

BILL ANALYSIS

C.S.H.B. 39
By: Wu
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that child protective services caseworkers work with limited resources under challenging circumstances. C.S.H.B. 39 seeks to support the existing child protective services system by creating programs and procedures that respond to service gaps, providing resources for parties involved in child welfare and the foster care system, and establishing a more efficient case management system.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 39 amends the Family Code to replace the requirement that the Department of Family and Protective Services (DFPS) assess whether a child has a developmental or intellectual disability as soon as possible after the child begins receiving foster care with a requirement that DFPS do so as soon as possible after the child is placed in the managing conservatorship of DFPS. The bill requires DFPS, if that assessment indicates that the child might have an intellectual disability, to ensure that a referral for a determination of intellectual disability is made as soon as possible and that the determination is conducted by a specified authorized provider before the date of the child's 16th birthday, if practicable. The bill requires a determination of intellectual disability of a child who placed in the managing conservatorship of DFPS after the child's 16th birthday to be conducted as soon as possible after DFPS assesses whether the child has a developmental or intellectual disability.

C.S.H.B. 39 requires DFPS to ensure that each child who has been taken into the conservatorship of DFPS and remains in the conservatorship of DFPS for more than three business days, other than a child admitted to an inpatient medical facility, is examined by and receives an initial medical examination and a mental health screening from a physician or other health care provider authorized under state law to conduct medical examinations not later than the end of the third business day after the date the child enters the conservatorship of DFPS or, for a child located in a rural area, not later than the seventh business day after the date the child enters DFPS conservatorship. The bill requires DFPS to collaborate with the Health and Human Services Commission (HHSC) and relevant medical practitioners to develop guidelines for that examination. The bill adds a temporary provision set to expire September 1, 2021, requiring DFPS, not later than December 31, 2019, to submit a report to the standing committees of the house of representatives and the senate with primary jurisdiction over child protective services and foster care evaluating the statewide implementation of the required medical examination of

such children and including the level of compliance with the applicable requirements in each region of Texas. The bill requires DFPS to implement these bill provisions relating to medical examinations not later than December 31, 2018.

C.S.H.B. 39 requires DFPS, in addition to foster parent recruitment from nonprofit or faith-based organizations and subject to the availability of funds, to collaborate with current foster and adoptive parents to develop and implement a foster care provider recruitment plan and sets out the required components of the recruitment plan.

C.S.H.B. 39 requires DFPS to collaborate with foster care youth and local workforce development boards, foster care transition centers, community and technical colleges, schools, and any other appropriate workforce industry resource to create a program that assists foster care youth and former foster care youth in obtaining a high school diploma or a high school equivalency certificate and industry certifications necessary for high demand occupations, that provides career guidance to foster care youth and former foster care youth, and that informs foster care youth and former foster care youth about the tuition and fee waivers for institutions of higher education that are available to certain students who are or have been under DFPS conservatorship and about available programs that provide housing assistance, educational assistance, and any other service to assist foster care youth and former foster care youth with transitioning to independent living.

C.S.H.B. 39 requires DFPS to expedite the evaluation of a potential caregiver to care for a child in a parental child safety placement to ensure that the child is placed with a caregiver who has the ability to protect the child from the alleged perpetrator of abuse or neglect against the child.

C.S.H.B. 39 amends the Government Code to require the attorney general to appoint an employee for each regional office of DFPS that provides child protective services to serve as a liaison to DFPS for that regional office. The bill expressly does not require DFPS to provide the liaison with an office in the DFPS regional office. The bill requires the liaison to serve as a point of contact for the attorney general's office to increase communication between the regional office and the attorney general's office, to provide assistance to the regional office in locating absent parents of children in the managing conservatorship of DFPS, and to provide to the regional office information in the attorney general's child support database that will enable the regional office to locate absent parents of children in the managing conservatorship of DFPS.

C.S.H.B. 39 includes the Texas Education Agency (TEA) among the agencies required to enter into a joint memorandum of understanding to promote a system of local-level interagency staffing groups to coordinate services for persons needing multiagency services and clarifies that the health and human services agencies required to enter into that joint memorandum of understanding are HHSC, DFPS, and the Department of State Health Services (DSHS). The bill includes the identification of services for such persons as a purpose of the joint memorandum of understanding. The bill requires the division within HHSC that coordinates the policy and delivery of mental health services to oversee the development and implementation of the joint memorandum of understanding. The bill revises the examples of subcategories for different services required to be included in the memorandum to clarify the statutory responsibilities of each agency in relation to persons needing multiagency services. The bill requires the agencies to ensure that a state-level interagency staffing group provides information and guidance to local-level interagency staffing groups regarding the availability of programs and resources in the community and best practices for addressing the needs of persons with complex needs. The bill requires HHSC, DFPS, DSHS, TEA, the Texas Correctional Office on Offenders with Medical or Mental Impairments, the Texas Department of Criminal Justice, the Texas Department of Housing and Community Affairs, the Texas Workforce Commission, and the Texas Juvenile Justice Department to update the joint memorandum of understanding not later than December 1, 2017.

C.S.H.B. 39 excepts from the public-availability requirement of state public information law information that relates to the home address, home telephone number, emergency contact

information, or social security number of a current or former DFPS employee or a current or former employee of a DFPS contractor performing services for the contractor on behalf of DFPS and information that reveals whether such a person has family members, with certain exceptions. The bill makes applicable to such a person statutory provisions relating to the confidentiality of certain personal identifying information of peace officers, county jailers, security officers, employees of certain criminal or juvenile justice agencies or offices, and federal and state judges.

