

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

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.

ADOPTED

MAY 26 2015

*Atty. Gen.*  
Secretary of the Senate

By: *Chad Perry*

H..B. No. 781

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

By: *[Signature]*

C.S. H..B. No. 781

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14 (3) authorize the department to terminate the contract  
15 or impose sanctions for a violation of a provision of the contract  
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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  
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23 (g) A contract with a private agency for the provision of  
24 substitute care or case management services for a child must

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

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

15 SECTION 4. This Act takes effect September 1, 2015.

LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 27, 2015

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB781** by Burkett (Relating to caregiver screening and training by substitute care providers for children in the conservatorship of the Department of Family and Protective Services.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill would amend Chapters 40 and 42 of the Human Resources Code and would require the Department of Family and Protective Services (DFPS) to make modifications to contracts with certain providers. The bill would require DFPS to determine and evaluate the home screening, assessment, and pre-service training requirements used by substitute care providers before the verification and approval of caregivers and to publish that information on the department's website. The bill would require DFPS to adopt policies to ensure certain caregivers receive at least 35 hours of pre-service training before being verified as a foster or adoptive home.

The Department of Family and Protective Services indicates they can implement the provisions of the bill within existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 530 Family and Protective Services, Department of

**LBB Staff:** UP, SD, NB, WP, SJ

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 20, 2015**

**TO:** Honorable Charles Schwertner, Chair, Senate Committee on Health & Human Services

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB781** by Burkett (Relating to caregiver screening and training by substitute care providers for children in the conservatorship of the Department of Family and Protective Services.), **Committee Report 2nd House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 530 Family and Protective Services, Department of

**LBB Staff:** UP, NB, WP, SJ

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 14, 2015**

**TO:** Honorable Charles Schwertner, Chair, Senate Committee on Health & Human Services

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB781** by Burkett (Relating to caregiver screening and training by substitute care providers for children in the conservatorship of the Department of Family and Protective Services.), **As Engrossed**

<b>No significant fiscal implication to the State is anticipated.</b>
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**Source Agencies:** 530 Family and Protective Services, Department of

**LBB Staff:** UP, NB, WP, SJ

LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION  
Revision 1

April 8, 2015

**TO:** Honorable Richard Peña Raymond, Chair, House Committee on Human Services

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** **HB781** by Burkett (relating to caregiver screening and training by substitute care providers for children in the conservatorship of the Department of Family and Protective Services.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend Chapters 40 and 42 of the Human Resources Code and would require the Department of Family and Protective Services (DFPS) to make modifications to contracts with certain providers. The bill would require DFPS to determine and evaluate the home screening, assessment, and pre-service training requirements used by substitute care providers before the verification and approval of caregivers and to publish that information on the department's website. The bill would require DFPS to adopt policies to ensure certain caregivers receive at least 35 hours of pre-service training before being verified as a foster or adoptive home.

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**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 530 Family and Protective Services, Department of

**LBB Staff:** UP, NB, WP, SJ

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**April 1, 2015**

**TO:** Honorable Richard Peña Raymond, Chair, House Committee on Human Services

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB781** by Burkett ( relating to caregiver screening and training by substitute care providers for children in the conservatorship of the Department of Family and Protective Services.), **Committee Report 1st House, Substituted**

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**Source Agencies:** 530 Family and Protective Services, Department of

**LBB Staff:** UP, NB, WP, SJ

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

March 6, 2015

**TO:** Honorable Richard Peña Raymond, Chair, House Committee on Human Services

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB781** by Burkett (Relating to caregiver screening and training by substitute care providers for children in the conservatorship of the Department of Family and Protective Services.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB781, As Introduced: a negative impact of (\$535,752) through the biennium ending August 31, 2017.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	(\$267,876)
2017	(\$267,876)
2018	(\$267,876)
2019	(\$267,876)
2020	(\$267,876)

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1	Change in Number of State Employees from FY 2015
2016	(\$267,876)	3.7
2017	(\$267,876)	3.7
2018	(\$267,876)	3.7
2019	(\$267,876)	3.7
2020	(\$267,876)	3.7

**Fiscal Analysis**

The bill would amend Chapter 264 of the Family Code to require the Department of Family and Protective Services (DFPS) to study various screening, assessment and pre-service training requirements used by substitute care providers. Additionally, the bill would require DFPS and

each substitute care provider to increase pre-service training for potential caregivers.

### **Methodology**

Based on analysis provided by DFPS, the Department would need to provide 4,028 additional hours of training. Each worker has 130 hours available each month to provide training. It is assumed that an additional 2.6 Foster/Adopt staff would be needed to accommodate the increase in the training requirement (4,028 increase in hours/130 available hours in a month/12 months in a year =2.6 FTEs). It is assumed the agency would need \$205,151 in each fiscal year to pay for salaries and benefits. All other operating expenses, including costs for 0.1 FTE at HHSC for regional support, is estimated to be \$62,725 each fiscal year.

The bill may increase costs to Child Placing Agencies, including the Single Source Continuum Contractors (SSCC) who are the lead agencies for Foster Care Redesign. DFPS estimates that only 33% of providers are currently meeting the pre-service training requirement set forth by the bill. Additional costs to the remaining providers are not reflected here.

### **Local Government Impact**

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**Source Agencies:** 530 Family and Protective Services, Department of

**LBB Staff:** UP, NB, WP, SJ