

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 781
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Health & Human Services
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties maintain that there is a need for increased oversight of substitute care providers by the Texas Department of Family and Protective Services (DFPS) and for a greater awareness regarding the evaluation and training process required to be undertaken by these caregivers. The parties contend that the implementation of best practice standards and additional training requirements for potential caregivers would promote transparency and provide future caregivers with the knowledge needed to be a positive influence in the lives of the children they serve. C.S.H.B. 781 seeks to ensure that the welfare of children receiving substitute care services is properly monitored by individuals and organizations upholding a high standard of practice.

C.S.H.B. 781 amends the Human Resources Code to require a contract for residential child-care services provided by a general residential operation or by a child-placing agency to include provisions that enable DFPS to monitor the effectiveness of the services; specify performance outcomes; authorize DFPS to terminate the contract or impose sanctions for a violation of a contract provision that specifies performance criteria; authorize DFPS, an agent of DFPS, and the state auditor to inspect all contract-related books, records, and files maintained by a contractor; and are necessary, as determined by DFPS, to ensure accountability for the delivery of services and for the expenditure of public funds. The bill requires a DFPS contract with a private agency for the provision of substitute care or case management services for a child to include provisions that require the agency to provide access to the agency's information and records relating to the child to the child's attorney ad litem and guardian ad litem. The bill requires DFPS, in contracting with licensed child-placing agencies for residential child-care services, to determine and evaluate, using best practice standards, the home screening, assessment, and preservice training requirements used by substitute care providers before the verification and approval of caregivers, including the risk assessment evaluations used and the curriculum and models used and topics covered in caregiver training. The bill requires DFPS to publish the information collected by DFPS regarding the curriculum and training models used and topics covered during caregiver training by substitute care providers on DFPS's website.

C.S.H.B. 781 requires DFPS to include a provision in each contract with a child-placing agency with whom children in the managing conservatorship of DFPS are placed that requires the child-placing agency to provide at least 35 hours of competency-based, preservice training to a potential caregiver before the child-placing agency verifies or approves the caregiver as a foster or adoptive home. The bill requires DFPS to adopt policies to ensure that each potential caregiver receives at least 35 hours of competency-based, preservice training before DFPS verifies or approves the caregiver as a foster or adoptive home.

C.S.H.B. 781 repeals Section 40.058(b-1), Human Resources Code, requiring a DFPS contract for the purchase of substitute care services to be procured using DFPS procurement procedures or procurement procedures approved by the executive commissioner of the Health and Human Services Commission that promote open and fair competition.

C.S.H.B. 781 states that all current individuals going through the process to become a foster parent are excluded from this new requirement.

C.S.H.B. 781 states that kinship caregivers are not included and can still complete an abbreviated number hours of training.

C.S.H.B. 781 has cleanup changes to reflect passage of S.B. 219, 84th Legislature, Regular Session, 2015.

C.S.H.B. 781 amends current law relating to caregiver screening and training by substitute care providers for children in the conservatorship of the Department of Family and Protective Services.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 40.058, Human Resources Code, by adding Subsections (f), (g), and (h), as follows:

(f) Requires that a contract for residential child-care services provided by a general residential operation or by a child-placing agency include provisions that:

(1) enable the Department of Family and Protective Services (DFPS) to monitor the effectiveness of the services;

(2) specify performance outcomes;

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

(4) authorize DFPS, an agent of DFPS, and the state auditor to inspect all books, records, and files maintained by a contractor relating to the contract; and

(5) are necessary, as determined by DFPS, to ensure accountability for the delivery of services and for the expenditure of public funds.

(g) Requires that a contract with a private agency for the provision of substitute care or case management services for a child include provisions that require the agency to provide access to the agency's information and records relating to the child to the child's attorney ad litem and guardian ad litem.

(h) Requires DFPS, in contracting with licensed child-placing agencies for residential child-care services, to:

(1) determine and evaluate, using best practice standards, the home screening, assessment, and preservice training requirements used by substitute care providers before the verification and approval of caregivers, including:

(A) risk assessment evaluations used; and

(B) the curriculum and models used and topics covered in caregiver training; and

(2) publish on DFPS's Internet website the information collected by DFPS regarding the curriculum and training models used and topics covered during caregiver training by substitute care providers.

SECTION 2. Amends Subchapter C, Chapter 42, Human Resources Code, by adding Section 42.0537, as follows:

Sec. 42.0537. CAREGIVER TRAINING REQUIREMENT. (a) Requires DFPS to include a provision in each contract with a child-placing agency with whom children in

the managing conservatorship of DFPS are placed that requires the child-placing agency to provide at least 35 hours of competency-based, preservice training to a potential caregiver before the child-placing agency verifies or approves the caregiver as a foster or adoptive home.

(b) Requires DFPS to adopt policies to ensure that each potential caregiver receives at least 35 hours of competency-based, preservice training before DFPS verifies or approves the caregiver as a foster or adoptive home.

(c) Provides that the training required by this section does not apply to an individual who has been designated as a kinship caregiver and who is pursuing verification or licensure as a foster parent or approval as an adoptive parent.

SECTION 3. Provides that the preservice training requirement under Section 42.0537, Human Resources Code, as added by this Act, does not apply to an individual who was verified or approved as a caregiver by a substitute care provider before the effective date of this Act or to an individual who is in the process of being verified or approved as a caregiver by a substitute care provider on the effective date of this Act.

SECTION 4. Effective date: September 1, 2015.