C.S.H.B. 39 amends the Human Resources Code to require DFPS to designate an office as the nonprofit agency services coordinator to serve as a liaison between DFPS and nonprofit agencies that provide adoption services and assistance to families in crisis and children in care. The bill requires DFPS to manage the duties of caseworkers to maintain the safety of children in child protective services by establishing and implementing a caseload management system that assesses the current and potential risk of harm from abuse or neglect to each child in DFPS care, determines the appropriate number of cases to be assigned to a caseworker based on such a risk assessment for the children assigned to the caseworker, and limits the number of children with a higher risk assessment that may be assigned to any one caseworker. The bill requires DFPS to make risk assessment guidelines available to the public and accessible on the DFPS website and to disclose the results of the assessment for a child to the court and each party to the case in a suit by a governmental entity to protect the health and safety of the child before the date the full adversary hearing is held. The bill makes information relating to such a risk assessment inadmissible as evidence in a court. The bill requires DFPS to ensure that each child protective services caseworker who interacts with children on a daily basis receives evidence-based training in trauma-based care.

C.S.H.B. 39 requires DFPS to collaborate with the Office of Court Administration of the Texas Judicial System, the Supreme Court of Texas Children's Commission, and any other appropriate interested parties to compile and publish on the DFPS website resources for judges, attorneys, and other persons involved in the child welfare system to support consistent practices statewide.

C.S.H.B. 39 requires DFPS, in consultation with affected providers and other interested parties, to evaluate the need for and develop any necessary protocols and any associated best practice standards for the temporary placement of a child for not more than 30 days in a foster home, foster group home, agency foster home, agency foster group home, or cottage home to allow the child to remain in the child's community while DFPS secures a safe and suitable long-term placement for the child.

C.S.H.B. 39 amends the Tax Code to make statutory provisions relating to the confidentiality of certain home address information in property appraisal records applicable to a current or former DFPS employee or a current or former employee of a DFPS contractor performing services for the contractor on behalf of DFPS.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 39 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

No equivalent provision.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 264.1075, Family Code, is amended by amending Subsection (b) and adding Subsection (c) to read as

follows:

(b) As soon as possible after a child is placed in the managing conservatorship of the department ~~[begins receiving foster care under this subchapter]~~, the department shall assess whether the child has a developmental or intellectual disability.

(c) If the assessment required by Subsection (b) indicates that the child might have an intellectual disability, the department shall ensure that a referral for a determination of intellectual disability is made as soon as possible and that the determination is conducted by an authorized provider before the date of the child's 16th birthday, if practicable. If the child is placed in the managing conservatorship of the department after the child's 16th birthday, the determination of intellectual disability must be conducted as soon as possible after the assessment required by Subsection (b). In this subsection, "authorized provider" has the meaning assigned by Section 593.004, Health and Safety Code.

No equivalent provision.

SECTION 2. Subchapter B, Chapter 264, Family Code, is amended by adding Section 264.1076 to read as follows:

Sec. 264.1076. MEDICAL EXAMINATION REQUIRED. (a) This section applies only to a child who has been taken into the conservatorship of the department and remains in the conservatorship of the department for more than three business days other than a child admitted to an inpatient medical facility.

(b) The department shall ensure that each child described by Subsection (a) is examined by and receives an initial medical examination and a mental health screening from a physician or other health care provider authorized under state law to conduct medical examinations not later than the end of the third business day after the date the child enters the conservatorship of the department or not later than the seventh business day after the date the child enters the conservatorship of the department, if the child is located in a rural area, as that term is defined by Section 845.002, Insurance Code.

(c) The department shall collaborate with the commission and relevant medical practitioners to develop guidelines for the medical examination conducted under this section, including guidelines on the

components to be included in the examination.

(d) Not later than December 31, 2019, the department shall submit a report to the standing committees of the house of representatives and the senate with primary jurisdiction over child protective services and foster care evaluating the statewide implementation of the medical examination required by this section. The report must include the level of compliance with the requirements of this section in each region of the state. This subsection expires September 1, 2021.

No equivalent provision.

SECTION 3. Subchapter B, Chapter 264, Family Code, is amended by adding Section 264.1131 to read as follows:

Sec. 264.1131. FOSTER CARE PROVIDER RECRUITMENT PLAN. In addition to foster parent recruitment from nonprofit organizations and from organizations under Section 264.113, the department shall, subject to the availability of funds, collaborate with current foster and adoptive parents to develop and implement a foster care provider recruitment plan. The plan must:

(1) use data analysis, social media, partnerships with faith-based and volunteer organizations, and other strategies for recruitment, including targeted and child-focused recruitment;

(2) identify the number of available foster care providers for children with high needs in order to expand the use of therapeutic or treatment foster care for children in those placements;

(3) require the provision of:

(A) quality customer service to prospective and current foster and adoptive parents; and

(B) assistance to prospective foster parents with the certification and placement process;

(4) include strategies for increasing the number of kinship providers;

(5) include strategies to ensure that children in foster care do not have to transfer schools after entering foster care, unless transferring is in the child's best interest; and

(6) include programs to support foster and adoptive families, including programs that provide training, respite care, and peer assistance.

