

By: Dutton

H.B. No. 1371

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of an office of consumer affairs for children in foster care.

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

SECTION 1. Chapter 531, Government Code, is amended by adding Subchapter Y to read as follows:

SUBCHAPTER Y. OFFICE OF CONSUMER AFFAIRS FOR CHILDREN IN FOSTER CARE

Sec. 531.991. DEFINITIONS. In this subchapter:

(1) "Department" means the Department of Family and Protective Services.

(2) "Office" means the office of consumer affairs for children in foster care.

Sec. 531.992. OFFICE; STAFF. (a) The office of consumer affairs for children in foster care is an office in the commission.

(b) The executive commissioner shall employ staff as needed to carry out the duties of the office.

Sec. 531.993. DUTIES OF OFFICE. The office shall:

(1) develop statewide procedures in order to receive inquiries and complaints from children in the conservatorship of the department;

(2) review complaints and inquiries filed with the office relating to a child in the conservatorship of the department;

1 (3) investigate each complaint described by
2 Subdivision (2);

3 (4) if a complaint filed with the office alleges the
4 abuse, neglect, or exploitation of a child, assist the child making
5 the complaint in reporting the allegation to the department and
6 open a case for the duration of the department's investigation of
7 the allegation;

8 (5) issue and file with the department a final report
9 that contains the office's final determination of a complaint's
10 merit and any recommended corrective actions to be taken by the
11 department; and

12 (6) establish a secure form of communication with a
13 child who files a complaint with the office in order to ensure that
14 the child is informed of the results of the office's investigation
15 of the child's complaint, including whether the office was able to
16 substantiate the child's complaint.

17 Sec. 531.994. INVESTIGATION OF UNREPORTED COMPLAINTS. If
18 during the investigation of a complaint the office discovers
19 unreported violations of the department's rules and policies, the
20 office shall open a new investigation for each unreported
21 violation.

22 Sec. 531.995. ACCESS TO INFORMATION. The department shall
23 provide the office access to the department's records that relate
24 to a complaint the office is investigating.

25 Sec. 531.996. COMMUNICATION AND CONFIDENTIALITY. (a) The
26 department shall allow any department employee and any child in the
27 conservatorship of the department to communicate with the office.

1 The communication:

2 (1) may be in person, by telephone, by mail, or by any
3 other means; and

4 (2) is confidential and privileged.

5 (b) The records of the office are confidential, except that
6 the office shall disclose the office's records if required by a
7 court order on a showing of good cause.

8 (c) The office may make public reports relating to an
9 investigation after the investigation is complete. The office shall
10 redact the names of all children, parents, and employees from the
11 report and maintain the confidentiality of that information.

12 Sec. 531.997. RETALIATION PROHIBITED. (a) The department
13 may not retaliate against a department employee or any other person
14 who in good faith makes an inquiry or complaint to the office or
15 cooperates with the office in an investigation.

16 (b) The office shall collaborate with the division of the
17 department responsible for child care licensing to create
18 consequences, based on the extent of the offense and the severity of
19 the retaliation, for any person who is found to have engaged in
20 retaliation against a child in the conservatorship of the
21 department.

22 Sec. 531.998. PROMOTION OF OFFICE. (a) The office shall
23 annually develop and implement an outreach plan to promote
24 awareness among the public, children, and all facilities licensed
25 by the department of:

26 (1) the purpose of the office;

27 (2) the services the office provides; and

1 (3) how the office may be contacted.

2 (b) The office shall ensure that:

3 (1) all residential facilities in which children in
4 the conservatorship of the department are placed display
5 information about the office and the process for filing a complaint
6 with the office in a location that is easily accessible to children
7 residing at the facility; and

8 (2) information about the office and the complaint
9 process is provided to:

10 (A) guardians ad litem and court appointed
11 special advocates for children in the conservatorship of the
12 department; and

13 (B) staff members of the department.

14 Sec. 531.999. REPORT. (a) The office shall prepare an
15 annual report that contains:

16 (1) a description of the office's work, including a
17 summary of each complaint the office received and investigated and
18 the manner in which each complaint was resolved;

19 (2) any change made by the department, either at the
20 regional or statewide level, in response to a substantiated
21 complaint against the department;

22 (3) a description of any trends in the nature of
23 inquiries or complaints received by the office and any policy
24 recommendations related to addressing those trends;

25 (4) a glossary of terms used in the report;

26 (5) a description of the methods used to promote
27 awareness of the office under Section 531.998 and the office's

1 promotion plan for the next year; and

2 (6) any public feedback received by the office
3 relating to the office's previous annual reports.

4 (b) The report must be submitted to the executive
5 commissioner and the commissioner of the department not later than
6 October 1 of each year. On receipt of the report, the department
7 shall make the report publicly available on the department's
8 Internet website.

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