

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

March 20, 2023

TO: Honorable Senfronia Thompson, Chair, House Committee on Youth Health & Safety, Select

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB16 by Moody (Relating to the adjudication and disposition of cases involving delinquent conduct, certain juvenile court proceedings, and planning and funding for services for children in the juvenile justice system.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB16, As Introduced : a negative impact of (\$3,919,184) through the biennium ending August 31, 2025.

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>
2024	(\$2,001,618)
2025	(\$1,917,566)
2026	(\$1,923,913)
2027	(\$1,930,439)
2028	(\$1,937,166)

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 2023</i>
2024	(\$1,979,622)	(\$21,996)	(\$197,692)	22.0
2025	(\$1,896,494)	(\$21,072)	(\$189,649)	22.0
2026	(\$1,902,771)	(\$21,142)	(\$190,227)	22.0
2027	(\$1,909,225)	(\$21,214)	(\$190,923)	22.0
2028	(\$1,915,878)	(\$21,288)	(\$191,588)	22.0

Fiscal Analysis

The bill would amend the Family Code to require juvenile courts to refer a child to the Department of Family and Protective Services (DFPS) to conduct an early youth intervention services review no later than 72 hours after the conclusion of the hearing. The court must consider the report and release the child within 10 working days after the child was detained, if appropriate.

While the provisions of the bill add required findings to the juvenile court system, the Office of Court Administration (OCA) states that there would be no significant fiscal impact to the juvenile court system.

According to DFPS, the duties and responsibilities associated with implementing the provisions of the bill related to early intervention services review could not be absorbed within existing resources. This analysis assumes an All Funds cost of \$2,001,618 in fiscal year 2024 and 22.0 Fulltime Equivalents (FTEs).

The bill would also amend the Human Resources code to require TJJD to develop a community-based diversion and intervention plan to provide community-based services and programs to post-adjudication secure correctional facilities. The bill would also direct each county to create a community reinvestment fund to provide alternative services to juvenile detention. The bill would permit the legislature to establish a special account in the General Revenue Fund to supplement local funds for these services.

According to the Texas Juvenile Justice Department (TJJD), any costs associated with the bill could be absorbed using existing resources.

The bill would require TJJD to give credit toward the assigned minimum length of stay for an individual committed to TJJD for time spent in a pre-adjudication secure detention facility after commitment but before admission to TJJD. It is assumed that any impact to the juvenile state correctional population would not be significant.

This legislation would do one or more of the following: create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either in, with, or outside the Treasury, or create a dedicated revenue source. The fund, account, or revenue dedication included in this bill would be subject to funds consolidation review by the current Legislature.

Methodology

This analysis assumes the creation of a new function at DFPS to conduct an early intervention services review and recommendations within 72.0 hours following the court hearing.

Based on information from TJJD, approximately 11,000 cases per year would be referred to DFPS for the early intervention services review. This analysis assumes 25.0 percent, or 2,750.0 of the referrals would meet the criteria of the bill therefore 15.0 Investigation Caseworkers FTEs would be needed to review referrals. Based on DFPS staffing ratios, an additional 2.0 Investigator Supervisor FTEs, 2.0 Case Reads FTEs and 1.0 Investigations Director FTE and 1.0 Administrative Assistant II FTE would be needed to support the caseworkers.

This analysis also assumes the need of 1.0 Statewide Intake Screener FTE to process the referrals. This analysis assumes that of the 2,750.0 referrals, 50.0 percent would have already come through statewide intake, therefore there would be 1,375.0 new intakes. The increased workload results in the additional FTE.

Local Government Impact

There would be costs to counties to establish community reinvestment funds; however it is assumed that savings from post-adjudication diversion could be placed towards the fund.

According to OCA, the provision of the bill to release the child no later than 10 working days after the court has considered the early youth intervention services report, if appropriate, may save local pre-trial detention costs and reduce subsequent detention hearings.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 530 Family and Protective Services, Department of, 644 Juvenile Justice Department

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