

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 19, 2017

TO: Honorable Dan Patrick, Lieutenant Governor, Senate

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB999 by West (Relating to procedures for taking possession of a child and for certain hearings in a suit affecting the parent-child relationship involving the Department of Family and Protective Services.), **As Passed 2nd House**

Estimated Two-year Net Impact to General Revenue Related Funds for SB999, As Passed 2nd House: a negative impact of (\$9,768,280) through the biennium ending August 31, 2019.

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) Impact to General Revenue Related Funds
2018	(\$5,080,208)
2019	(\$4,688,072)
2020	(\$4,688,072)
2021	(\$4,688,072)
2022	(\$4,688,072)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1	Probable Savings/(Cost) from <i>Federal Funds</i> 555	Change in Number of State Employees from FY 2017
2018	(\$5,080,208)	(\$563,365)	54.6
2019	(\$4,688,072)	(\$520,527)	54.6
2020	(\$4,688,072)	(\$520,527)	54.6
2021	(\$4,688,072)	(\$520,527)	54.6
2022	(\$4,688,072)	(\$520,527)	54.6

Fiscal Analysis

The bill would amend the Family Code relating to procedures for taking possession of a child and for certain hearings in a suit affecting the parent-child relationship involving the Department of Family and Protective Services (DFPS).

The bill would prohibit DFPS from pleading for termination against more than one parent in an affidavit unless the affidavit also states fact sufficient to plead against the second parent.

The bill would require that the court conduct a hearing under Family Code, Section 262.201 not later than the 14th day after the date the amended or supplemental pleading is filed.

The bill would take effect September 1, 2017.

Methodology

According to DFPS, the agency projects the need to amend approximately 75 percent of all suits for termination against a parent in order to include a pleading for the second parent. Assuming that the number of projected suits remain constant from fiscal year 2017 at 20,249, and that each additional affidavit would require two hours of additional work, the agency would require 19.6 additional caseworker Full-time Equivalents (FTE) and 19.6 additional attorney FTEs for this purpose.

In addition, the agency estimates that 30 percent of suits would require an additional hearing for discovery of additional facts sufficient to support an amended or supplemental pleading a ground for termination against a parent who was not named in the original petition. Assuming the that additional hearings would also require two hours of additional work, the agency would require 7.7 caseworker FTEs and 7.7 attorney FTEs.

The analysis assumes that each additional FTE would cost approximately \$103,000 per FTE in All Funds in fiscal year 2018 and approximately \$95,000 per FTE in All Funds each subsequent fiscal year.

Based on information from DFPS and the Office of Court Administration, this analysis assumes the remaining duties and responsibilities of the bill could be accomplished by utilizing existing resources.

Technology

The annual technology impact totals approximately \$1,200 per FTE each fiscal year for related computer and data center services expenses.

Local Government Impact

No significant 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: UP, JGA, KCA, EP, JLi