

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION
Revision 1

March 15, 2023

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB515 by Hall (Relating to investigations of child abuse and neglect and the procedures for adding names to or removing names from the central registry of child abuse and neglect.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB515, As Introduced : a negative impact of (\$2,989,382) 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 | (\$1,842,747) |
| 2025 | (\$1,353,412) |
| 2026 | (\$1,329,569) |
| 2027 | (\$1,333,658) |
| 2028 | (\$1,337,874) |

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 | (\$1,835,691) | (\$7,056) | (\$71,279) | 14.0 |
| 2025 | (\$1,346,544) | (\$6,868) | (\$50,299) | 13.0 |
| 2026 | (\$1,322,680) | (\$6,889) | (\$48,223) | 13.0 |
| 2027 | (\$1,326,748) | (\$6,910) | (\$48,371) | 13.0 |
| 2028 | (\$1,330,942) | (\$6,932) | (\$48,524) | 13.0 |

Fiscal Analysis

The bill would amend Family Code to add specific retention schedules for maintaining a person's name on the central registry.

The bill would require the Department of Family and Protective Services (DFPS) to provide notification before adding an individual to the central registry and require the agency to assign a severity code to each finding.

The bill would require DFPS to establish an expungement review panel to review requests by

designated perpetrators in child protective investigations to have their name removed from the central registry. The panel is to be composed of DFPS employees and one person from the public appointed by the DFPS commissioner. The public member of the expungement review panel is considered a volunteer. In addition, the bill would limit a person to requesting a maximum of four hearings total.

Methodology

This analysis assumes the creation of a new function at DFPS for the expungement review panel. DFPS does not currently have a process in place for a person with a substantiated finding to request removal of their name from the central registry upon a showing of rehabilitation. Based on information from DFPS, the agency currently has 12.0 resolution specialists who conduct approximately 1,200 administrative reviews of investigations a year. This existing responsibility was used to estimate Fulltime Equivalents (FTEs) needed to meet agency obligations for the new function. This analysis assumes 6.0 regional panels staffed by 2.0 Program Specialists V FTEs and one public member would be required.

This analysis assumes the panel would address approximately 1,300 requests per year. The estimate is based upon the assumption that 2.5 percent of newly designated individuals will request a review. Based on information from DFPS, approximately 51,800 persons a year are designated as a perpetrator, the average of the last five years.

This analysis assumes 1.0 Program Specialist VI would be required to handle notifications, determine severity codes for findings and provide information related to the investigation case.

This analysis assumes costs will begin in fiscal year 2024, as DFPS will have individuals who have already been in the registry for three years who are eligible to receive the review.

This analysis assumes modifications to the Information Management Protecting Adults and Children in Texas (IMPACT) system for review processes, notifications and reporting would require 2,916 hours of work and would require 1.0 contracted FTE.

This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, otherwise this Act takes effect September 1, 2023.

Technology

Included in estimated costs is \$295,971 in All Funds in fiscal year 2024 and \$30,041 in All Funds for system and IT modifications at DFPS.

This analysis also assumes the Health and Human Services Commission would need to add additional data fields to the agency's Childcare Licensing Automated Support System (CLASS) system and would require 1.0 FTE in fiscal year 2024 and a cost of \$206,777 in General Revenue Funds.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission, 530 Family and Protective Services, Department of

LBB Staff: JMc, NPe, ER, AN, SB, NV