

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 1549
By: Burkett et al. (Kolkhorst)
Health & Human Services
5/22/2017
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Department of Family and Protective Services (DFPS) has experienced numerous challenges in achieving DFPS's mission to protect children. Such problems have included high turnover rates among caseworkers within Child Protective Services (CPS) and lack of sufficient data to effectively address barriers that hinder DFPS's mission to protect children.

H.B. 1549 addresses these challenges by improving CPS workforce development through retention and staffing strategies, increasing foster care recruitment and placements, better evaluation of Prevention and Early Intervention (PEI) services and outcomes, as well as other provisions designed to strengthen the capacity and capability of DFPS to protect children. (Original Author's / Sponsor's Statement of Intent)

C.S.H.B. 1549 amends current law relating to the provision of services by the Department of Family and Protective Services, including child protective services and prevention and early intervention services.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 261.204(a), Family Code, to require the Department of Family and Protective Services (DFPS), not later than March 1 of each year, rather than annually, to publish a certain aggregated report.

SECTION 2. Amends Section 261.301, Family Code, by adding Subsection (j), to require DFPS, in geographic areas with demonstrated need, to designate employees to serve specifically as investigators and responders for after-hours reports of child abuse or neglect.

SECTION 3. Amends Subchapter B, Chapter 264, Family Code, by adding Section 264.1261, as follows:

Sec. 264.1261. FOSTER CARE CAPACITY NEEDS PLAN. (a) Defines "community-based foster care."

(b) Requires that appropriate DFPS management personnel from a child protective services (CPS) region in which community-based foster care has not been implemented, in collaboration with foster care providers, faith-based entities, and child advocates in that region, use data collected by DFPS on foster care capacity needs and availability of each type of foster care and kinship placement in the region to create a plan to address the substitute care capacity needs in the region. Requires that the plan identify both short-term and long-term goals and strategies for addressing those capacity needs.

(c) Requires that a foster care capacity needs plan (plan) developed under Subsection (b) be submitted to and approved by the commissioner of DFPS (commissioner) and updated annually.

(d) Requires DFPS to publish each initial plan and each annual update to a plan on DFPS's Internet website.

SECTION 4. Amends Sections 264.502(a) and (b), Family Code, as follows:

(a) Provides that the child fatality review team committee (committee) is composed of certain persons, including a person appointed by and representing the speaker of the house of representatives, a person appointed by and representing the lieutenant governor, and a person appointed by and representing the governor. Redesignates existing text of Subdivision (4) as Subdivision (7) and makes nonsubstantive changes.

(b) Requires the members of the committee who serve under Subsections (a)(1) (relating to the person appointed to the committee by the state registrar of vital statistics) through (6) (relating to a person appointed to the committee by the governor), rather than Subdivision (3) (relating to a person appointed to the committee by the director of the Department of State Health Services (DSHS)), to select certain additional committee members.

SECTION 5. Amends Section 264.503, Family Code, by amending Subsections (d) and (e) and adding Subsection (h), as follows:

(d) Requires DSHS to develop and make available training for justices of the peace and medical examiners regarding inquests in child death cases. Redesignates existing text of Subdivision (5) as Subdivision (6) and makes nonsubstantive changes.

(e) Requires DSHS, in addition to the duties under Subsection (d), to evaluate the available child fatality data and use the data to create public health strategies for the prevention of child fatalities. Makes nonsubstantive changes.

(h) Requires each member of the committee to be a member of the child fatality review team in the county where the committee member resides unless the committee member is an appointed representative of a state agency.

SECTION 6. Amends Subchapter F, Chapter 264, Family Code, by adding Sections 264.5031 and 264.5032, as follows:

Sec. 264.5031. COLLECTION OF NEAR FATALITY DATA. (a) Defines "near fatality."

(b) Requires DFPS to include near fatality child abuse or neglect cases in the child fatality case database, for cases in which child abuse or neglect is determined to have been the cause of the near fatality. Requires DFPS to also develop a data collection strategy for near fatality child abuse or neglect cases.

Sec. 264.5032. REPORT ON CHILD FATALITY AND NEAR FATALITY DATA. (a) Requires DFPS to produce an aggregated report relating to child fatality and near fatality cases resulting from child abuse or neglect containing certain information.

(b) Requires DFPS, in preparing the part of the report required by Subsection (a)(1) (relating to information regarding any prior contact DFPS had with the child's family and the manner in which the case was disposed), to include information contained in DFPS records retained in accordance with DFPS's records retention schedule.

(c) Requires that the report produced under this section protect the identity of individuals involved in a case that is included in the report.

(d) Authorizes DFPS to combine the required report with the annual child fatality report required to be produced under Section 261.204 (Annual Child Fatality Report).

SECTION 7. Amends Sections 264.505(a) and (c), Family Code, as follows:

(a) Authorizes a county, rather than a review team for a county with a population of less than 50,000, to join with an adjacent county or counties to establish a combined review team.

(c) Requires that a review team reflect the diversity of the county's population and authorizes the review team to include certain persons.

