

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**May 28, 2005**

**TO:** Honorable David Dewhurst , Lieutenant Governor, Senate  
 Honorable Tom Craddick, Speaker of the House, House of Representatives

**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE: SB6** by Nelson (Relating to protective services; providing penalties. ), **Conference Committee Report**

**Estimated Two-year Net Impact to General Revenue Related Funds** for SB6, Conference Committee Report: a negative impact of (\$108,554,298) through the biennium ending August 31, 2007.

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:**

| Fiscal Year | Probable Net Positive/(Negative)<br>Impact to General Revenue Related<br>Funds |
|-------------|--|
| 2006        | (\$49,900,091)   |
| 2007        | (\$58,654,207)   |
| 2008        | (\$64,540,985)   |
| 2009        | (\$71,671,765)   |
| 2010        | (\$81,875,505)   |

**All Funds, Five-Year Impact:**

| Fiscal Year | Probable Savings from<br><i>GENERAL REVENUE</i><br><i>FUND</i><br><b>1</b> | Probable (Cost) from<br><i>GENERAL REVENUE</i><br><i>FUND</i><br><b>1</b> | Probable Revenue<br>Gain from<br><i>CHILD</i><br><i>ABUSE/NEGLECT</i><br><i>TRUST</i><br><b>5085</b> | Probable Savings from<br><i>FEDERAL FUNDS</i><br><b>555</b> |
|-------------|--|---|--|---|
| 2006        | \$899,781  | (\$50,799,872)  | \$1,300,000  | \$1,673,226   |
| 2007        | \$4,237,188  | (\$62,891,395)  | \$1,300,000  | \$4,319,522   |
| 2008        | \$16,047,827   | (\$80,588,812)  | \$1,300,000  | \$8,251,885   |
| 2009        | \$25,133,928   | (\$96,805,693)  | \$1,300,000  | \$11,353,359  |
| 2010        | \$47,179,226   | (\$129,054,731)   | \$1,300,000  | \$18,529,859  |

| Fiscal Year | Probable (Cost) from<br><i>FEDERAL FUNDS</i><br><b>555</b> | Probable (Cost) from<br><i>STATE HIGHWAY</i><br><i>FUND</i><br><b>6</b> | Change in Number of<br>State Employees from<br><b>FY 2005</b> |
|-------------|--|---|---|
| 2006        | (\$16,042,511)   | (\$310,976)   | 736.6   |
| 2007        | (\$16,567,217)   | (\$286,631)   | 768.7   |
| 2008        | (\$21,607,912)   | (\$96,551)  | 553.8   |
| 2009        | (\$25,452,445)   | (\$96,314)  | 391.5   |
| 2010        | (\$34,752,155)   | (\$96,314)  | (13.0)  |

## Fiscal Analysis

### ARTICLE 1. CHILD PROTECTIVE SERVICES

**Section 1.12** would require the Department of Family and Protective Services (DFPS) to enter into agreements with other states for the exchange of child abuse and neglect reports. **Section 1.19** would require the agency to use highly skilled caseworkers to screen out less serious cases of abuse and neglect if a child's safety can be assured without further investigation.

**Section 1.21** would require DFPS to audiotape or videotape all interviews with children during the investigation stage. **Section 1.22** would require the county attorney, district attorney, or criminal district attorney to assist DFPS by requesting the court to issue an ex-parte order requiring the Texas Crime Information Center to place members of a family the agency is attempting to locate on a child safety check alert list.

**Section 1.28** would require DFPS to employ or contract with medical/law enforcement professionals throughout the state to provide forensic support and assist caseworkers. It would also require the agency to employ or contract with subject matter experts to consult with caseworkers. **Section 1.31** would require residential child-care facilities (RCCFs) to report each incident of physical or sexual abuse committed by a child against another child. **Section 1.33** would require DFPS to perform a background and criminal history check of each individual identified as a potential caregiver on a child placement resources form, and a home study of the most appropriate caregiver if there is one.

