

By: Burkett, Naishtat

H.B. No. 781

Substitute the following for H.B. No. 781:

By: Raymond

C.S.H.B. No. 781

A BILL TO BE ENTITLED

AN ACT

relating to caregiver screening and training by substitute care providers for children in the conservatorship of the Department of Family and Protective Services.

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

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

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

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

(2) specify performance outcomes;

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

(4) authorize the department, an agent of the department, 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 the department, to ensure accountability for the delivery of services and for the expenditure of public funds.

(g) A contract with a private agency for the provision of 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.