SECTION 8. Amends Section 264.506(b), Family Code, as follows:

(b) Requires that a review team, to achieve its purpose, review and analyze the collected data to identify any demographic trends in child fatality cases, including whether there is a disproportionate number of child fatalities in a particular population group or geographic area. Redesignates existing text under Subdivision (4) as Subdivision (5) and makes nonsubstantive changes.

SECTION 9. Amends Section 264.509, Family Code, by adding Subsection (b-1), to require DSHS to provide a review team with electronic access to the preliminary death certificate for a deceased child.

SECTION 10. (a) Amends Section 264.514, Family Code, by adding Subsection (a-1) and amending Subsection (b), as follows:

(a-1) Requires the commissioners court of a county to adopt regulations relating to the timeliness for conducting an inquest into the death of a child. Requires that the regulations adopted under this subsection be as stringent as the standards issued by the National Association of Medical Examiners unless the commissioners court determines that it would be cost prohibitive for the county to comply with those standards.

(b) Requires the medical examiner or justice of the peace to notify the appropriate county child fatality review team of the child's death not later than the 120th day after the date the death is reported.

(b) Requires that a county attempt to implement the timeliness standards for inquests as described by Section 264.514(a-1), Family Code, as added by this Act, as soon as possible after the effective date of this Act.

SECTION 11. Amends Section 264.903, Family Code, by adding Subsection (a-1), to require DFPS to expedite the evaluation of a potential caregiver under this section (Caregiver Evaluation) 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.

SECTION 12. Amends Section 265.005(b), Family Code, as follows:

(b) Requires that a strategic plan required under this section (Strategic Plan), among certain other requirements, identify strategies to increase the number of high-risk families and communities receiving prevention and early intervention services each year, subject to the availability of funds. Makes nonsubstantive changes.

SECTION 13. Amends Subchapter B, Chapter 40, Human Resources Code, by adding Section 40.038, as follows:

Sec. 40.038. SECONDARY TRAUMA SUPPORT FOR CASEWORKERS. (a) Defines "secondary trauma."

(b) Requires DFPS to 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. Requires that the program include critical incident stress debriefing. Prohibits DFPS from requiring that a caseworker participate in the program.

SECTION 14. Amends Subchapter C, Chapter 40, Human Resources Code, by adding Section 40.0516, as follows:

Sec. 40.0516. COLLECTION OF DATA; ANNUAL REPORT. (a) Requires DFPS to collect and compile certain data on the state and county level.

(b) Requires DFPS, not later than February 1 of each year, to publish a report containing data collected under this section. Requires that the report include the statewide data and the data reported by county.

SECTION 15. Amends Subchapter C, Chapter 40, Human Resources Code, by adding Section 40.0529, as follows:

Sec. 40.0529. CASELOAD MANAGEMENT. (a) Requires DFPS, subject to a specific appropriation for that purpose, to develop and implement a certain caseload management system for child protective services caseworkers and managers.

(b) Requires DFPS, in calculating the caseworker caseload under Subsection (a)(2) (relating to calculating caseloads based on the number of individual caseworkers who are available to handle cases), to consider at least the following:

- (1) caseworkers who are on extended leave;
- (2) caseworkers who worked hours beyond a normal work week; and
- (3) caseworkers who are on a reduced workload.

SECTION 16. Amends Subchapter C, Chapter 40, Human Resources Code, by adding Section 40.078, as follows:

Sec. 40.078. PREVENTION TASK FORCE. (a) Defines "task force."

(b) Requires the commissioner to establish the Prevention Task Force (task force) to make recommendations to DFPS for certain changes to law, policy, and practices.

(c) Requires the commissioner to determine the number of members on the task force and to appoint members to the task force accordingly. Authorizes members of the task force to include certain persons.

(d) Requires the commissioner to select the chair of the task force (chair).

(e) Requires the task force to meet at times and locations as determined by the chair.

(f) Requires that a vacancy on the task force be filled in the same manner as the original appointment.

(g) Provides that a member of the task force is not entitled to compensation or reimbursement of expenses incurred in performing duties related to the task force.

(h) Requires DFPS to provide reasonably necessary administrative and technical support to the task force.

(i) Authorizes DFPS to accept on behalf of the task force a gift, grant, or donation from any source to carry out the purposes of the task force.

(j) Provides that Chapter 2110 (State Agency Advisory Committees), Government Code, does not apply to the task force.

(k) Requires the task force, not later than August 31, 2018, to submit a report to the commissioner and requires that the report include certain information.

(l) Provides that the task force is abolished and this section expires August 31, 2018.

SECTION 17. Requires the commissioner, as soon as practicable after the effective date of this Act, to appoint members to the task force created by this Act under Section 40.078, Human Resources Code, as added by this Act.

SECTION 18. Provides that this Act takes effect only if a specific appropriation for the implementation of the Act is provided in a general appropriations act of the 85th Legislature. Provides that, if the legislature does not appropriate money specifically for the purpose of implementing this Act, this Act has no effect.

SECTION 19. Effective date: September 1, 2017.