

By: Burkett, Naishtat

H.B. No. 781

A BILL TO BE ENTITLED

1 AN ACT
2 relating to caregiver screening and training by substitute care
3 providers for children in the conservatorship of the Department of
4 Family and Protective Services.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 40.058, Human Resources Code, is amended
7 by adding Subsections (f), (g), and (h) to read as follows:

8 (f) A contract for residential child-care services provided
9 by a general residential operation or by a child-placing agency
10 must include provisions that:

11 (1) enable the department to monitor the effectiveness
12 of the services;

13 (2) specify performance outcomes;

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

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

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

23 (g) A contract with a private agency for the provision of
24 substitute care or case management services for a child must

1 include provisions that require the agency to provide access to the
2 agency's information and records relating to the child to the
3 child's attorney ad litem and guardian ad litem.

4 (h) In contracting with licensed child-placing agencies for
5 residential child-care services, the department shall:

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

10 (A) risk assessment evaluations used; and

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

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

17 SECTION 2. Subchapter C, Chapter 42, Human Resources Code,
18 is amended by adding Section 42.0537 to read as follows:

19 Sec. 42.0537. CAREGIVER TRAINING REQUIREMENT. (a) The
20 department shall include a provision in each contract with a
21 child-placing agency with whom children in the managing
22 conservatorship of the department are placed that requires the
23 child-placing agency to provide at least 35 hours of
24 competency-based, preservice training to a potential caregiver
25 before the child-placing agency verifies or approves the caregiver
26 as a foster or adoptive home.

27 (b) The department shall adopt policies to ensure that each

1 potential caregiver receives at least 35 hours of competency-based,
2 preservice training before the department verifies or approves the
3 caregiver as a foster or adoptive home.

4 SECTION 3. Section 40.058(b-1), Human Resources Code, is
5 repealed.

6 SECTION 4. The preservice training requirement under
7 Section 42.0537, Human Resources Code, as added by this Act, does
8 not apply to an individual who was verified or approved as a
9 caregiver by a substitute care provider before the effective date
10 of this Act, to an individual who is in the process of being
11 verified or approved as a caregiver by a substitute care provider on
12 the effective date of this Act, or to an individual who has been
13 designated as a kinship caregiver and who, on the effective date of
14 this Act, is pursuing verification or licensure as a foster parent
15 or approval as an adoptive parent with the Department of Family and
16 Protective Services.

17 SECTION 5. This Act takes effect September 1, 2015.