**Section 1.39** would require the court to make a finding at the status hearing about whether the individual who has the right to consent to medical care for the child has been identified. **Section 1.40** would only allow the court to retain jurisdiction of a suit requesting termination of the parent-child relationship, or appointment of DFPS as managing conservator, for an additional 180 days, if the court finds that extraordinary circumstances exist. **Section 1.43** would require DFPS, in cooperation with district and county courts, to expand the use of tele- and video-conferencing. **Section 1.44** would require the agency to enter into agreements with other states to allow for the exchange of information relating to a child for whom the agency is or was the managing conservator.

**Sections 1.46 through 1.48** would require DFPS to either contract directly with private agencies as part of community-centered networks for the provision of all necessary substitute care and case management services or use an independent administrator. They would also require the agency to evaluate the performance of independent administrators, monitor service, monitor service quality, and perform numerous oversight functions. **Section 1.49** would require the agency to assess whether children entering foster care have a developmental disability or mental retardation.

**Section 1.62** would require DFPS to develop and procure a relative and other designated caregiver placement program. **Section 1.63** would authorize a legislative committee or the Governor to request the State Auditor to perform a management, operations, or financial or accounting audit of a family drug court program. **Section 1.65** would require HHSC to develop a medical delivery services model that includes a statewide telemedicine system to link DFPS investigators and caseworkers with pediatric centers of excellence or other medical experts for consultation. It would also require the commission to develop health and educational passports for foster children with information for the health passport available in electronic format by September 1, 2007. **Section 1.66** would increase the family protection (divorce) fee adopted by commissioners courts from \$15 to \$30, and require the new revenue to be deposited to the credit of the child abuse and neglect prevention trust fund account.

**Section 1.72** would require the State Auditor, subject to approval by the legislative audit committee, to conduct a management review of HHSC and DFPS residential contract management employees; make recommendations regarding implementation of financial accountability provisions and processes; and perform financial audits of selected residential contractors. And it would authorize DFPS to develop an Internet-based system so residential child-care contractors can reconcile their accounts.

**Section 1.80** would require DFPS to implement a mobile technology project and modify the design of its automated case management system. **Section 1.83** would require the agency to develop a program to provide for the timely replacement of caseworkers and trainees hired in anticipation of vacancies.

**Section 1.84** would require the agency to provide enhanced training for child protective services caseworkers, such as requiring core curriculum and advanced training before caseworkers transfer to a new specialty. **Section 1.87** would require the agency to implement a staffing and workload distribution plan for child protective services.

**Section 1.94** relates to the regulation of child-placing agencies. **Section 1.96** would require the agency to periodically inspect a random sample of agency homes, establish minimum qualifications and training requirements for inspectors, and administer an examination program for inspectors. **Section 1.106** would require licensees to report serious incidents involving children and potential violations of regulatory law.

**Section 1.123** relates to the privatization of certain child welfare functions. It would require that all substitute care and case management services for children in DFPS managing conservatorship be provided by child-care institutions and child-placing agencies on and after September 1, 2011 (the agency could still provide these services in an emergency or as provider of last resort). It would require DFPS to develop a comprehensive strategy for contracting for management support from independent administrators on a regional basis. If cost-beneficial, it would require the agency to implement a transition plan to transfer the procurement, management, and oversight of substitute care and case management services to an independent administrator. It would also require independent third-party evaluations of the transition with reports due by December 31, 2008 and September 1, 2009.

Section 1.123 would require the Health and Human Services Commission (HHSC) and DFPS to adopt a transition plan by March 1, 2006. The plan would include numerous elements, such as an implementation plan for transferring all DFPS foster homes to private child-placing agencies; a process for assessing the needs of children transferred to a private provider; and a description of how the agency will shift to competitive procurement. The plan must ensure that the transition is completed in the first region by December 31, 2007; the second and third regions by December 1, 2009; and statewide by September 1, 2011. Section 1.123 would also require DFPS to award the contract for the first region by September 30, 2006, and prohibit the agency from implementing the transition in the second and third regions before September 1, 2009.

## **ARTICLE 2. ADULT PROTECTIVE SERVICES.**

**Section 2.02** would establish an incentive program to encourage certain department employees to obtain professional credentials in social work or psychology. **Section 2.03** would require DFPS to establish a training program that adult protective services employees must complete before initiating an investigation or providing services. **Section 2.10** would require DFPS to ensure that especially complex cases of abuse, neglect, and exploitation are assigned to personnel with appropriate experience and training, and monitored by a special task unit for complex cases.

