

BILL ANALYSIS

C.S.H.B. 2670
By: Giddings
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In December of 2006, a 6 year-old girl died after being repeatedly body-slammed by her foster parent's 14 year-old son. Police had visited the DeSoto home where the 6 year-old child died about four times on unrelated disturbance calls in the year before she was killed according to reports. At least 13 children in foster care have died of abuse or neglect by foster caregivers since 2003, according to state figures.

The purpose of the substitute is to call for tougher state oversight and more rigorous background checks of foster families. Under current law, placement agencies must examine criminal backgrounds, but they don't have to check whether police have visited a home on disturbance calls.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 3 of this bill.

ANALYSIS

The substitute requires a peace officer who investigates a family violence allegation or disturbance call to determine whether the address of the persons involved matches the address of a current licensed foster home or agency foster home listed in the Texas Crime Information Center. The substitute requires a peace officer investigating a family violence incident or responding to a disturbance call involving family violence make a report to the Department of Family and Protective Services (DFPS) if the location, or known address of a person involved in the incident or call matches that of a current licensed foster home or a verified agency foster home. The substitute provides that the report is authorized to be made orally or electronically and be filed with DFPS within 24 hours of the beginning of the investigation or receipt of the disturbance call.

The substitute grants DFPS the entitlement to access the records relating to any person 14 years of age or older and who resides in a licensed foster home or a verified agency foster home. The substitute requires the department notify a child-placing agency of each family violence report the department receives under article 5.05, code of criminal procedure, that occurred at an agency foster home or involves a person who resides at an agency foster home, verified by the child placing agency.

The substitute requires the executive commissioner to adopt rules specifying the actions that the department, foster home and child-placing agency are required to take after receiving notice of a family violence report. The substitute requires an independent foster home and a child placing agency to notify the department of any change of address within the earlier of two business days or 72 hours of the date the foster home changes its address.

The substitute requires the department maintain and update on a regular basis, a database of licensed foster homes and verified agency foster homes including their current address and make the database available to the Department of Public Safety (DPS). The substitute requires DPS to include information provided by the database in the Texas Crime Information Center database and establish a procedure by which a peace officer or employee of a law enforcement agency who provides the department with a street address is automatically provided information as to

whether the address is licensed as a foster home or verified as an agency foster home. Information provided to DPS is confidential and not subject to disclosure.

The substitute provides that before the department issues a license or registration for a foster home, or a child-placing agency may issue a verification certificate for an agency foster home, the department or child placing agency must obtain information relating to each family violence report at the applicant's residence to which a law enforcement agency responded during the 12 months preceding the date of the application. The applicant is required to provide the information on a form prescribed by the department.

DFPS is required to establish the database and a method for exchanging the information required by the substitute. The substitute applies to an application for a license, registration, or certificate made on or after the effective date of this act.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute requires a peace officer determine while investigating or responding to a disturbance that may involve family violence, whether the location or address of persons involved matches the address of a current licensed foster home or verified agency. If there is a match, the peace officer is required to make a report to the Department of Family and Protective Services (DFPS)(department) orally or electronically within 24 hours of the beginning of the call or investigation.

The substitute allows DFPS access to the records relating to persons age 14 or older who reside in a foster home or a verified foster home, the bill as filed gives DFPS access to records relating to an applicant for a foster home license.

The substitute adds language requiring the notification of a child placing agency of family violence calls received by the department. The substitute requires foster homes and child placing agencies to notify the department of any change in the address of a foster home within two business days or 72 hours. The substitute requires the department include the information on the foster homes in the Texas Crime Information Center database, the information is confidential and not subject to disclosure.

The substitute requires the executive commissioner of the Health and Human Services Commission to adopt rules specifying a procedure to be followed upon the department receiving a family violence report. The bill as filed authorizes the department to adopt rules to implement a background search of family violence calls in the ten years preceding the date of application for a license for a foster home.

The substitute requires the applicant for a foster home license to provide information relating to family violence during the preceding 12 months on a form prescribed by the department.