

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

March 14, 2023

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB1162 by Birdwell (Relating to the procedures for removing names from the central registry of child abuse and neglect.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1162, As Introduced : a negative impact of (\$14,395,905) 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	(\$7,589,547)
2025	(\$6,806,358)
2026	(\$6,829,981)
2027	(\$6,854,275)
2028	(\$6,879,313)

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	(\$7,512,916)	(\$76,631)	(\$656,123)	81.0
2025	(\$6,732,376)	(\$73,982)	(\$591,857)	81.0
2026	(\$6,755,742)	(\$74,239)	(\$593,911)	81.0
2027	(\$6,779,772)	(\$74,503)	(\$596,024)	81.0
2028	(\$6,804,538)	(\$74,775)	(\$598,201)	81.0

Fiscal Analysis

The bill would require the Department of Family and Protective Services (DFPS) to establish an expungement review panel consisting of various individuals.

The bill would require DFPS to set a hearing no later than the 60th day after the commissioner receives a request to remove a name from the central registry.

The bill would require DFPS to remove a name from the registry and update relevant documents within 10 days if the expungement review panel grants the request for removal.

Lastly, the bill would require DFPS to automatically removal a name if more than 18 years have passed since the department's last ruling of abuse and neglect against the person. DFPS would also be required to remove a name if the person was a minor at the time and if more than two years have passed since the agency's last finding of abuse and neglect against the person.

Methodology

This analysis assumes the creation of a new function at DFPS for the expungement review panel as well as increased workload for the DFPS Chief Accountability and Internal Affairs Officer, as they will be required to participate in all expungement review panel proceedings.

Based on information from the agency, Child Protective Investigations (CPI) identifies approximately 52,000 perpetrators a year and this analysis assumes 5.0 percent, or 2,600 perpetrators would request an expungement review by the panel.

This analysis assumes that Program Specialist VI staff would spend approximately 8.0 hours in preparing for each panel review. Based on this assumption the 2,600 cases will require 20,800 hours to prepare a total therefore 10.0 Program Specialist VI FTEs and 1.0 Director I FTE are required.

This analysis assumes the need of 1.0 Attorney IV FTE and 1.0 Legal Assistant II FTE to draft and review panel findings for legal sufficiency, to maintain the docket of cases and to ensure final responses are delivered timely. In addition, 4.0 Program Specialist VI FTEs, 1.0 Manger V FTEs and 1.0 Manager Analyst IV FTE to review and provide a case summary addressing the considerations listed in the bill to be presented during the panel review.

Lastly it is assumed that the DFPS Records Management Group will require 23.0 Records Analyst I FTEs, 30.0 Records Analyst II FTEs, 4.0 Records Analyst III FTEs, 4.0 Program Supervisor IV FTEs, and 1.0 Administrative Assistant III FTE to meet the timeframes listed in the bill and to support the increased records management needs created through the hearings.

This analysis assumes that 2.0 contracted FTEs would be required in fiscal year 2024 to modify the Information Management Protecting Adults and Children in Texas (IMPACT) and Central Registry Batch Processes. It is assumed 4,738 hours would be needed to complete the modifications.

Technology

Included in estimated costs is \$539,503 in General Revenue Funds in fiscal year 2024 for system and IT modifications.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 530 Family and Protective Services, Department of

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