

By: Rose

H.B. No. 3370

A BILL TO BE ENTITLED

AN ACT

relating to the privatization of certain child protective services functions of the Department of Family and Protective Services.

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

SECTION 1. Section 264.106, Family Code, is amended by adding Subsection (d) and amending Subsection (e) to read as follows:

(d) Before entering into a contract under this section, the department must develop a transition plan for the transfer of department functions that will be provided by a contractor.

(e) In addition to the requirements of Section 40.058(b), Human Resources Code, a contract authorized under this section must include provisions that:

(1) enable the department to monitor the effectiveness of the services;

(2) specify performance outcomes;

(3) authorize the department to terminate the contract or impose sanctions for a violation of a provision of the contract that specifies performance criteria;

(4) ensure that a private agency that is providing substitute care or case management services for a child shall provide to the child's attorney ad litem and guardian ad litem access to the agency's information and records relating to the child;

1 (5) authorize the department, an agent of the  
2 department, and the state auditor to inspect all books, records,  
3 and files maintained by a contractor relating to the contract;  
4 ~~and~~

5 (6) provide that the law applicable to the department  
6 in performing substitute care or case management services applies  
7 to the contractor performing those functions under the contract;

8 (7) limit the number of cases for which a caseworker of  
9 the contractor may be responsible;

10 (8) outline the manner in which the department and the  
11 contractor shall communicate information regarding a case; and

12 (9) the department determines are necessary to ensure  
13 accountability for the delivery of services and for the expenditure  
14 of public funds.

15 SECTION 2. Section 45.002(a), Human Resources Code, is  
16 amended to read as follows:

17 (a) Not later than September 1, 2010 [~~2008~~], the department  
18 shall contract with one or more providers of case management  
19 services in one or more geographic areas of the state as provided by  
20 Section 264.106, Family Code, with a goal of contracting for those  
21 services in five percent of the cases in this state.

22 SECTION 3. Subchapter B, Chapter 45, Human Resources Code,  
23 is amended by adding Section 45.055 to read as follows:

24 Sec. 45.055. REPORT TO LEGISLATURE. Not later than the  
25 second anniversary of the date the department enters into a  
26 contract under this chapter, the department shall submit a report  
27 to the lieutenant governor, the speaker of the house of

1 representatives, and the standing committee of each house of the  
2 legislature with primary jurisdiction over child protective  
3 services issues that summarizes the department's experience with  
4 having a private contractor provide case management or substitute  
5 care services. The report may include any recommendations for  
6 legislation the department considers appropriate.

7 SECTION 4. Section 45.153, Human Resources Code, is amended  
8 to read as follows:

9 Sec. 45.153. EXPIRATION. This chapter expires September 1,  
10 2014 [~~2012~~].

11 SECTION 5. This Act takes effect September 1, 2009.