SECTION 1. Subchapter B, Chapter 264, Family Code, is amended by adding Section

SECTION 4. Subchapter B, Chapter 264, Family Code, is amended by adding Section

264.1211 to read as follows:

Sec. 264.1211. CAREER DEVELOPMENT AND EDUCATION PROGRAM. The department may collaborate with local workforce development boards, foster care transition centers, community and technical colleges, schools, and any other appropriate workforce industry resource to create a program that:

(1) assists foster care youth and former foster care youth in obtaining:

(A) a high school diploma or a high school equivalency certificate; and

(B) industry certifications necessary for high demand occupations;

(2) provides career guidance to foster care youth and former foster care youth; and

(3) informs foster care youth and former foster care youth about

the tuition and fee waivers for institutions of higher education that are available under Section 54.366, Education Code.

No equivalent provision.

SECTION 2. Chapter 266, Family Code, is amended by adding Section 266.0031 to read as follows:

Sec. 266.0031. INITIAL MEDICAL AND PSYCHOLOGICAL ASSESSMENT; SCHEDULING OF SERVICES. (a) The department shall conduct an initial medical and psychological assessment of a child not later than the 14th day after the date the child is removed from the child's home, or not later than the fifth day after the date of removal for a child removed from the child's home because of an immediate risk of abuse or neglect that could have resulted in the death of or serious harm to the child.

(b) Following the initial assessments of a

85R 26163

Substitute Document Number: 85R 25856

264.1211 to read as follows:

Sec. 264.1211. CAREER DEVELOPMENT AND EDUCATION PROGRAM. The department shall collaborate with foster care youth and local workforce development boards, foster care transition centers, community and technical colleges, schools, and any other appropriate workforce industry resource to create a program that:

(1) assists foster care youth and former foster care youth in obtaining:

(A) a high school diploma or a high school equivalency certificate; and

(B) industry certifications necessary for high demand occupations;

(2) provides career guidance to foster care youth and former foster care youth; and

(3) informs foster care youth and former foster care youth about:

(A) the tuition and fee waivers for institutions of higher education that are available under Section 54.366, Education Code; and

(B) available programs that provide housing assistance, educational assistance, and any other service to assist foster care youth and former foster care youth with transitioning to independent living.

SECTION 5. Section 264.903, Family Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) The department shall expedite the evaluation of a potential caregiver under this section to ensure that the child is placed with a caregiver who has the ability to protect the child from the alleged perpetrator of abuse or neglect against the child.

No equivalent provision.

17.116.556

child under Subsection (a), the department may, without court approval, schedule for the child any preventive treatment, acute medical service, or therapeutic and rehabilitative care to meet the child's mental and physical needs. In scheduling a treatment, service, or care under this subsection, the department shall adhere to the medical services delivery model developed under Section 266.003.

No equivalent provision.

SECTION 6. Subchapter B, Chapter 402, Government Code, is amended by adding Section 402.040 to read as follows:

Sec. 402.040. CHILD PROTECTIVE SERVICES LIAISON. For each regional office of the Department of Family and Protective Services that provides child protective services, the attorney general shall appoint an employee to serve as a liaison to the department for that regional office. The department is not required to provide the liaison with an office in the department's regional office. The liaison shall:

(1) serve as a point of contact for the attorney general's office to increase communication between the regional office and the attorney general's office;

(2) provide assistance to the regional office in locating absent parents of children in the managing conservatorship of the department; and

(3) provide to the regional office information in the attorney general's child support database that will enable the regional office to locate absent parents of children in the managing conservatorship of the department.

No equivalent provision.

SECTION 7. Sections 531.055(a), (b), and (e), Government Code, are amended to read as follows:

(a) The Health and Human Services Commission, the Department of Family and Protective Services, the Department of State Health Services, the Texas Education Agency [Each health and human services agency], the Texas Correctional Office on Offenders with Medical or Mental Impairments, the Texas Department of Criminal Justice, the Texas Department of Housing and Community Affairs, the Texas Workforce Commission, and the Texas Juvenile Justice Department shall enter into a joint memorandum of understanding to

promote a system of local-level interagency staffing groups to identify and coordinate services for persons needing multiagency services. The division within the Health and Human Services Commission that coordinates the policy and delivery of mental health services shall oversee the development and implementation of the joint memorandum of understanding.

(b) The memorandum must:

(1) clarify the statutory responsibilities of each agency in relation to persons needing multiagency services, including subcategories for different services such as:

(A) [~~prevention,~~] family preservation and strengthening;

(B) physical and behavioral health care;

(C) prevention and early intervention services, including services designed to prevent:

(i) child abuse;

(ii) neglect; or

(iii) delinquency, truancy, or school dropout;

(D) diversion from juvenile or criminal justice involvement;

(E) housing;

(F) [~~;~~] aging in place;

(G) [~~;~~] emergency shelter;

(H) [~~diagnosis and evaluation,~~] residential care;

(I) [~~;~~] after-care;

(J) [~~;~~] information and referral; [~~medical care,~~] and

(K) investigation services;

(2) include a functional definition of "persons needing multiagency services";

(3) outline membership, officers, and necessary standing committees of local-level interagency staffing groups;

(4) define procedures aimed at eliminating duplication of services relating to assessment and diagnosis, treatment, residential placement and care, and case management of persons needing multiagency services;

(5) define procedures for addressing disputes between the agencies that relate to the agencies' areas of service responsibilities;

(6) provide that each local-level interagency staffing group includes:

(A) a local representative of each agency;