## **ARTICLE 3. GUARDIANSHIP AND RELATED SERVICES.**

**Article 3** would make changes to the Human Resources Code and the Texas Probate Code related to the provision of guardianship services in Texas. It would transfer responsibility for guardianship services from DFPS to the Department of Aging and Disability Services (DADS), consistent with current practice (DADS currently operates the guardianship program via interagency contract with DFPS). The bill would establish a Guardianship Certification Board at the Office of Court Administration (OCA). The board would certify certain guardians (including private professional and public guardians), and adopt minimum standards for the provision of guardianship services. OCA would provide administrative services to the board.

## **Methodology**

### **ARTICLE 1. CHILD PROTECTIVE SERVICES.**

**Section 1.12.** DFPS indicates that one additional FTE (an attorney) would be needed to negotiate agreements for the exchange of child abuse and neglect information with other states, and to handle litigation arising from regulatory action (total salary = \$47,820 per year). There would also be a one-time technology cost to develop a standard interface format for all states. The total cost would be \$0.4 million in 2006 and \$0.1 million each following year. **Section 1.19.** The agency indicates that 41 additional FTEs would be needed to screen out reports of child abuse and neglect that do not warrant a

full investigation. The total cost would be \$2.5 million in 2006 and \$2.3 million each following year. **Section 1.21.** The agency estimates that it would cost \$0.2 million per year to purchase materials, supplies, and storage space to audiotape interviews with children during the investigation stage of services.

**Section 1.22.** The Department of Public Safety indicates that 2 additional FTEs (total salary = \$72,504 per year) would be needed to implement the child safety check alert list requirement. There would also be one-time programming costs of \$0.2 million per year in 2006 and 2007. The total cost would be \$0.3 million in 2006, \$0.3 million in 2007, and \$0.1 million each following year. The method of financing is assumed to be Highway Fund 6.

**Section 1.28.** It is assumed that the agency would need 20 additional FTEs (total salary = \$0.8 million per year) to provide regional forensic investigation support. The total cost would be \$1.4 million in 2006 and \$1.3 million each following year. **Section 1.31.** The agency has indicated that nine FTEs would be needed to investigate nearly 1,000 reports of physical or sexual abuse committed by a child against another child per year. The total cost would be \$0.5 million in fiscal year 2006 and \$0.4 million each following year.

**Section 1.33.** It is assumed that the state would pay the anticipated cost of \$41 to perform a background and criminal history check on each adult in prospective substitute caregiver families. The cost would be \$0.6 million rising to \$0.8 million in 2010. It is also assumed that additional workers would be needed to perform home studies: 21.6 FTEs in 2006 rising to 30.8 FTEs in 2010. The estimate is based on the agency's direct delivery staffing model that includes one supervisor for every 7 caseworkers, one clerk for every 6 caseworkers, and one attorney for every 30 caseworkers. The total cost would be \$1.8 million in 2006 rising to \$2.4 million in 2010.

**Section 1.39.** DFPS indicates that 39.5 FTEs would be needed to handle the additional workload of requesting the court to name a new caseworker to consent to treatment when a child's case is transferred. The estimate is based on the following assumptions – 1,108 substitute care workers would transfer an average of 8 cases per worker per month; each transfer would require 0.58 hours of work; and 130 service delivery hours would be available per worker per month. The total cost would be \$2.2 million in 2006 and \$2.0 million each following year.

**Section 1.40.** DFPS has indicated that 5.5 FTEs would be needed to handle the additional workload associated with re-filing petitions and seeking custody for cases that would terminate prematurely due to congested court dockets. The estimate is based on the following assumptions – an average of 47 petitions would be re-filed per month; each petition would require 14 hours of work; and 130 service delivery hours would be available per worker per month. The total cost would be approximately \$0.3 million per year. **Section 1.43.** The agency estimates that it would cost \$1,700 to purchase one videophone per investigation unit to facilitate participation in court proceedings. The total cost would be \$0.1 million in 2006 and \$0.8 million in 2007.

**Section 1.44.** DFPS indicates that one additional FTE would be needed to negotiate agreements with other states and handle litigation arising from regulatory action. There would also be a one-time technology cost to build interfaces with other states (\$50,000 per interface based on 500 hours of work at \$100 per hour, or \$2.5 million). Total cost would be \$2.5 million in 2006 and \$0.1 million each following year.

