

## **BILL ANALYSIS**

H.B. 404  
By: Villarreal  
Human Services  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The Family and Protective Services Council assists the Commissioner of the Department of Family and Protective Services in developing rules and policies for the Department. The council is composed of nine members appointed by the governor with the advice and consent of the Senate. To be eligible for appointment to the council, a person must have demonstrated an interest in and knowledge of problems and available services related to the functions of the Department.

Currently, the law does not require that a member of the council must be a person who was a child in the foster care system. House Bill 404 would add such a requirement to the law. This change is necessary to ensure that the perspective of persons who are in the foster care system is adequately represented when the council assists the Commissioner in developing rules and policies affecting the foster care system.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

The bill amends Section 40.021, Human Resources Code, to require that one of the members of the Family and Protective Services Council must be a person who was a child in the foster care system.

The change in law made by the bill would not affect the entitlement of a member of the council serving immediately before the effective date of the bill to continue to serve on the council for the term to which the member was appointed.

The bill further provides that as the terms of the members of the council expire or as vacancies on the council occur, the governor shall make appointments to the council to achieve, as soon as possible, the membership plan prescribed by Section 40.021, Human Resources Code, as amended by this bill.

### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2005.