

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

April 28, 2023

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB1853 by Kolkhorst (relating to certain procedures in a suit affecting the parent-child relationship for a child placed in the conservatorship of the Department of Family and Protective Services and the provision of community-based foster care.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1853, Committee Report 1st House, Substituted : a negative impact of (\$1,852,255) 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	(\$1,434,658)
2025	(\$417,597)
2026	(\$29,009,371)
2027	(\$54,436,729)
2028	(\$65,660,821)

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	(\$1,431,190)	(\$3,468)	(\$120,563)	3.0
2025	(\$414,256)	(\$3,341)	(\$39,136)	3.0
2026	(\$28,912,517)	(\$96,854)	(\$920,931)	(657.0)
2027	(\$54,103,101)	(\$333,628)	(\$3,181,968)	(908.5)
2028	(\$65,201,038)	(\$459,783)	(\$4,390,147)	(1,221.0)

Fiscal Analysis

The bill would amend the definition of Family Preservation Services to include services under the Family First Prevention Services Act, children in the relinquishment avoidance program, families of children in joint managing conservatorship with the Department of Family and Protective Services (DFPS), and enhanced in-home support services and nonrecurring financial support to promote safe and stable families.

The bill would also transfer family preservation services to the Single Source Continuum Contractor (SSCC) providing foster care services in that area.

Methodology

This analysis assumes approximately 100.0 additional children would be served within Family Preservation Services who are also in the relinquishment avoidance program at the Health and Human Services Commission. This is based on the typical number of children in the program. This analysis assumes the need of 2.0 Program Specialist V Fulltime Equivalents (FTEs) to handle the new referrals and coordinate services.

The agency has indicated that families with children in the conservatorship of DFPS would not meet the eligibility to participate in Family Preservation Services.

This analysis assumes the transfer of preservation services and direct case management, including the reduction of FTEs, would occur six months after Stage II is implemented, or for regions currently in Stage II, six months after the implementation of the bill. This analysis assumes costs will increase as Community-based Care (CBC) rollout continues, with full implementation occurring by fiscal year 2028. This analysis assumes the transition will be in fiscal year 2026 to ensure the implementation of family preservation services in CBC regions. In addition, 1.0 Project Manager III FTE is assumed to develop the CBC Family Preservation Model and assist the transition of responsibility to SSCCs.

This analysis assumes the funding for fringe and benefits to the Department of Family and Protective Services (DFPS) for family based safety service (FBSS) caseworkers that would be transferred to the SSCCs. This analysis assumes one-time start up funding for readiness activities such as protocol development, workforce training and software purchases. This analysis also assumes additional resource transfer for the transfer of FBSS case management to the SSCCs. These assumptions align with current funding and methodologies for CBC.

This analysis is unable to determine the fiscal impact of providing direct nonrecurring financial support to families. This analysis cannot determine who would be eligible for the payments or which benefits would be included.

This analysis assumes additional work would be needed to provide services under the Family First Prevention Services Act (FFPSA). According to DFPS, the agency would need to develop and submit a Title IV-E Prevention Plan to the Administration for Children and Families for federal approval. In addition, the agency would need to modify data systems to track all federally required data. Following the approval of the Prevention Plan and system modifications, the agency could then draw down Title IV-E Federal Funds.

To provide services under FFPSA, this analysis assumes the average cost per family would be \$4,000. This is based on other evidence-based programs the agency provides. This analysis assumes to qualify for services, a candidate for foster care is a child who is at high or very high risk of abuse and neglect and is referred to FBSS. In fiscal year 2022, 5,308.0 investigations were referred and met this criteria. This analysis assumes costs for services would be \$4,770,300 in General Revenue in fiscal year 2026 and would increase as the rollout of CBC continues.

FFPSA requires evaluation of any models not currently rated as well-supported. According to the agency, they have 4.0 models that need additional evaluation work. This analysis assumes \$500,000 in fiscal years 2026 and 2027 to contract with a third-party evaluator in order to meet requirements under FFPSA.

This analysis assumes continued funding for 2.0 Program Specialist VI Fulltime Equivalents (FTEs) beginning in fiscal year 2026 to support the continued implementation of FFPSA and model evaluation as well as 2.0 additional Program Specialist VI FTEs to support statewide implementation of the Prevention Plan.

According to DFPS, the SSCCs are unable to remove children on behalf of the state. FBSS FTEs completed 14.0 percent, or 1,355 removals, in fiscal year 2022, therefore Child Protective Investigators (CPI) and support staff are needed to address those removals. This analysis assumes the need of 10.0 CPI and support FTEs in fiscal year 2026, 28.5 CPI and support FTEs in fiscal year 2027, and 32.0 CPI and support FTEs in fiscal year 2028.

Technology

This analysis assumes 10,826 hours and 5.5 Contracted IT FTEs in fiscal year 2024 and 1,083 hours and 0.5 Contracted IT FTEs in fiscal year 2025 for system modifications. These changes include, updates to the Information Management Protecting Adults and Children in Texas (IMPACT) system for the transfer of FBSS to SSCCs, development of new referral process, updates to batch jobs for payment request processing, and updates to assessment forms.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 530 Family and Protective Services,
Department of

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