

## **BILL ANALYSIS**

C.S.H.B. 2335  
By: Miller  
Human Services  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties assert that, because of the long-term effects trauma can have on a child's life and well-being and because many of the children in certain facilities, homes, and agencies providing child-care services have experienced trauma, it is essential that those who interact with these children receive training to recognize trauma symptoms and behaviors. C.S.H.B. 2335 seeks to address this issue by providing for evidence-based trauma training for certain persons who interact with such children.

### **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 SECTIONS 3 and 4 of this bill.

### **ANALYSIS**

C.S.H.B. 2335 amends the Family Code to require an attorney who is on the list maintained by the court as being qualified for appointment as an attorney ad litem for a child in a child protection case and an attorney ad litem who is appointed to represent the interests of certain parents in a child protection suit filed by a governmental entity in which termination of the parent-child relationship or the appointment of a conservator for a child is requested to complete evidence-based trauma training, including instruction regarding the practical application of the training to the duties of an attorney ad litem. The bill requires the executive commissioner of the Health and Human Services Commission by rule to require an employee or volunteer of a court-appointed volunteer advocate program to receive evidence-based trauma training that is designed to prepare the employee or volunteer to meet the routine needs of children who have experienced trauma in a specified manner and that includes instruction regarding the practical application of the training to the employee's or volunteer's duties.

C.S.H.B. 2335 amends the Human Resources Code to require the Department of Family and Protective Services to ensure that each child protective services employee receives evidence-based trauma training that is designed to prepare the employee to meet the routine needs of children who have experienced trauma in a specified manner and that includes instruction regarding the practical application of the training to the employee's duties. The bill requires the executive commissioner to review the training developed and adopted under these provisions requiring evidence-based trauma training for child protective services employees and to update the subject matter contained in the training at least every two years. The bill requires the executive commissioner to adopt rules necessary to implement those provisions, including a definition of trauma, using a negotiated rulemaking process. The bill requires the minimum

training standards prescribed by the executive commissioner for an owner, operator, or employee of a residential child-care facility to include evidence-based trauma training that is designed to prepare the owner, operator, or employee to meet the routine needs of children who have experienced trauma in a specified manner and that includes instruction regarding the practical application of the training to the person's duties.

### **EFFECTIVE DATE**

September 1, 2017.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2335 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.

No equivalent provision.

#### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 107.004(b-1), Family Code, is amended to read as follows:

(b-1) An attorney who is on the list maintained by the court as being qualified for appointment as an attorney ad litem for a child in a child protection case must:

(1) complete at least three hours of continuing legal education relating to the representation of a child in a proceeding under Subtitle E each year before the anniversary date of the attorney's listing; and

(2) complete evidence-based trauma training, including instruction regarding the practical application of the training to the duties of an attorney ad litem.

SECTION 2. Section 107.0131(a), Family Code, is amended to read as follows:

(a) An attorney ad litem appointed under Section 107.013 to represent the interests of a parent:

(1) shall:

(A) subject to Rules 4.02, 4.03, and 4.04, Texas Disciplinary Rules of Professional Conduct, and within a reasonable time after the appointment, interview:

(i) the parent, unless the parent's location is unknown;

(ii) each person who has significant knowledge of the case; and

(iii) the parties to the suit;

(B) investigate the facts of the case;

(C) to ensure competent representation at hearings, mediations, pretrial matters, and the trial on the merits:

