

BILL ANALYSIS

C.S.H.B. 1180
By: Cortez
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been asserted that, because consultation with certain involved parties is recommended but not required when the Department of Family and Protective Services makes a foster care placement decision, children sometimes have to go through multiple placements before being placed in the most appropriate care setting. C.S.H.B. 1180 seeks to decrease the number of times a child changes placements by ensuring input from more parties during the placement decision process.

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

C.S.H.B. 1180 amends the Family Code to specify, in a provision requiring the Department of Family and Protective Services (DFPS) to consult with a child's attorney ad litem, guardian ad litem, or court-appointed volunteer advocate in making a decision regarding the placement of the child in contract residential care, that DFPS is required to consult with all of those individuals in making such a decision. The bill excepts DFPS from that requirement when making an emergency placement that does not allow time for the required consultations. The bill requires DFPS, if the department is not able to consult with one of the required individuals before making an emergency placement decision, to notify and consult with the applicable individual regarding the placement not later than the end of the next business day after the placement is made.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1180 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. Section 264.107, Family Code, is amended by amending Subsection (e) and adding Subsection (e-1) to read as follows:

(e) In making placement decisions, the department shall:

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 264.107, Family Code, is amended by amending Subsection (e) and adding Subsection (e-1) to read as follows:

(e) In making placement decisions, the department shall:

83R 15477

13.72.479

Substitute Document Number: 83R 13355

(1) consult with:
(A) the child's caseworker; and
(B) except when making an emergency placement that does not allow time for the required consultations, the child's attorney ad litem and [-] guardian ad litem and with any[-,or] court-appointed volunteer advocate for the child [~~when possible~~]; and
(2) use clinical protocols to match a child to the most appropriate placement resource.
(e-1) If the department is not able to consult with an individual listed in Subsection (e)(1)(B) before the department makes a placement decision, the department, not later than the day after the placement is made, shall notify and consult with that individual regarding the placement.

SECTION 2. Section 264.107, Family Code, as amended by this Act, applies only to a foster care placement decision made by the Department of Family and Protective Services on or after the effective date of this Act.

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

(1) consult with:
(A) the child's caseworker; and
(B) except when making an emergency placement that does not allow time for the required consultations, the child's attorney ad litem and [-] guardian ad litem and with any[-,or] court-appointed volunteer advocate for the child [~~when possible~~]; and
(2) use clinical protocols to match a child to the most appropriate placement resource.
(e-1) If the department is not able to consult with an individual listed in Subsection (e)(1)(B) before the department makes an **emergency** placement decision, the department, not later than the **end of the next business** day after the placement is made, shall notify and consult with that individual regarding the placement.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.