

BILL ANALYSIS

C.S.H.B. 764
By: Guillen
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties assert that, in order to adjust to increasingly difficult fiscal constraints, a process needs to be in place to prevent providing state-funded day-care services for children who could receive services elsewhere. C.S.H.B. 764 seeks to create a standardized and documented process for the Department of Family and Protective Services to verify that the foster parent or relative or designated caregiver has attempted to find other care services for the child before the department provides monetary assistance.

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 SECTIONS 1 and 2 of this bill.

ANALYSIS

Section 531.0055, Government Code, as amended by Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, expressly grants to the executive commissioner of the Health and Human Services Commission all rulemaking authority for the operation of and provision of services by the health and human services agencies. Similarly, Sections 1.16-1.29, Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, provide for the transfer of a power, duty, function, program, or activity from a health and human services agency abolished by that act to the corresponding legacy agency. To the extent practical, this bill analysis is written to reflect any transfer of rulemaking authority and to update references as necessary to an agency's authority with respect to a particular health and human services program.

C.S.H.B. 764 amends the Family Code to require the Department of Family and Protective Services (DFPS), in accordance with rules adopted by the executive commissioner of the Health and Human Services Commission, to implement a process to verify that the foster parent or relative or designated caregiver who is seeking monetary assistance or additional support services from DFPS for day care for a foster child or other child, as applicable, has attempted to find appropriate day-care services for the child through community services, including Head Start programs, prekindergarten classes, and early education programs offered in public schools. The bill requires DFPS to specify the documentation the foster parent or relative or designated caregiver must provide to DFPS to demonstrate compliance with this requirement. The bill prohibits DFPS from providing monetary assistance or additional support services to the foster parent or relative or designated caregiver, as applicable, for the day care unless DFPS receives the required verification, except that DFPS may waive the verification requirement as necessary to make an emergency placement or as provided by executive commissioner rule.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 764 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter B, Chapter 264, Family Code, is amended by adding Section 264.124 to read as follows:

Sec. 264.124. DAY CARE FOR FOSTER CHILD. (a) In this section, "day care" means the assessment, care, training, education, custody, treatment, or supervision of a foster child by a person other than the child's foster parent for less than 24 hours a day, but at least two hours a day, three or more days a week.

(b) The department, in accordance with executive commissioner rule, shall implement a process to verify that each foster parent who is seeking monetary assistance from the department for day care for a foster child has attempted to find appropriate day-care services for the foster child through community services, including Head Start programs, prekindergarten classes, and early education programs offered in public schools. The department shall specify the documentation the foster parent must provide to the department to demonstrate compliance with the requirements established under this subsection.

(c) The department may not provide monetary assistance to a foster parent for day care for a foster child unless the department receives the verification required under Subsection (b).

SECTION 2. Section 264.755, Family Code, is amended by adding Subsection (d) to read as follows:

(d) The department, in accordance with executive commissioner rule, shall implement a process to verify that each relative and designated caregiver who is seeking monetary assistance or additional

HOUSE COMMITTEE SUBSTITUTE

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(b) The department, in accordance with executive commissioner rule, shall implement a process to verify that each foster parent who is seeking monetary assistance from the department for day care for a foster child has attempted to find appropriate day-care services for the foster child through community services, including Head Start programs, prekindergarten classes, and early education programs offered in public schools. The department shall specify the documentation the foster parent must provide to the department to demonstrate compliance with the requirements established under this subsection.

(c) Unless the verification is waived as provided by this subsection, the department may not provide monetary assistance to a foster parent for day care for a foster child unless the department receives the verification required under Subsection (b). The department may waive the verification requirement as necessary to make an emergency placement or as provided by department rule.

SECTION 2. Section 264.755, Family Code, is amended by adding Subsection (d) to read as follows:

(d) The department, in accordance with executive commissioner rule, shall implement a process to verify that each relative and designated caregiver who is seeking monetary assistance or additional

support services from the department for day care as defined by Section 264.124 for a child under this section has attempted to find appropriate day-care services for the child through community services, including Head Start programs, prekindergarten classes, and early education programs offered in public schools. The department shall specify the documentation the relative or designated caregiver must provide to the department to demonstrate compliance with the requirements established under this subsection. The department may not provide monetary assistance or additional support services to the relative or designated caregiver for the day care unless the department receives the required verification.

SECTION 3. This Act takes effect September 1, 2013.

support services from the department for day care as defined by Section 264.124 for a child under this section has attempted to find appropriate day-care services for the child through community services, including Head Start programs, prekindergarten classes, and early education programs offered in public schools. The department shall specify the documentation the relative or designated caregiver must provide to the department to demonstrate compliance with the requirements established under this subsection. Unless the verification is waived as provided by this subsection, the department may not provide monetary assistance or additional support services to the relative or designated caregiver for the day care unless the department receives the required verification. The department may waive the verification requirement as necessary to make an emergency placement or as provided by department rule.

SECTION 3. Same as introduced version.