

BILL ANALYSIS

C.S.H.B. 1620
By: Sanford
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties have expressed concerns with the state's foster care system and the ability of the Department of Family and Protective Services to find an initial placement for children removed from their homes. C.S.H.B. 1620 seeks to address these concerns through a voluntary temporary caregiver program providing temporary care for children removed from their homes.

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 rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 1620 amends the Family Code to require the Department of Family and Protective Services (DFPS) to create a program that allows a child who is removed from the child's home under statutory provisions relating to child protection suits to be placed in the care of an individual approved as a voluntary temporary caregiver. The bill requires DFPS to establish an application and verification process to approve individuals to serve as voluntary temporary caregivers and sets out required verification process procedures. The bill requires DFPS to require each voluntary temporary caregiver to receive four hours of training relating to child development and disciplinary techniques for children who are classified above a basic service level and requires a caregiver who applies to become a licensed or verified foster home to receive a credit of four hours toward the competency-based, preservice training hours required for a potential caregiver to become a licensed or verified foster home.

C.S.H.B. 1620 requires a voluntary temporary caregiver to agree to care for a child placed with the caregiver for at least 14 days and, except as provided by the bill, authorizes the placement of a child with a voluntary temporary caregiver for not more than 14 days after the date the child is removed from the child's home. The bill authorizes the child's caseworker, on determining that it is in the child's best interest for the child to remain in the care of the voluntary temporary caregiver for more than 14 days and if the caregiver agrees, to allow the child to remain in the care of the caregiver, to designate the caregiver as the caregiver of the child under a parental child safety placement agreement, or to designate the caregiver as a designated caregiver of the child in accordance with the relative and other designated caregiver placement program.

C.S.H.B. 1620 establishes that a voluntary temporary caregiver is not entitled to any reimbursement for the care the caregiver provides for the child. The bill exempts a voluntary temporary caregiver from liability for the cost of any medical care the child receives while the

child is placed with the caregiver and requires the cost of any medical care to be covered by the existing health insurance provided for the child. The bill requires a voluntary temporary caregiver to ensure that the child continues to attend the school in which the child was enrolled immediately before the child was removed from the child's home or attends another school chosen by the child's caseworker if the child's caseworker determines that it is unsafe for the child to continue to attend the school in which the child was enrolled immediately before the child was removed from the child's home.

C.S.H.B. 1620 requires DFPS to publicize the voluntary temporary caregiver program and to notify the parents of a child being removed from the child's home whether the child will be placed with a voluntary temporary caregiver. The bill authorizes a law enforcement or juvenile probation officer who takes possession of a child under statutory provisions relating to child protection suits to release the child to an approved voluntary temporary caregiver. The bill requires the executive commissioner of the Health and Human Services Commission to adopt rules necessary to implement the bill's provisions and requires DFPS to implement the voluntary temporary caregiver program as soon as practicable after the bill's effective date.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1620 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

SECTION 1. Subchapter B, Chapter 262, Family Code, is amended by adding Sections 262.1041 and 262.1042 to read as follows:

Sec. 262.1041. VOLUNTARY TEMPORARY CAREGIVER PROGRAM.

(a) The Department of Family and Protective Services shall create a program that allows a child who is removed from the child's home under this chapter to be placed in the care of an individual approved as a voluntary temporary caregiver under this section.

(b) The department shall establish an application and verification process to approve individuals to serve as voluntary temporary caregivers. The department's verification process must:

(1) include a background and criminal history record check of each caregiver;

(2) verify the caregiver:

(A) has a home with adequate sleeping space for each child placed with the caregiver;

(B) has six or fewer children in the caregiver's home, including the caregiver's

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter B, Chapter 262, Family Code, is amended by adding Sections 262.1041 and 262.1042 to read as follows:

Sec. 262.1041. VOLUNTARY TEMPORARY CAREGIVER PROGRAM.

(a) The Department of Family and Protective Services shall create a program that allows a child who is removed from the child's home under this chapter to be placed in the care of an individual approved as a voluntary temporary caregiver under this section.

(b) The department shall establish an application and verification process to approve individuals to serve as voluntary temporary caregivers. The department's verification process must:

(1) include a background and criminal history record check of each caregiver;

(2) verify the caregiver:

(A) has a home with adequate sleeping space for each child placed with the caregiver;

(B) has six or fewer children in the caregiver's home, including the caregiver's

own children and any children for whom the caregiver provides day care;

(C) agrees to nonphysical discipline;

(D) has had all pets in the caregiver's home vaccinated; and

(E) maintains and submits to the department proof of current certification in first aid and cardiopulmonary resuscitation issued by the American Red Cross, the American Heart Association, or another organization that provides equivalent training and certification;

(3) require each member of the caregiver's household to undergo a screening test for tuberculosis infection approved by the executive commissioner of the Health and Human Services Commission; and

(4) include any other administrative procedure the department determines is necessary to ensure the caregiver will provide a safe home for the child.