- (i) obtain and review copies of all court files in the suit during the attorney ad litem's course of representation; and
- (ii) when necessary, conduct formal discovery under the Texas Rules of Civil Procedure or the discovery control plan;
- (D) take any action consistent with the parent's interests that the attorney ad litem considers necessary to expedite the proceedings;
- (E) encourage settlement and the use of alternative forms of dispute resolution;
- (F) review and sign, or decline to sign, a proposed or agreed order affecting the parent;
- (G) meet before each court hearing with the parent, unless the court:
  - (i) finds at that hearing that the attorney ad litem has shown good cause why the attorney ad litem's compliance is not feasible; or
  - (ii) on a showing of good cause, authorizes the attorney ad litem to comply by conferring with the parent, as appropriate, by telephone or video conference;
- (H) abide by the parent's objectives for representation;
- (I) become familiar with the American Bar Association's standards of practice for attorneys who represent parents in abuse and neglect cases; ~~and~~
- (J) complete at least three hours of continuing legal education relating to representing parents in child protection cases as described by Subsection (b) as soon as practicable after the attorney ad litem is appointed, unless the court finds that the attorney ad litem has experience equivalent to that education; and
- (K) complete evidence-based trauma training, including instruction regarding the practical application of the training to the duties of an attorney ad litem; and
- (2) is entitled to:
  - (A) request clarification from the court if the role of the attorney ad litem is ambiguous;
  - (B) request a hearing or trial on the merits;
  - (C) consent or refuse to consent to an interview of the parent by another attorney;
  - (D) receive a copy of each pleading or other paper filed with the court;
  - (E) receive notice of each hearing in the suit;
  - (F) participate in any case staffing

conducted by the Department of Family and Protective Services in which the parent is invited to participate, including, as appropriate, a case staffing to develop a family plan of service, a family group conference, a permanency conference, a mediation, a case staffing to plan for the discharge and return of the child to the parent, and any other case staffing that the department determines would be appropriate for the parent to attend, but excluding any internal department staffing or staffing between the department and the department's legal representative; and  
(G) attend all legal proceedings in the suit.

No equivalent provision.

SECTION 3. Subchapter G, Chapter 264, Family Code, is amended by adding Section 264.615 to read as follows:

Sec. 264.615. TRAUMA TRAINING REQUIRED. The executive commissioner by rule shall require an employee or volunteer of a court-appointed volunteer advocate program to receive evidence-based trauma training that:

(1) is designed to prepare the employee or volunteer to meet the routine needs of children who have experienced trauma by helping the child feel safe, build relationships, and learn to regulate the child's emotions; and

(2) includes instruction regarding the practical application of the training to the employee's or volunteer's duties.

SECTION 1. Subchapter B, Chapter 40, Human Resources Code, is amended by adding Section 40.036 to read as follows:

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.

SECTION 4. Subchapter B, Chapter 40, Human Resources Code, is amended by adding Section 40.036 to read as follows:

Sec. 40.036. TRAUMA TRAINING REQUIREMENT FOR CHILD PROTECTIVE SERVICES EMPLOYEES.

(a) The department shall ensure that each child protective services employee receives evidence-based trauma training that:

(1) is designed to prepare the employee to meet the routine needs of children who have experienced trauma by helping the child feel safe, build relationships, and learn to regulate the child's emotions; and

(2) includes instruction regarding the practical application of the training to the employee's duties.

(b) The executive commissioner shall

review the training developed and adopted under this section and shall update the subject matter contained in the training at least every two years.

(c) The executive commissioner shall adopt rules necessary to implement this section, including a definition of trauma, using a negotiated rulemaking process under Chapter 2008, Government Code.

SECTION 2. Section 42.0421, Human Resources Code, is amended by adding Subsection (e-1) to read as follows:

(e-1) In addition to other training required by this section, the executive commissioner by rule shall require an owner, operator, or employee of a day-care center, group day-care home, registered family home, general residential operation, foster group home, or agency foster group home to receive training in trauma-based care.

SECTION 3. This Act takes effect September 1, 2017.

SECTION 5. Section 42.0421, Human Resources Code, is amended by adding Subsection (e-1) to read as follows:

(e-1) The minimum training standards prescribed by the executive commissioner under Section 42.042(p) for an owner, operator, or employee of a residential child-care facility must include evidence-based trauma training that:

(1) is designed to prepare the owner, operator, or employee to meet the routine needs of children who have experienced trauma by helping the child feel safe, build relationships, and learn to regulate the child's emotions; and

(2) includes instruction regarding the practical application of the training to the person's duties.

SECTION 6. Same as introduced version.