

By: Frank

H.B. No. 6

A BILL TO BE ENTITLED

AN ACT

relating to the statewide implementation of community-based foster care by the Department of Family and Protective Services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 264.124, Family Code, is amended by adding Subsection (e) to read as follows:

(e) On receipt of the verification required under Subsection (b), or as provided by Subsection (d), the department shall provide monetary assistance to a foster parent for full-time or part-time day care services for a foster child. The department may not deny monetary assistance to the foster parent as long as the foster parent is employed on a full-time or part-time basis.

SECTION 2. (a) Chapter 264, Family Code, is amended by adding Subchapter B-1 to read as follows:

SUBCHAPTER B-1. COMMUNITY-BASED FOSTER CARE

Sec. 264.151. LEGISLATIVE FINDINGS AND INTENT. (a) The legislature finds that:

(1) for more than 30 years, the child welfare system in Texas has been centralized and managed by statutes and rules that impose a uniform system on communities statewide and ignore the fundamental differences between regions;

(2) in order for the department to effectively provide child welfare services, as required by state and federal law, fundamental structural changes to the provision of child protective

1 and welfare services are necessary;

2 (3) child welfare services that are community-based  
3 and family-centered, are monitored by community stakeholders, and  
4 have effective accountability standards regarding performance  
5 outcomes and practices have been found to lead to better outcomes  
6 for children who are victims of abuse and neglect;

7 (4) community-based care would align outcomes to  
8 assist the state in achieving the state's goal of substantial gains  
9 in comparison to other states under federal metrics regarding  
10 outcomes in child safety, permanency, and well-being; and

11 (5) it should be a goal for the state to achieve a top  
12 10 ranking in the key measures employed by the Administration for  
13 Children and Families in the United States Department of Health and  
14 Human Services after full implementation of community-based care.

15 (b) It is the intent of the legislature that the department  
16 contract with community-based, nonprofit entities to provide child  
17 welfare services, including providing direct case management to  
18 ensure child safety, permanency, and well-being, in accordance with  
19 state and federal child welfare goals.

20 (c) It is the intent of the legislature that the provision  
21 of community-based foster care for children be implemented with  
22 measurable goals relating to:

23 (1) the safety of children in placements;

24 (2) the placement of children in each child's home  
25 community;

26 (3) the provision of services to children in the least  
27 restrictive environment possible and with minimal placement

1 changes;

2 (4) the maintenance of contact between children and  
3 their families and other important persons;

4 (5) the placement of children with siblings;

5 (6) the provision of services that respect each  
6 child's culture;

7 (7) the preparation of children and youth in foster  
8 care for adulthood;

9 (8) the provision of opportunities, experiences, and  
10 activities for children and youth in foster care that are available  
11 to children and youth who are not in foster care; and

12 (9) the participation by children and youth in making  
13 decisions relating to their own lives.

14 Sec. 264.152. DEFINITIONS. In this subchapter:

15 (1) "Babysitter" means a person who is not the foster  
16 parent of the child and who provides temporary care for the child  
17 for not more than 12 hours.

18 (2) "Catchment area" means a geographic service area  
19 for providing child protective services that is identified as part  
20 of the community-based foster care redesign.

21 (3) "Community-based foster care" means the  
22 redesigned foster care services system required by Chapter 598  
23 (S.B. 218), Acts of the 82nd Legislature, Regular Session, 2011.

24 (4) "Overnight care provider" means a person who is  
25 not the foster parent of the child and who provides temporary care  
26 for the child for more than 12 hours but not more than 72 hours.

27 (5) "Respite care provider" means a person who is not

1 the foster parent of the child and who provides the temporary care  
2 for the child for more than 72 hours but less than 40 days unless the  
3 care is provided during a department investigation of a service  
4 provider for child abuse or neglect.

5 Sec. 264.154. STATEWIDE EXPANSION OF COMMUNITY-BASED  
6 FOSTER CARE. (a) The department shall, as provided by this  
7 section, expand community-based foster care until it has been  
8 implemented throughout this state.

9 (b) Not later than December 31, 2019, the department shall:

10 (1) identify two catchment areas in the state that are  
11 best suited to implement community-based foster care;

12 (2) create an implementation plan for those catchment  
13 areas that includes a timeline for implementation and for the  
14 transfer of case management services; and

15 (3) implement community-based foster care in those  
16 catchment areas.

17 (c) Following the selection of the catchment areas under  
18 Subsection (b), the department shall, not later than December 31 of  
19 each year, and based on the availability of funding:

20 (1) identify at least one additional catchment area  
21 that is prepared to implement community-based foster care;

22 (2) provide a report to the legislature that details  
23 the selected catchment area; and

24 (3) begin implementing community-based foster care in  
25 that area.

26 (d) In expanding community-based foster care, the  
27 department may change the geographic boundaries of catchment areas

1 as necessary to align with specific communities.

2 (e) The department shall ensure the continuity of services  
3 for children and families during the transition period to  
4 community-based foster care in a catchment area.

5 Sec. 264.155. COMMUNITY ENGAGEMENT OVERSIGHT GROUP. (a)  
6 The department shall establish a community engagement oversight  
7 group in each catchment area to assist with implementing  
8 community-based foster care.