(B) representatives of local private sector agencies; and

(C) family members or caregivers of

persons needing multiagency services or other current or previous consumers of multiagency services acting as general consumer advocates;

(7) provide that the local representative of each agency has authority to contribute agency resources to solving problems identified by the local-level interagency staffing group;

(8) provide that if a person's needs exceed the resources of an agency, the agency may, with the consent of the person's legal guardian, if applicable, submit a referral on behalf of the person to the local-level interagency staffing group for consideration;

(9) provide that a local-level interagency staffing group may be called together by a representative of any member agency;

(10) provide that an agency representative may be excused from attending a meeting if the staffing group determines that the age or needs of the person to be considered are clearly not within the agency's service responsibilities, provided that each agency representative is encouraged to attend all meetings to contribute to the collective ability of the staffing group to solve a person's need for multiagency services;

(11) define the relationship between state-level interagency staffing groups and local-level interagency staffing groups in a manner that defines, supports, and maintains local autonomy;

(12) provide that records that are used or developed by a local-level interagency staffing group or its members that relate to a particular person are confidential and may not be released to any other person or agency except as provided by this section or by other law; and

(13) provide a procedure that permits the agencies to share confidential information while preserving the confidential nature of the information.

(e) The agencies shall ensure that a state-level interagency staffing group provides:

(1) information and guidance to local-level interagency staffing groups regarding:

(A) the availability of programs and resources in the community; and

(B) best practices for addressing the needs of persons with complex needs; and

(2) a biennial report to the administrative head of each agency, the legislature, and the governor that includes:

(A) [~~4~~] the number of persons served

through the local-level interagency staffing groups and the outcomes of the services provided;

~~(B) [(2)]~~ a description of any barriers identified to the state's ability to provide effective services to persons needing multiagency services; and

~~(C) [(3)]~~ any other information relevant to improving the delivery of services to persons needing multiagency services.

SECTION 3. Section 552.117(a), Government Code, is amended to read as follows:

(a) Information is excepted from the requirements of Section 552.021 if it is information that relates to the home address, home telephone number, emergency contact information, or social security number of the following person or that reveals whether the person has family members:

(1) a current or former official or employee of a governmental body, except as otherwise provided by Section 552.024;

(2) a peace officer as defined by Article 2.12, Code of Criminal Procedure, or a security officer commissioned under Section 51.212, Education Code, regardless of whether the officer complies with Section 552.024 or 552.1175, as applicable;

(3) a current or former employee of the Texas Department of Criminal Justice or of the predecessor in function of the department or any division of the department, regardless of whether the current or former employee complies with Section 552.1175;

(4) a peace officer as defined by Article 2.12, Code of Criminal Procedure, or other law, a reserve law enforcement officer, a commissioned deputy game warden, or a corrections officer in a municipal, county, or state penal institution in this state who was killed in the line of duty, regardless of whether the deceased complied with Section 552.024 or 552.1175;

(5) a commissioned security officer as defined by Section 1702.002, Occupations Code, regardless of whether the officer complies with Section 552.024 or 552.1175, as applicable;

(6) an officer or employee of a community supervision and corrections department established under Chapter 76 who performs a duty described by Section 76.004(b), regardless of whether the officer or

SECTION 8. Section 552.117(a), Government Code, is amended to read as follows:

(a) Information is excepted from the requirements of Section 552.021 if it is information that relates to the home address, home telephone number, emergency contact information, or social security number of the following person or that reveals whether the person has family members:

(1) a current or former official or employee of a governmental body, except as otherwise provided by Section 552.024;

(2) a peace officer as defined by Article 2.12, Code of Criminal Procedure, or a security officer commissioned under Section 51.212, Education Code, regardless of whether the officer complies with Section 552.024 or 552.1175, as applicable;

(3) a current or former employee of the Texas Department of Criminal Justice or of the predecessor in function of the department or any division of the department, regardless of whether the current or former employee complies with Section 552.1175;

(4) a peace officer as defined by Article 2.12, Code of Criminal Procedure, or other law, a reserve law enforcement officer, a commissioned deputy game warden, or a corrections officer in a municipal, county, or state penal institution in this state who was killed in the line of duty, regardless of whether the deceased complied with Section 552.024 or 552.1175;

(5) a commissioned security officer as defined by Section 1702.002, Occupations Code, regardless of whether the officer complies with Section 552.024 or 552.1175, as applicable;

(6) an officer or employee of a community supervision and corrections department established under Chapter 76 who performs a duty described by Section 76.004(b), regardless of whether the officer or

employee complies with Section 552.024 or 552.1175;

(7) a current or former employee of the office of the attorney general who is or was assigned to a division of that office the duties of which involve law enforcement, regardless of whether the current or former employee complies with Section 552.024 or 552.1175;

(8) a current or former employee of the Texas Juvenile Justice Department or of the predecessors in function of the department, regardless of whether the current or former employee complies with Section 552.024 or 552.1175;

(9) a current or former juvenile probation or supervision officer certified by the Texas Juvenile Justice Department, or the predecessors in function of the department, under Title 12, Human Resources Code, regardless of whether the current or former officer complies with Section 552.024 or 552.1175;

(10) a current or former employee of a juvenile justice program or facility, as those terms are defined by Section 261.405, Family Code, regardless of whether the current or former employee complies with Section 552.024 or 552.1175; [øø]

(11) a current or former member of the Texas military forces, as that term is defined by Section 437.001; or

(12) a current or former child protective services caseworker or investigator for the Department of Family and Protective Services, regardless of whether the caseworker or investigator complies with Section 552.024 or 552.1175, or a current or former employee of a department contractor performing child protective services caseworker or investigator functions for the contractor on behalf of the department.

