

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 190
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Health & Human Services
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

One of the biggest issues highlighted in recent reviews of the Department of Family and Protective Services (DFPS) has been unsustainably high caseloads in investigations. S.B. 190 improves caseload management efficiency by ensuring that abuse or neglect cases that remain open for over 60 days are reviewed by a supervisor for administrative closure when applicable. This change helps to clear the backlog of very low risk cases, while still requiring that an experienced individual makes the call for administrative closures. The bill also makes absolutely sure that a Child Protective Services (CPS) employee reviews and checks in on the case within 61 days. Besides reducing the caseloads for caseworkers, S.B. 190 helps to get families who have not been cleared nor investigated out of limbo.

DFPS has trained regional staff on how to triage cases, including administrative closures, but caseworkers are still fearful of incorrectly doing an administrative closure. Administrative closures are done when the worker finds that CPS does not have jurisdiction to investigate or when the allegation does not meet the definition of abuse or neglect.

There are limitations on which cases could be closed in order to ensure children's safety. One requirement is that there are no reports of abuse or neglect of that child prior to or since the case being considered. Also, to close a case administratively the supervisor must consult with a professional or another credible source to determine that the child's safety can be assured without additional investigations, services, or assistance. If the supervisor decides that the case should not be administratively closed, they have the option to reassign the case to a different caseworker, if appropriate. DFPS will also implement a training program for supervisors and caseworkers to educate them on how to effectively utilize the system and the process for administrative closure.

If Texas improves caseload management efficiency, it would help CPS better focus its resources and could reduce caseloads for investigators. Maintaining an effective caseload management system allows CPS to improve its ability to protect Texas kids.

C.S.S.B. 190 amends current law relating the administrative closure of certain reported cases of child abuse or neglect made to the Department of Family and Protective Services.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 261.3017, Family Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter D, Chapter 261, Family Code, by adding Section 261.3017, as follows:

Sec. 261.3017. ABBREVIATED INVESTIGATION AND ADMINISTRATIVE CLOSURE OF CERTAIN CASES. (a) Authorizes a Department of Family and Protective Services caseworker (DFPS; caseworker) to refer a reported case of child abuse or neglect to a DFPS supervisor (supervisor) for abbreviated investigation or

administrative closure at any time before the 60th day after the date the report is received if:

(1) there is no prior report of abuse or neglect of the child who is the subject of the report;

(2) DFPS has not received an additional report of abuse or neglect of the child following the initial report; and

(3) either, 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; or the caseworker determines that no abuse or neglect occurred.

(b) Requires a 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 the circumstances described by Subsections (a)(1)-(3) exist and that closing the case would not expose the child to an undue risk of harm.

(c) Authorizes a supervisor to reassign a reported case of child abuse or neglect that does not qualify for abbreviated investigation or administrative closure under Subsection (a) or (b) to a different 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.

(d) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner) to adopt rules necessary to implement this section.

(e) Defines "professional."

SECTION 2. Requires the executive commissioner, not later than December 1, 2017, to adopt rules necessary to implement Section 261.3017, Family Code, as added by this Act.

SECTION 3. Effective date: upon passage or September 1, 2017.