

BILL ANALYSIS

S.B. 190
By: Uresti
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties express concerns regarding unsustainably high caseloads in child abuse or neglect investigations conducted by the Department of Family and Protective Services. S.B. 190 seeks to address these concerns and improve caseload management by requiring abuse or neglect cases that remain open for more than 60 days to be reviewed by a supervisor for administrative closure under certain prescribed circumstances.

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

S.B. 190 amends the Family Code to authorize a Department of Family and Protective Services (DFPS) caseworker to refer a reported case of child abuse or neglect to a DFPS supervisor for abbreviated investigation or administrative closure at any time before the 60th day after the date the report is received if there is no prior report of abuse or neglect of the child who is the subject of the report; DFPS has not received an additional report of abuse or neglect of the child following the initial report; and either the caseworker determines that no abuse or neglect occurred or, after contacting a professional or other credible source, the caseworker determines that the child's safety can be assured without further investigation, response, services, or assistance. The bill defines "professional" as an individual who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. The bill requires a DFPS supervisor to review each reported case of child abuse or neglect that has remained open for more than 60 days and administratively close the case if the supervisor determines that those circumstances exist and that closing the case would not expose the child to an undue risk of harm. The bill authorizes a DFPS supervisor to reassign a reported case of child abuse or neglect that does not qualify for abbreviated investigation or administrative closure under those circumstances to a different DFPS caseworker if the supervisor determines that reassignment would allow DFPS to make the most effective use of resources to investigate and respond to reported cases of abuse or neglect. The bill requires the executive commissioner of the Health and Human Services Commission, not later than December 1, 2017, to adopt rules necessary to implement the bill's provisions.

EFFECTIVE DATE

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