SECTION 4. The heading to Section 552.1175, Government Code, is amended.

SECTION 5. Section 552.1175(a), Government Code, is amended to read as follows:

(a) This section applies only to:

(1) peace officers as defined by Article 2.12, Code of Criminal Procedure;

(2) county jailers as defined by Section 1701.001, Occupations Code;

(3) current or former employees of the Texas Department of Criminal Justice or of

employee complies with Section 552.024 or 552.1175;

(7) a current or former employee of the office of the attorney general who is or was assigned to a division of that office the duties of which involve law enforcement, regardless of whether the current or former employee complies with Section 552.024 or 552.1175;

(8) a current or former employee of the Texas Juvenile Justice Department or of the predecessors in function of the department, regardless of whether the current or former employee complies with Section 552.024 or 552.1175;

(9) a current or former juvenile probation or supervision officer certified by the Texas Juvenile Justice Department, or the predecessors in function of the department, under Title 12, Human Resources Code, regardless of whether the current or former officer complies with Section 552.024 or 552.1175;

(10) a current or former employee of a juvenile justice program or facility, as those terms are defined by Section 261.405, Family Code, regardless of whether the current or former employee complies with Section 552.024 or 552.1175; [øø]

(11) a current or former member of the Texas military forces, as that term is defined by Section 437.001; or

(12) a current or former employee of the Department of Family and Protective Services, regardless of whether the employee complies with Section 552.024 or 552.1175, or a current or former employee of a department contractor performing services for the contractor on behalf of the department.

SECTION 9. Same as introduced version.

SECTION 10. Section 552.1175(a), Government Code, is amended to read as follows:

(a) This section applies only to:

(1) peace officers as defined by Article 2.12, Code of Criminal Procedure;

(2) county jailers as defined by Section 1701.001, Occupations Code;

(3) current or former employees of the Texas Department of Criminal Justice or of

the predecessor in function of the department or any division of the department;

(4) commissioned security officers as defined by Section 1702.002, Occupations Code;

(5) employees of a district attorney, criminal district attorney, or county or municipal attorney whose jurisdiction includes any criminal law or child protective services matters;

(6) officers and employees of a community supervision and corrections department established under Chapter 76 who perform a duty described by Section 76.004(b);

(7) criminal investigators of the United States as described by Article 2.122(a), Code of Criminal Procedure;

(8) police officers and inspectors of the United States Federal Protective Service;

(9) current and former employees of the office of the attorney general who are or were assigned to a division of that office the duties of which involve law enforcement;

(10) current or former juvenile probation and detention officers certified by the Texas Juvenile Justice Department, or the predecessors in function of the department, under Title 12, Human Resources Code;

(11) current or former employees of a juvenile justice program or facility, as those terms are defined by Section 261.405, Family Code;

(12) current or former employees of the Texas Juvenile Justice Department or the predecessors in function of the department; ~~and~~

(13) federal judges and state judges as defined by Section 13.0021, Election Code; and

(14) a current or former child protective services caseworker or investigator for the Department of Family and Protective Services or a current or former employee of a department contractor performing child protective services caseworker or investigator functions for the contractor on behalf of the department.

SECTION 6. Subchapter B, Chapter 40, Human Resources Code, is amended by adding Sections 40.0327, 40.0328, 40.036, and 40.038 to read as follows:

Sec. 40.0327. NONPROFIT AGENCY SERVICES COORDINATOR.

the predecessor in function of the department or any division of the department;

(4) commissioned security officers as defined by Section 1702.002, Occupations Code;

(5) employees of a district attorney, criminal district attorney, or county or municipal attorney whose jurisdiction includes any criminal law or child protective services matters;

(6) officers and employees of a community supervision and corrections department established under Chapter 76 who perform a duty described by Section 76.004(b);

(7) criminal investigators of the United States as described by Article 2.122(a), Code of Criminal Procedure;

(8) police officers and inspectors of the United States Federal Protective Service;

(9) current and former employees of the office of the attorney general who are or were assigned to a division of that office the duties of which involve law enforcement;

(10) current or former juvenile probation and detention officers certified by the Texas Juvenile Justice Department, or the predecessors in function of the department, under Title 12, Human Resources Code;

(11) current or former employees of a juvenile justice program or facility, as those terms are defined by Section 261.405, Family Code;

(12) current or former employees of the Texas Juvenile Justice Department or the predecessors in function of the department; ~~and~~

(13) federal judges and state judges as defined by Section 13.0021, Election Code; and

(14) a current or former employee of the Department of Family and Protective Services or a current or former employee of a department contractor performing services for the contractor on behalf of the department.

SECTION 11. Subchapter B, Chapter 40, Human Resources Code, is amended by adding Sections 40.0327, 40.0328, and 40.036 to read as follows:

Sec. 40.0327. NONPROFIT AGENCY SERVICES COORDINATOR.

Sec. 40.0328. CASEWORKER CASELOAD MANAGEMENT SYSTEM. The department shall manage the duties of caseworkers to maintain the safety of children in child protective services by establishing a caseload management system that:

(1) assigns a risk score to each child in the department's care based on an assessment of the current and potential risk of harm to the child from abuse or neglect as provided by Section 40.0529;

(2) determines the appropriate number of cases to be assigned to a caseworker based on the risk scores of the children assigned to the caseworker; and

(3) proportionally limits the number of children with higher risk scores that may be assigned to any one caseworker.

