

## **BILL ANALYSIS**

S.B. 430  
By: Nelson  
Human Services  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The Department of Family and Protective Services (DFPS) currently provides day-care services for children in foster, relative, and protective care. Interested parties note that while there are certain communities that provide similar services, there is no standardized process for 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 or additional support services for day-care services under certain circumstances.

### **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**

S.B. 430 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 defines "day care" to mean 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. 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 provide monetary assistance or additional support services to a foster parent or relative or designated caregiver for day care without verification if DFPS determines the verification would prevent an emergency placement that is in the child's best interest.

### **EFFECTIVE DATE**

September 1, 2013.