**Sections 1.46 through 1.48.** The agency indicates that it would need additional staff to manage the procurement process, evaluate performance, monitor service quality, and perform other oversight activities associated with privatization of child welfare functions. This includes 2.5 FTEs in 2006 (total salary = \$0.1 million), 6.4 FTEs in 2007 (total salary = \$0.3 million), 22.3 FTEs in 2008 (total salary = \$0.9 million), 34.8 FTEs in 2009 (total salary = \$1.4 million), and 62.8 FTEs in 2010 (total salary = \$2.6 million). It is also assumed that the agency would need \$0.8 million in 2006-07, \$1.0 million in 2008-09, and \$1.0 million in 2010 for consulting and independent third-party evaluation services. The total cost would be \$0.5 million in 2006, \$0.8 million in 2007, \$2.6 million in 2008, \$3.5 million in 2009, and \$5.9 million in 2010.

**Section 1.49.** It is assumed that 25% of children entering foster care (3,921 in fiscal year 2006 and

4,234 each following year) would require a full screening for developmental disabilities and mental retardation, with an estimated cost per screen of \$140. It is also assumed that the Federal Medical Assistance Percentage (FMAP) would apply. The total cost would be \$0.5 million in 2006 and \$0.6 million each following year.

**Section 1.62.** There would be multiple fiscal impacts for this section that would establish a relative caregiver placement program. For the section as a whole: the total cost would be \$8.2 million in 2006 rising to \$35.7 million in 2010; the total savings would be \$2.6 million in 2006 rising to \$7.0 million in 2010.

It is assumed that the relative caregiver placement program would be implemented on March 1, 2006. It would serve 3,849 children in 2006, 8,314 children in 2007, and grow by 8 percent each following year. The bill would require all participants to receive the one-time \$1,000 per child or sibling group stipend (total cost = \$2.5 million in 2006 rising to \$6.7 million in 2010). The disruption rate (participants returning to DFPS paid foster care) would be 9.5 percent, and 86 percent of the net number of participants who remain would be eligible for a one-time \$500 flexible benefit (total cost = \$1.5 million in 2006 rising to \$4.1 million in 2010).

Twenty-five percent of the families would receive five hours of counseling costing \$60 per hour (total cost = \$0.2 million in 2006 rising to \$0.5 million in 2010). Forty-three percent of the children would use day care services costing \$18.20 per day (total cost = \$2.1 million in 2006 rising to \$19.9 million in 2010). Training costs would also be incurred during the first year of the program.

DFPS has indicated that additional staff would be needed to implement the program. It is assumed that the cost associated with the additional staff would be outsourced pursuant to the provision of the bill requiring the agency to procure (rather than administer) the program. (Total cost = \$1.9 million in 2006 rising to \$4.5 million in 2010). It is also assumed that the program would reduce the disruption rate of relative placements from the current rate of 18.5 percent to 9.5 percent. Foster care savings are calculated by estimating the cost of foster care with and without the program. Total savings would rise from \$2.6 million in 2006 to \$7.0 million in 2010.

**Section 1.63.** The State Auditor assumes that (a) there would be one request per biennium for an audit of a family drug court program in a large county and (b) the audit would involve reviewing and auditing the oversight of the program exercised by one or more state agency. The State Auditor estimates that each audit would cost \$0.3 million.

**Section 1.65.** The Health and Human Services Commission (HHSC) indicates that 2.5 FTEs (total salary = \$0.1 million) and \$0.2 million for technology would be needed in 2006 to develop the health and educational passport systems for foster children. The commission also indicates that 0.5 FTE and \$0.1 million would be needed each following year to maintain the system. DFPS estimates that it would cost \$0.5 million in 2006, \$3.8 million in 2007, and \$3.0 million each following year to develop, operate, and maintain the statewide telemedicine system. **Section 1.66.** DFPS estimates a revenue gain of \$1.3 million each year for GR Account 5085 (Child Abuse Neglect and Prevention Trust) from the family protective fee.