Sec. 40.036. TRAUMA-BASED CARE TRAINING REQUIREMENT FOR CASEWORKERS. The department shall ensure that each child protective services caseworker who interacts with children on a daily basis receives training in trauma-based care.

Sec. 40.038. SECONDARY TRAUMA SUPPORT FOR CASEWORKERS. (a) In this section, "secondary trauma" means trauma incurred as a consequence of a person's exposure to acute or chronic trauma.

(b) The department shall develop and make available a program to provide ongoing support to caseworkers who experience secondary trauma resulting from exposure to trauma in the course of the caseworker's employment. The program must include critical incident stress debriefing. The department may not require that a caseworker participate in the program.

Sec. 40.0328. CASEWORKER CASELOAD MANAGEMENT SYSTEM. (a) The department shall manage the duties of caseworkers to maintain the safety of children in child protective services by establishing a caseload management system that:

(1) assesses the current and potential risk of harm from abuse or neglect to each child in the department's care;

(2) determines the appropriate number of cases to be assigned to a caseworker based on the risk assessment described by Subdivision (1) for the children assigned to the caseworker; and

(3) limits the number of children with a higher risk assessment that may be assigned to any one caseworker.

(b) The department shall:

(1) make risk assessment guidelines available to the public and accessible on the department's Internet website; and

(2) disclose the results of the assessment for a child to the court and each party to the case before the date the full adversary hearing is held under Section 262.201, Family Code.

(c) Information relating to the assessment performed under this section is inadmissible as evidence in a court.

Sec. 40.036. TRAUMA-BASED CARE TRAINING REQUIREMENT FOR CASEWORKERS. The department shall ensure that each child protective services caseworker who interacts with children on a daily basis receives evidence-based training in trauma-based care.

SECTION 7. Subchapter C, Chapter 40, Human Resources Code, is amended by adding Section 40.0523 to read as follows:

Sec. 40.0523. BEST PRACTICES GUIDE FOR CHILD PROTECTIVE SERVICES CASES. (a) The University of Houston, The University of Texas at Austin, and Texas A&M University in collaboration with children's advocacy centers shall create a work group to develop a best practices guide to establish uniform practices in child protective services cases across this state. In developing the guide, the work group may use any existing guide created by the department. The guide must:

(1) describe the different stages of a child protective services case, including intake, initial investigation, assessment of the child and family, case planning, court proceedings, case management services, and case closure;

(2) describe the roles and responsibilities of the persons involved in each stage identified in Subdivision (1); and

(3) include definitions of commonly used terms, acronyms, model timelines and procedural flowcharts for the most common child protective services cases, and a list by area of services available to children and parents.

(b) The department shall design the best practices guide to assist:

(1) an attorney representing a child in a suit affecting the parent-child relationship filed by the department;

(2) an attorney representing a parent in a suit affecting the parent-child relationship filed by the department;

(3) a judge presiding over a case described in Subdivision (1);

(4) a guardian ad litem representing a child in a case described by Subdivision (1);

(5) a child protective services caseworker or investigator or a court-appointed volunteer advocate;

(6) a caregiver or family member associated with the child's case; and

(7) any other individual involved in a child protective services case that the department determines would benefit from the best practices guide.

(c) The department shall include in the best practices guide:

(1) advice from people experienced in the child protective services system on best practices in carrying out the person's

particular role in the process; and
(2) other information the department determines could benefit a person serving in the child protective services system.
(d) The department shall update the best practices guide biannually.
(e) The department shall make the best practices guide available on the department's Internet website and may charge a reasonable fee for a printed copy of the guide.

No equivalent provision.

SECTION 8. Section 40.0528(d), Human Resources Code, is amended to read as follows:

(d) The department shall measure the [~~the reporting information relating to~~] caseloads of child protective services caseworkers [~~;~~] in accordance with standards developed by [~~addition to reporting caseload by each individual affected by the case,~~] the department. The standards must include:
(1) the total number of children involved in the case;
(2) the type of placement for each child involved in the case;
(3) the total number of placements for the case;
(4) the level of care required for each child involved in the case;
(5) the level of department intervention and parental or family services required for the case; and
(6) the level of caseworker experience required to appropriately manage the case [~~shall report the number of cases for each caseworker on the basis of family unit].~~

SECTION 9. Subchapter C, Chapter 40, Human Resources Code, is amended by

SECTION 12. Subchapter C, Chapter 40, Human Resources Code, is amended by adding Section 40.0523 to read as follows:

Sec. 40.0523. RESOURCES FOR CHILD PROTECTIVE SERVICES CASES.

The department shall collaborate with the Office of Court Administration of the Texas Judicial System, the Supreme Court of Texas Children's Commission, and any other appropriate interested parties to compile and publish on the department's Internet website resources, including links to other websites, for judges, attorneys, and other persons involved in the child welfare system to support consistent practices statewide.

No equivalent provision.

No equivalent provision.

adding Section 40.0529 to read as follows:

Sec. 40.0529. RISK OF HARM ASSESSMENT.

