

BILL ANALYSIS

Senate Research Center

S.B. 430
By: Nelson
Health & Human Services
7/8/2013
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the Department of Family and Protective Services (DFPS) provides day-care services for children in foster, relative, and protective care. There are certain communities that provide similar services, but no standardized process at DFPS to verify that the state is the provider of last resort.

S.B. 430 seeks to ensure that all community resources are exhausted before DFPS provides monetary assistance for or additional support services from DFPS for day-care services in the foster care system.

S.B. 430 amends current law relating to verification of the unavailability of community day care before the Department of Family and Protective Services provides day-care assistance or services.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of Health and Human Services Commission in SECTION 1 (Section 264.124, Family Code) and SECTION 2 (Section 264.755, Family Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 264, Family Code, by adding Section 264.124, as follows:

Sec. 264.124. DAY CARE FOR FOSTER CHILD. (a) Defines "day care" in this section.

(b) Requires the Department of Family and Protective Services (DFPS), in accordance with executive commissioner of Health and Human Services Commission (executive commissioner) rule, to implement a process to verify that each foster parent who is seeking monetary assistance from DFPS 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. Requires DFPS to specify the documentation the foster parent is required to provide to DFPS to demonstrate compliance with the requirements established under this subsection.

(c) Prohibits DFPS, except as provided by Subsection (d), from providing monetary assistance to a foster parent for day care for a foster child unless DFPS receives the verification required under Subsection (b).

(d) Authorizes DFPS to provide monetary assistance to a foster parent for a foster child without the verification required under Subsection (b) if DFPS determines the verification would prevent an emergency placement that is in the child's best interest.

SECTION 2. Amends Section 264.755, Family Code, by adding Subsections (d) and (e), as follows:

(d) Requires DFPS, in accordance with executive commissioner rule, to implement a process to verify that each relative and designated caregiver who is seeking monetary assistance or additional support services from DFPS 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. Requires DFPS to specify the documentation the relative or designated caregiver is required to provide to DFPS to demonstrate compliance with the requirements established under this subsection. Prohibits DFPS from providing monetary assistance or additional support services to the relative or designated caregiver for the day care unless DFPS receives the required verification.

(e) Authorizes DFPS to provide monetary assistance or additional support services to a relative or designated caregiver for day care without the verification required under Subsection (d) if DFPS determines the verification would prevent an emergency placement that is in the child's best interest.

SECTION 3. Effective date: September 1, 2013.