

By: Giddings

H.B. No. 2670

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of foster care providers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 5.05(b), Code of Criminal Procedure, is amended to read as follows:

(b) Each local law enforcement agency shall establish a departmental code for identifying and retrieving family violence reports as outlined in Subsection (a) of this section. A district or county attorney or an assistant district or county attorney exercising authority in the county where the law enforcement agency maintains records under this section is entitled to access to the records. The Department of Family and Protective Services is entitled to access the records relating to an applicant for a foster home license.

SECTION 2. Subchapter C, Chapter 40, Human Resources Code, is amended by adding Section 40.074 to read as follows:

Sec. 40.074. DATABASE OF FOSTER HOMES; INFORMATION PROVIDED TO PEACE OFFICER ON REQUEST. (a) The department shall maintain a database of licensed foster homes. The database must identify each foster home that currently provides services to a foster child. The database must be updated on a regular basis.

(b) The department shall make the database available to the Department of Public Safety for the purposes of Subsection (c).

(c) The Department of Public Safety shall establish a

1 procedure by which a peace officer or employee of a law enforcement
2 agency who provides the department with a street address is
3 automatically provided information as to whether the address is
4 licensed as a foster home under Chapter 42 and whether a foster
5 child currently resides at the address.

6 SECTION 3. Subchapter C, Chapter 42, Human Resources Code,
7 is amended by adding Section 42.0448 to read as follows:

8 Sec. 42.0448. REQUIRED BACKGROUND SEARCH OF FAMILY
9 VIOLENCE CALLS. (a) Before the department may issue a license or
10 registration for a foster home, the department shall contact the
11 law enforcement agency for each city and county in which the
12 applicant resided during the 10 years preceding the date of the
13 application to determine whether the law enforcement agency
14 responded to any domestic violence reports at the applicant's
15 residence.

16 (b) Before the department may renew a license or
17 registration for a foster home, the department must contact the law
18 enforcement agency for each city and county in which the applicant
19 resided since the date of the last renewal to determine whether the
20 law enforcement agency responded to any domestic violence reports
21 at the applicant's residence.

22 (c) The department may adopt rules to implement this
23 section.

24 SECTION 4. Subchapter B, Chapter 264, Family Code, is
25 amended by adding Section 264.1064 to read as follows:

26 Sec. 264.1064. NOTICE OF LAW ENFORCEMENT CALLS. A law
27 enforcement agency shall report to the department each time the law

1 enforcement agency responds to a call from a licensed foster home.

2 SECTION 5. The Department of Family and Protective Services
3 shall establish the database required by Section 40.074, Human
4 Resources Code, as added by this Act, not later than September 1,
5 2008.

6 SECTION 6. Section 42.0448, Human Resources Code, as added
7 by this Act, applies only to an application for an original license
8 or registration or an application for a license or registration
9 renewal filed on or after the effective date of this Act. An
10 application for an original license or registration or an
11 application for a license or registration renewal filed before the
12 effective date of this Act is governed by the law in effect on the
13 date the application was filed, and the former law is continued in
14 effect for that purpose.

15 SECTION 7. This Act takes effect September 1, 2007.