(a) The department shall establish an evidence-based system for assessing the risk of harm to a child from abuse or neglect for each child who is the subject of a report of abuse or neglect or of an active child protective services case. The system shall provide a score for each case on a scale from 1 for a child at the lowest risk of harm to 10 for a child at the highest risk of harm.

(b) The department, with assistance from the Bush School of Government and Public Service at Texas A&M University, the Lyndon B. Johnson School of Public Affairs at The University of Texas, and the Graduate College of Social Work at the University of Houston, shall study child protective services cases to identify factors that indicate a risk of child abuse or neglect and develop objective criteria to be used in the risk of harm assessment.

(c) In assessing the risk of harm to a child from abuse or neglect, the department shall consider:

(1) the risk of harm a parent poses to a child who remains in the child's home, including:

(A) the likelihood of the child's death or serious injury; and

(B) the likelihood of serious psychological harm to the child;

(2) the potential psychological harm to a child who remains in the child's home;

(3) the potential psychological harm to a child who is removed from the child's home;

(4) the risk of harm to a child who is returned to the child's home; and

(5) the services required to address the child's needs, including the child's medical and mental health care needs.

(d) After the department assigns a risk of harm assessment score to a child's case, the child protective services caseworker for the child's case may adjust the score by up to one point based on the caseworker's knowledge and experience with the child.

(e) The department shall complete a risk of harm assessment for each child protective services case before a court holds a full adversary hearing on the case and shall periodically reassess the risk of harm to the child.

(f) The department shall use the risk of harm assessment score when making decisions relating to:

- (1) caseworker assignments;
- (2) parental access to the child; and
- (3) caseload limits for caseworkers.
- (g) The department may only assign an experienced caseworker to a child protective services case that has been assigned a high risk of harm assessment score.
- (h) The risk of harm assessment score is inadmissible in court as evidence.

SECTION 10. Subchapter C, Chapter 42, Human Resources Code, is amended by adding Section 42.0533 to read as follows:

Sec. 42.0533. EMERGENCY PLACEMENT. (a) In this section, "emergency placement" means

the temporary placement of a child in a foster home, foster group home, agency foster home, or agency foster group home for not more than 30 days.

(b) The department shall identify all licensed foster homes and foster group homes or verified agency foster homes and agency foster group homes that are able to accept the emergency placement of a child when a safe and suitable long-term placement is not available. A licensed foster home and foster group home and a verified agency foster home and agency foster group home shall take an emergency placement on request of the department or child placing agency.

(c) The department shall ensure that a child placed in an emergency placement continues to attend the school in which the child was enrolled immediately before the child was removed from the child's home or another school in that school district if it is not in the best interest of the child to remain in the same school.

(d) The department shall:

- (1) develop procedures for the emergency placement of children; and
- (2) increase the number of foster homes, foster group homes, agency foster homes, and agency foster group homes that are able to accept the emergency placement of children.

(e) The executive commissioner shall adopt rules governing the reimbursement of a foster home, a foster group home, an agency foster home, or an agency foster group home that accepts the emergency placement of a

SECTION 13. Subchapter C, Chapter 42, Human Resources Code, is amended by adding Section 42.0533 to read as follows:

Sec. 42.0533. EMERGENCY PLACEMENT. The department, in consultation with affected providers and other interested parties, shall evaluate the need for and develop any necessary protocols and any associated best practice standards for the temporary placement of a child for not more than 30 days in a foster home, foster group home, agency foster home, agency foster group home, or cottage home to allow the child to remain in the child's community while the department secures a safe and suitable long-term placement for the child.

child.

SECTION 11. Section 25.025(a), Tax Code, is amended to read as follows:

- (a) This section applies only to:
- (1) a current or former peace officer as defined by Article 2.12, Code of Criminal Procedure;
 - (2) a county jailer as defined by Section 1701.001, Occupations Code;
 - (3) an employee of the Texas Department of Criminal Justice;
 - (4) a commissioned security officer as defined by Section 1702.002, Occupations Code;
 - (5) a victim of family violence as defined by Section 71.004, Family Code, if as a result of the act of family violence against the victim, the actor is convicted of a felony or a Class A misdemeanor;
 - (6) a federal judge, a state judge, or the spouse of a federal judge or state judge;
 - (7) a current or former employee of a district attorney, criminal district attorney, or county or municipal attorney whose jurisdiction includes any criminal law or child protective services matters;
 - (8) an officer or employee of a community supervision and corrections department established under Chapter 76, Government Code, who performs a duty described by Section 76.004(b) of that code;
 - (9) a criminal investigator of the United States as described by Article 2.122(a), Code of Criminal Procedure;
 - (10) a police officer or inspector of the United States Federal Protective Service;
 - (11) a current or former United States attorney or assistant United States attorney and the spouse and child of the attorney;
 - (12) a current or former employee of the office of the attorney general who is or was assigned to a division of that office the duties of which involve law enforcement;
 - (13) a medical examiner or person who performs forensic analysis or testing who is employed by this state or one or more political subdivisions of this state;
 - (14) a current or former member of the United States armed forces who has served in an area that the president of the United States by executive order designates for purposes of 26 U.S.C. Section 112 as an area in which armed forces of the United States are or have engaged in combat;
 - (15) a current or former employee of the

SECTION 14. Section 25.025(a), Tax Code, is amended to read as follows:

