Analyst IV FTE in fiscal year 2022 and 2.0 Data Analyst IV FTEs in each subsequent year to produce the report of the required metrics to the legislature, particularly those related to development of performance-based contract measures, a qualitative case read and reporting structure, and technical assistance to the contractors for outcome metrics.

Based on analysis of the Health and Human Services Commission and the Office of Court Administration, this analysis assumes that their costs associated with 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