**Section 1.72.** The State Auditor indicates that 3.8 FTEs (total salary = \$0.3 million) would be needed to conduct the management review and make financial accountability recommendations in 2006. The total cost would be \$0.4 million. It is assumed that this amount would be appropriated directly to the State Auditor's Office in General Revenue Funds. The State Auditor also indicates that 2.0 FTEs (total salary = \$0.2 million) would be needed to perform the on-site financial audits of selected residential contractors. An additional \$0.4 million would be needed to pay for contracted financial audit services. The total cost would be \$0.6 million per year. It is assumed that this amount would be appropriated directly to HHSC and that HHSC would reimburse the State Auditor via interagency contract. DFPS indicates that the cost to develop the internet-based system for residential contractors would be \$1.9 million.

**Section 1.80.** DFPS has indicated that the cost to implement a mobile technology project for current investigation caseworkers would be \$7.4 million in 2006 and \$3.7 million in subsequent years. It is assumed that the cost to modify the design of the agency's automated case management system would

be \$0.5 million in 2006. **Section 1.83.** It is assumed that the agency would need 141.8 FTEs in fiscal year 2006 and 189.0 FTEs each following year to implement a statewide caseworker replacement program. The total cost would be \$7.4 million in 2006 and \$9.8 million each following year. **Section 1.84.** It is assumed that the agency would need 20 additional FTEs (total salary = \$0.7 million) in 2006 and 40 FTEs (total salary = \$1.4 million) each following year to improve the quality and consistency of training provided to caseworkers. It is also assumed that the agency would contract for the enhancement of computer-based training (total cost = \$0.6 million) and purchase additional computer training and distance learning equipment (total cost = \$0.3 million). The total cost would be \$1.9 million per year.

**Section 1.87.** It is assumed that DFPS would need an additional 326.3 FTEs per year (total salary = \$10.8 million) to strengthen the investigative function by providing one senior investigator for every four caseworkers. The total cost would be \$19.7 million in 2006 and \$18.3 million each following year.

**Section 1.96.** It is assumed that DFPS would need 10.1 additional FTEs in 2006, rising to 12.3 FTEs in 2010, to conduct inspections of a random sample of agency homes. One time costs for technology and development of an examination for inspectors are included in 2006. The total cost would be \$0.6 million in 2006, \$0.4 million in 2007 and 2008 and \$0.5 million in 2009 and 2010. **Sections 1.106 and 1.94.** DFPS has indicated that 74 FTEs would be needed to handle the workload associated with the new reporting and regulatory requirements. The total cost would be \$3.8 million in 2006 and \$3.4 million each following year.

The Office of the Attorney General anticipates that any legal work resulting from a stronger enforcement program could reasonably be absorbed within current resources. The State Office of Administrative Hearings does not anticipate a significant fiscal impact from the new enforcement procedures.

**Section 1.123.** There would be multiple fiscal impacts for this section that would privatize certain child welfare functions. For the section as a whole: total savings would be \$3.0 million in 2007, rising to \$58.7 million in 2010; total costs would be \$3.6 million in 2007, rising to \$69.9 million in 2010. FTE reductions would be 45 in 2007, rising to 894 in 2010; and FTE increases would be 2.5 in 2007, rising to 6.3 in 2010.

Substitute Care Services. DFPS indicates that privatization of substitute care services in the first region would begin in April 2007 and be completed by November 2007. Privatization in the second and third regions would begin in January 2009 and be completed by November 2009. The agency assumes that 16.7 percent of the caseload would be privatized during the first transition period, an additional 30 percent would be privatized during the second transition period, and the remaining caseload would be privatized through 2011. The agency estimates that it would save 8.0 FTEs in 2007, 50 FTEs in 2008, 83 FTEs in 2009, and 163 FTEs in 2010. It is assumed that the transition would be cost neutral. The total amount transferred to private providers would equal \$0.5 million in 2007, \$2.8 million in 2008, \$4.6 million in 2009, and \$8.9 million in 2010. Fringe benefit amounts totaling \$0.1 million in 2007 and rising to \$1.5 million in 2010 are included in this estimate. Fringe benefit appropriations would move from the Comptroller's Office and the Employees Retirement System to DFPS.