(c) A child may be placed with a voluntary temporary caregiver for not more than 14 days after the date the child is removed from the child's home.

own children and any children for whom the caregiver provides day care;

(C) agrees to nonphysical discipline;

(D) has had all pets in the caregiver's home vaccinated; and

(E) maintains and submits to the department proof of current certification in first aid and cardiopulmonary resuscitation issued by the American Red Cross, the American Heart Association, or another organization that provides equivalent training and certification;

(3) require each member of the caregiver's household to undergo a screening test for tuberculosis infection approved by the executive commissioner of the Health and Human Services Commission; and

(4) include any other administrative procedure the department determines is necessary to ensure the caregiver will provide a safe home for the child.

(c) The department shall require each voluntary temporary caregiver to receive four hours of training relating to child development and disciplinary techniques for children who are classified above a basic service level. A caregiver who applies to become a licensed or verified foster home shall receive a credit of four hours toward the training hours required by Section 42.0537, Human Resources Code, for a person to become a licensed or verified foster home.

(d) A voluntary temporary caregiver must agree to care for a child placed with the caregiver for at least 14 days.

(e) Except as provided by Subsection (f), a child may be placed with a voluntary temporary caregiver for not more than 14 days after the date the child is removed from the child's home.

(f) If the child's caseworker determines that it is in the child's best interest for the child to remain in the care of the voluntary temporary caregiver for more than 14 days, the caseworker may, if the voluntary temporary caregiver agrees:

(1) allow the child to remain in the care of the voluntary temporary caregiver;

(2) designate the voluntary temporary caregiver as the caregiver of the child under a parental child safety placement agreement in accordance with Subchapter L, Chapter 264; or

(3) designate the voluntary temporary

(d) A voluntary temporary caregiver with whom a child is placed under this section is not entitled to any reimbursement for the care the caregiver provides for the child.
(e) A voluntary temporary caregiver is not liable for the cost of any medical care the child receives while the child is placed with the caregiver. The cost of any medical care shall be covered by the existing health insurance provided for the child.
(f) A voluntary temporary caregiver shall ensure the child continues to attend the school in which the child was enrolled immediately before the child was removed from the child's home.

(g) A voluntary temporary caregiver may be designated as the caregiver of the child under a parental child safety placement agreement in accordance with Subchapter L, Chapter 264.

(h) The department shall publicize the voluntary temporary caregiver program and notify the parents of a child being removed from the child's home whether the child will be placed with a voluntary temporary caregiver.
(i) The executive commissioner of the Health and Human Services Commission shall adopt rules necessary to implement this section.
Sec. 262.1042. RELEASE OF CHILD BY LAW ENFORCEMENT OR JUVENILE PROBATION OFFICER TO VOLUNTARY TEMPORARY CAREGIVER.

SECTION 2. As soon as practicable after the effective date of this Act:
(1) the executive commissioner of the Health and Human Services Commission shall adopt rules necessary to implement the changes in law made by this Act; and
(2) the Department of Family and Protective Services shall implement the

caregiver as a designated caregiver of the child in accordance with Subchapter L, Chapter 264.
(g) A voluntary temporary caregiver with whom a child is placed under this section is not entitled to any reimbursement for the care the caregiver provides for the child.
(h) A voluntary temporary caregiver is not liable for the cost of any medical care the child receives while the child is placed with the caregiver. The cost of any medical care shall be covered by the existing health insurance provided for the child.
(i) A voluntary temporary caregiver shall ensure that the child:
(1) continues to attend the school in which the child was enrolled immediately before the child was removed from the child's home; or

(2) attends another school chosen by the child's caseworker if the child's caseworker determines that it is unsafe for the child to continue to attend the school in which the child was enrolled immediately before the child was removed from the child's home.
(j) The department shall publicize the voluntary temporary caregiver program and notify the parents of a child being removed from the child's home whether the child will be placed with a voluntary temporary caregiver.
(k) The executive commissioner of the Health and Human Services Commission shall adopt rules necessary to implement this section.
Sec. 262.1042. RELEASE OF CHILD BY LAW ENFORCEMENT OR JUVENILE PROBATION OFFICER TO VOLUNTARY TEMPORARY CAREGIVER.

SECTION 2. Same as introduced version.

voluntary temporary caregiver program as required by this Act.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

SECTION 3. Same as introduced version.