

By: Burkett

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. Sections 264.106(b) and (e), Family Code, are
7 amended to read as follows:

8 (b) The department shall [~~in accordance with Chapter 45,~~
9 ~~Human Resources Code~~]:

10 (1) assess the need for substitute care services
11 throughout the state;

12 (2) contract with substitute care providers for the
13 provision of all necessary substitute care services when the
14 department determines that entering into a contract will improve
15 services to children and families;

16 (3) monitor the quality of services for which the
17 department contracts under this section;

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

22 (A) risk assessment evaluations used; and

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

1 (5) publish on the department's Internet website the
2 information collected by the department regarding the curriculum
3 and training models used and topics covered during caregiver
4 training by substitute care providers; and

5 (6) [~~4~~] ensure that the services are provided in
6 accordance with federal law and the laws of this state, including
7 department rules and rules of the Department of State Health
8 Services and the Texas Commission on Environmental Quality.

9 (e) In addition to the requirements of Section 40.058(b),
10 Human Resources Code, a contract authorized under this section must
11 include provisions that:

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

14 (2) specify performance outcomes;

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

18 (4) ensure that a private agency that is providing
19 substitute care or case management services for a child shall
20 provide to the child's attorney ad litem and guardian ad litem
21 access to the agency's information and records relating to the
22 child;

23 (5) authorize the department, an agent of the
24 department, and the state auditor to inspect all books, records,
25 and files maintained by a contractor relating to the contract;

26 (6) require each substitute care provider to provide
27 at least 35 hours of competency-based, preservice training to

1 potential caregivers before verifying or approving the caregiver;

2 and

3 (7) [~~(6)~~] the department determines are necessary to
4 ensure accountability for the delivery of services and for the
5 expenditure of public funds.

6 SECTION 2. This Act takes effect September 1, 2015.