Case Management Services. DFPS indicates that privatization of case management services would follow the same transition plan (described above) for substitute care services. The agency estimates that it would save 37 FTEs in 2007, 229 FTEs in 2008, 374 FTEs in 2009, and 731 FTEs in 2010. It is assumed that the transition would be cost neutral. The total amount transferred to private providers would equal \$2.1 million in 2007, \$12.7 million in 2008, \$20.8 million in 2009, and \$40.7 million in 2010. Fringe benefit amounts totaling \$0.4 million in 2007 and rising to \$7.0 million in 2010 are included in this estimate. Fringe benefit appropriations would move from the Comptroller's Office and the Employees Retirement System to DFPS.

Independent Administrator Services. DFPS anticipates paying a regional independent administrator fee equaling 4 percent of the total transfer cost for foster care payments, substitute care and case management services, foster day care services, and other purchased services. It is estimated that the

total payments would be \$0.5 million in 2007, \$3.0 million in 2008, \$5.2 million in 2009, and \$10.9 million in 2010.

Child Placing Agency (CPA) Rate Differential. It is assumed that there would be no significant fiscal impact from the increase in foster care payments for children who move from DFPS homes to privately managed foster care settings during privatization.

Foster Day Care Purchased Services. It is assumed that foster day care purchased services dollars would transfer to private contractors on a cost-neutral basis throughout the transition period. The total amount transferred would be \$0.1 million in 2007, \$0.7 million in 2008, \$1.2 million in 2009, and \$2.4 million in 2010.

Other Purchased Services. It is assumed that other purchased services dollars would transfer to private contractors on a cost-neutral basis through the transition period. The total amount transferred would be \$0.3 million in 2007, \$2.1 million in 2008, \$3.4 million in 2009, and \$6.6 million in 2010.

Residential Child Care Licensing Staff. It is assumed that additional FTEs would be needed to provide adequate regulatory oversight of the expanded private system of residential child-care services. The total cost would be \$0.1 million in 2007 for 2.5 FTEs, rising to \$0.3 million for 6.3 FTEs in 2010.

## **ARTICLE 2. ADULT PROTECTIVE SERVICES**

**Section 2.02** is estimated to cost \$80,000 in 2006, rising by approximately \$16,000 each following year, to implement an incentive program to encourage certain department employees to obtain professional credentials in social work or psychology. This assumes 50 workers participating initially, with 10 additional workers participating each following year. The estimated cost per participant is \$1,600 per year – approximately 50 percent of the cost for part-time (6 hour) enrollment per semester.

**Section 2.03.** DFPS indicates that additional FTEs would be needed to implement a comprehensive training program for adult protective services employees. The estimate includes nine FTEs in 2006 and 14 FTEs each following year. The total cost would be \$0.5 million in 2006 and \$0.7 million each following year.

**Section 2.10.** The agency has indicated that three additional FTEs each year would be needed to ensure that investigations of complex issues are assigned to experienced personnel. The total cost would be \$0.2 million in 2006 and \$0.1 million each following year.

## **ARTICLE 3. GUARDIANSHIP AND RELATED SERVICES**

The Department of Aging and Disability Services (DADS) indicates that the provisions of **Article 3** transferring guardianship responsibility from DFPS to DADS would have no significant fiscal impact.

It is estimated that 200 individuals would be required to be certified as guardians. It is assumed that the Guardianship Certification Board would recognize certification, registration or licensure by the national guardianship association, as authorized by the bill. The bill would authorize OCA to pay the salary, benefits and travel expenses of the director of the board. The bill would require OCA to provide administrative assistance, services and materials to the board. The total cost would be \$0.1 million per year. The bill would create a new general revenue dedicated account, the Guardianship Certification Account. However, the number of individuals certified would not generate significant revenue for the account, and the cost of administration of the chapter is financed with General Revenue Funds.

It is assumed that Temporary Assistance for Needy Families (TANF) Federal Funds would not be available to finance any of the activities mentioned above; therefore, General Revenue Funds are used in place of TANF Federal Funds (\$18.0 million in 2006, rising to \$27.6 million in 2010). It is also assumed that Child Care Development Fund (CCDF) Federal Funds would not be available; therefore, General Revenue Funds are used in place of CCDF Federal Funds (\$4.4 million in 2006, rising to \$21.9 million in 2010).