- (a) This section applies only to:
- (1) a current or former peace officer as defined by Article 2.12, Code of Criminal Procedure;
 - (2) a county jailer as defined by Section 1701.001, Occupations Code;
 - (3) an employee of the Texas Department of Criminal Justice;
 - (4) a commissioned security officer as defined by Section 1702.002, Occupations Code;
 - (5) a victim of family violence as defined by Section 71.004, Family Code, if as a result of the act of family violence against the victim, the actor is convicted of a felony or a Class A misdemeanor;
 - (6) a federal judge, a state judge, or the spouse of a federal judge or state judge;
 - (7) a current or former employee of a district attorney, criminal district attorney, or county or municipal attorney whose jurisdiction includes any criminal law or child protective services matters;
 - (8) an officer or employee of a community supervision and corrections department established under Chapter 76, Government Code, who performs a duty described by Section 76.004(b) of that code;
 - (9) a criminal investigator of the United States as described by Article 2.122(a), Code of Criminal Procedure;
 - (10) a police officer or inspector of the United States Federal Protective Service;
 - (11) a current or former United States attorney or assistant United States attorney and the spouse and child of the attorney;
 - (12) a current or former employee of the office of the attorney general who is or was assigned to a division of that office the duties of which involve law enforcement;
 - (13) a medical examiner or person who performs forensic analysis or testing who is employed by this state or one or more political subdivisions of this state;
 - (14) a current or former member of the United States armed forces who has served in an area that the president of the United States by executive order designates for purposes of 26 U.S.C. Section 112 as an area in which armed forces of the United States are or have engaged in combat;
 - (15) a current or former employee of the

Texas Juvenile Justice Department or of the predecessors in function of the department;
(16) a current or former juvenile probation or supervision officer certified by the Texas Juvenile Justice Department, or the predecessors in function of the department, under Title 12, Human Resources Code; ~~and~~

(17) a current or former employee of a juvenile justice program or facility, as those terms are defined by Section 261.405, Family Code; and

(18) a current or former child protective services caseworker or investigator for the Department of Family and Protective Services or a current or former employee of a department contractor performing child protective services caseworker or investigator functions for the contractor on behalf of the department.

SECTION 12.

(a) Section 266.0031, Family Code, as added by this Act, applies only to a child who enters the conservatorship of the Department of Family and Protective Services on or after the effective date of this Act. A child who enters the conservatorship of the Department of Family and Protective Services before the effective date of this Act is governed by the law in effect on the date the child entered foster care, and the former law is continued in effect for that purpose.

Texas Juvenile Justice Department or of the predecessors in function of the department;
(16) a current or former juvenile probation or supervision officer certified by the Texas Juvenile Justice Department, or the predecessors in function of the department, under Title 12, Human Resources Code; ~~and~~

(17) a current or former employee of a juvenile justice program or facility, as those terms are defined by Section 261.405, Family Code; and

(18) a current or former employee of the Department of Family and Protective Services or a current or former employee of a department contractor performing services for the contractor on behalf of the department.

SECTION 15. (a) The changes in law made by this Act apply to a suit affecting the parent-child relationship filed on or after the effective date of this Act. A suit affecting the parent-child relationship filed before the effective date of this Act is governed by the law in effect on the date the suit was filed, and the former law is continued in effect for that purpose.

(b) Section 264.1076, Family Code, as added by this Act, applies only to a child who enters the conservatorship of the Department of Family and Protective Services on or after the effective date of this Act. A child who enters the conservatorship of the Department of Family and Protective Services before the effective date of this Act is governed by the law in effect on the date the child entered the conservatorship of the department, and the former law is continued in effect for that purpose.

(c) The Department of Family and Protective Services shall implement Section 264.1076, Family Code, as added by this Act, not later than December 31, 2018.

(d) As soon as practicable after the effective date of this Act, but not later than December 1, 2017, the Health and Human Services Commission, the Department of Family and Protective Services, the Department of State Health Services, the Texas Education Agency, the Texas Correctional Office on Offenders with Medical or Mental Impairments, the Texas Department of Criminal Justice, the Texas Department of

(b) The changes in law made by this Act to Sections 552.117 and 552.1175, Government Code, and Section 25.025, Tax Code, apply only to a request for information that is received by a governmental body or an officer on or after the effective date of this Act. A request for information that was received before the effective date of this Act is governed by the law in effect on the date the request was received, and the former law is continued in effect for that purpose.

(c) As soon as practicable after the effective date of this Act, the Department of Family and Protective Services shall establish and implement the caseload management system as required under Section 40.0328, Human Resources Code, as added by this Act.

(d) Section 42.0529, Human Resources Code, as added by this Act applies only to a child protective services case initiated on or after the effective date of this Act. A child protective services case initiated before that date is governed by the law in effect on the date the case began, and the former law is continued in effect for that purpose.

SECTION 13. This Act takes effect September 1, 2017.

Housing and Community Affairs, the Texas Workforce Commission, and the Texas Juvenile Justice Department shall update the joint memorandum of understanding required under Section 531.055, Government Code, as amended by this Act.

(e) The changes in law made by this Act to Sections 552.117 and 552.1175, Government Code, and Section 25.025, Tax Code, apply only to a request for information that is received by a governmental body or an officer on or after the effective date of this Act. A request for information that was received before the effective date of this Act is governed by the law in effect on the date the request was received, and the former law is continued in effect for that purpose.

(f) As soon as practicable after the effective date of this Act, the Department of Family and Protective Services shall establish and implement the caseload management system as required under Section 40.0328, Human Resources Code, as added by this Act.

SECTION 16. Same as introduced version.