

LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

March 21, 2023

**TO:** Honorable Harold V. Dutton, Jr., Chair, House Committee on Juvenile Justice & Family Issues

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB2037** by Johnson, Ann (Relating to certain proceedings in juvenile court for children with mental illness and intellectual disabilities.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB2037, As Introduced : a negative impact of (\$4,721,352) 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	(\$2,366,978)
2025	(\$2,354,374)
2026	(\$2,354,641)
2027	(\$2,354,911)
2028	(\$2,355,184)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	<i>Probable Savings/(Cost) from General Revenue Fund 1</i>	<i>Change in Number of State Employees from FY 2023</i>
2024	(\$2,366,978)	3.0
2025	(\$2,354,374)	3.0
2026	(\$2,354,641)	3.0
2027	(\$2,354,911)	3.0
2028	(\$2,355,184)	3.0

Fiscal Analysis

The bill would establish procedures for conducting a forensic mental examination as ordered by a juvenile court. The bill would establish criteria under which a juvenile court could order a child to receive temporary or extended inpatient or outpatient mental health services. The bill would require court-ordered treatment to focus on the stabilization of the child's mental illness and on meeting the child's psychiatric needs in the least restrictive appropriate setting.

The bill would authorize juvenile probation departments to provide restoration classes in collaboration with outpatient treatment for a child with mental illness or intellectual disability. The bill would require a juvenile

court to consult with the local mental health authority (LMHA) and the local intellectual and developmental disability authority (LIDDA) to determine appropriate treatments for a child.

The bill would require a juvenile court to direct the LMHA to file proposed treatment for a child with mental illness. The bill would require the Health and Human Services Commission (HHSC) to identify a facility and admit the child to the facility following a court order for inpatient mental health services.

### **Methodology**

According to HHSC, there are currently no outpatient programs that provide fitness to proceed evaluations or treatments specific to children in Texas. Therefore, the analysis assumes funding would be required to implement outpatient mental health services for children as described in the bill. HHSC estimates that providing child-focused outpatient competency restoration services would cost \$2,000,000 per fiscal year in grant funding based on a scaled version of adult outpatient competency restoration services.

In addition, the analysis assumes HHSC would require 1.0 Contract Specialist V full-time equivalent (FTE) and 2.0 Program Specialist VI FTEs to coordinate with the Texas Department of Juvenile Justice (TJJD) to monitor program outcomes, create a standardized curriculum for restoring a child's fitness to proceed, manage allotted grant funding, and provide technical assistance.

The analysis assumes that other costs related to the bill could be absorbed within current resources.

### **Technology**

FTE-related technology costs would be less than \$0.1 million each fiscal year.

### **Local Government Impact**

Local entities could have a significant fiscal impact implementing the bill, including provisions related to new requirements for conducting forensic examinations. County juvenile probation departments could incur costs related to providing restoration classes in collaboration with outpatient treatment for a child with mental illness or intellectual disability. In addition, LMHAs and LIDDAs could have costs related to increased requirements for treatments as described in the bill.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 529 Health and Human Services Commission, 644 Juvenile Justice Department

**LBB Staff:** JMc, DDeI, ER, NDA, NV