It is assumed that all remaining sections of the bill would have no significant fiscal impact.

## **Technology**

Various fiscal impacts related to technology are noted above under Methodology.

## **Local Government Impact**

Costs to county, district, or criminal district attorney's offices and local law enforcement agencies to implement Sections 1.14 of the bill would depend upon the number of cases of false reporting that are filed in a county.

Costs to implement the joint investigations guidelines and training (Section 1.17 of the bill) would not result in a significant fiscal impact to local law enforcement agencies.

Costs to county, district, or criminal district attorney's offices and local law enforcement agencies to implement Sections 1.23 or 1.24 of the bill would depend upon the number of cases of failure to cooperate with an investigation or interference with an investigation that are filed in a county.

It is assumed that local law enforcement agencies would comply with Section 1.30 of the bill only if the funds are available to co-locate with agencies that investigate child abuse.

Costs to district and county courts to expand the use of teleconferencing and videoconferencing technology (Section 1.43) would depend upon the availability of funds and the system adopted by DFPS.

It is assumed that courts and local entities would comply with Section 1.52 of the bill only if the funds are available to develop and implement family group conferencing.

It is assumed that a commissioners court of a county would implement Section 1.63 of the bill (the family drug court program) only if the funds are available. The commissioners court may require a participant to pay the cost of all treatment and services received while in the program, based on the participant's ability to pay, and may also finance the court with federal or other funds.

Courts may see additional petitions and reviews related to medical care of a child in foster care if Section 1.65 of the bill is implemented.

Section 1.66 of the bill proposes to increase and make mandatory the Family Protection Fee. According to the Office of Court Administration (OCA), there were 111,648 suits for dissolution of marriage filed in fiscal year 2004. The bill proposes to increase the fee from an amount not to exceed \$15 to an amount not to exceed \$30, with half of the fee going to the child abuse and neglect prevention fund account. Assuming that filings remained flat and that counties set the fee at the maximum rate, implementing the fee change would result in approximately \$1.7 million for the prevention fund account and \$1.7 million for counties. Counties that currently assess the fee would not see their revenues change. Counties that do not currently assess the fee would see some additional revenue.

It is assumed that a local governmental entity would participate in the pooled funding for foster care preventive services outlined in Section 1.70 of the bill only if the funds are available.

Costs to local law enforcement to report to DFPS if children are present in a location where methamphetamine is manufactured are not expected to be significant.

Section 1.127 of the bill would impose a new court cost of \$100 for every person convicted of certain offenses against children to provide funds to a commissioners court of a county for a child abuse prevention fund. The fund could be used only for child abuse prevention programs. The amount of money raised by the new fee would depend on the number of individuals convicted under an offense under Sections 21.11, 22.011(a)(2), 22.021(a)(1)(B), 43.25, 43.251, or 43.26, Penal Code. Revenues from the fee are not expected to be significant to a county's overall budget.



It is assumed that a county would enter into agreements for appointment as a public guardian as outlined in Section 3.04 only if the funds are available. To implement Section 3.14, county clerks would incur some costs to receive and store the required statements from guardianship programs and to submit annual reports to the Guardianship Certification Board. Section 3.24, which creates the Guardianship Certification Board, could have a significant fiscal impact to the local governments. The counties would need to update their current case management system, or develop a new system to collect and report the guardianship statistics, as well as develop processes for identifying and collecting the information.

Costs to local governmental entities to implement Article 4 of the bill would depend upon the number of violators, which would then determine the number of offenders to arrest, prosecute, and fine or jail.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 301 Office of the Governor, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 308 State Auditor's Office, 320 Texas Workforce Commission, 332 Department of Housing and Community Affairs, 360 State Office of Administrative Hearings, 405 Department of Public Safety, 407 Commission on Law Enforcement Officer Standards and Education, 477 Commission on State Emergency Communications, 529 Health and Human Services Commission, 530 Department of Family and Protective Services, 537 Department of State Health Services, 538 Department of Assistive and Rehabilitative Services, 539 Department of Aging and Disability Services, 694 Youth Commission, 696 Department of Criminal Justice, 701 Central Education Agency, 781 Higher Education Coordinating Board

**LBB Staff:** JOB, CL, PP, KJG, NM, LR