9 Sec. 264.156. QUALIFICATIONS OF SINGLE SOURCE CONTINUUM  
10 CONTRACTOR. To be eligible to enter into a contract with the  
11 commission to serve as a single source continuum contractor to  
12 provide foster care service delivery, an entity must be a nonprofit  
13 entity that:

14 (1) is licensed as a service provider by the  
15 department;

16 (2) has an organizational mission focused on child  
17 welfare; and

18 (3) has the ability to offer case management services.

19 Sec. 264.157. REQUIRED CONTRACT PROVISIONS. A contract  
20 with a single source continuum contractor to provide foster care  
21 services in a catchment area must include provisions that:

22 (1) specify performance outcomes and financial  
23 incentives for exceeding any specified performance outcomes; and

24 (2) ensure that the single source continuum contractor  
25 accurately determines the service level for each child receiving  
26 services from the contractor and authorize the department to adjust  
27 the daily residential payment rate, as necessary based on the

1 child's level of service.

2 Sec. 264.158. DUTIES OF SINGLE SOURCE CONTINUUM CONTRACTOR.

3 (a) A single source continuum contractor shall create a single  
4 process for the training and use of respite care providers for all  
5 child-placing agencies in a catchment area. The single process  
6 must:

7 (1) use a single form for approving respite care  
8 providers; and

9 (2) ensure that respite care providers meet the  
10 minimum standards for providers specified by the department.

11 (b) A single source continuum contractor shall ensure that  
12 babysitters and overnight care providers are able to provide  
13 services to all child-placing agencies operating in the catchment  
14 area. A babysitter or overnight care provider may not provide  
15 services if, during the preceding three years, the babysitter or  
16 overnight care provider has been the subject of any complaint or has  
17 violated any licensing rules or standards.

18 (c) A single source continuum contractor that provides  
19 foster care services in a catchment area may enter into memorandums  
20 of understanding with single source continuum contractors  
21 providing foster care services in other catchment areas to allow  
22 respite care providers, babysitters, and overnight care providers  
23 to provide services in multiple catchment areas.

24 Sec. 264.159. CONTINGENCY PLAN IN EVENT OF EARLY CONTRACT  
25 TERMINATION. In each catchment area in which community-based  
26 foster care is implemented, the department shall create a  
27 contingency plan to ensure the continuity of services for children

1 and families in the catchment area in the event of an early  
2 termination of the contract with the single source continuum  
3 contractor providing foster care services in that catchment area.

4 Sec. 264.160. ANNUAL REPORTING. Not later than January 31  
5 of each year, the department shall provide to the speaker of the  
6 house, the lieutenant governor, the standing committees of the  
7 legislature with jurisdiction over foster care, and the Legislative  
8 Budget Board a report containing the data indicators submitted  
9 during the previous calendar year to the United States Department  
10 of Health and Human Services through the federal adoption and  
11 foster care analysis and reporting system and the national child  
12 abuse and neglect data system. The department shall also make the  
13 data indicators available on the department's Internet website.

14 (b) Section 264.126, Family Code, is transferred to  
15 Subchapter B-1, Chapter 264, Family Code, as added by this section,  
16 redesignated as Section 264.153, Family Code, and amended to read  
17 as follows:

18 Sec. 264.153 [264.126]. COMMUNITY-BASED FOSTER CARE  
19 [REDESIGN] IMPLEMENTATION PLAN. (a) The department shall develop  
20 and maintain a plan for implementing community-based [the] foster  
21 care [~~redesign required by Chapter 598 (S.B. 218), Acts of the 82nd~~  
22 ~~Legislature, Regular Session, 2011~~]. The plan must:

23 (1) describe the department's expectations, goals, and  
24 approach to implementing community-based foster care [~~redesign~~];

25 (2) include a timeline for implementing  
26 community-based [the] foster care [~~redesign~~] throughout this  
27 state, any limitations related to the implementation, and a

1 progressive intervention plan and a contingency plan to provide  
2 continuity of foster care service delivery if a contract with a  
3 single source continuum contractor ends prematurely;

4 (3) delineate and define the case management roles and  
5 responsibilities of the department and the department's  
6 contractors and the duties, employees, and related funding that  
7 will be transferred to the contractor by the department;

8 (4) identify any training needs and include long-range  
9 and continuous plans for training and cross-training staff;

10 (5) include a plan for evaluating the costs and tasks  
11 associated with each contract procurement, including the initial  
12 and ongoing contract costs for the department and contractor;

13 (6) include the department's contract monitoring  
14 approach and a plan for evaluating the performance of each  
15 contractor and the community-based foster care [~~redesign~~] system as  
16 a whole that includes an independent evaluation of processes and  
17 outcomes; and

18 (7) include a report on transition issues resulting  
19 from implementation of community-based [~~the~~] foster care  
20 [~~redesign~~].

21 (b) The department shall annually:

22 (1) update the implementation plan developed under  
23 this section and post the updated plan on the department's Internet  
24 website; and

25 (2) post on the department's Internet website the  
26 progress the department has made toward its goals for implementing  
27 community-based [~~the~~] foster care [~~redesign~~].



1 SECTION 3. Section 40.032, Human Resources Code, is amended  
2 by adding Subsection (h) to read as follows:

3 (h) In this subsection, "community-based foster care" has  
4 the meaning assigned by Section 264.152, Family Code. The  
5 department must collaborate with single source continuum  
6 contractors to ensure that employees of the department who perform  
7 case management functions are given preference for employment by  
8 service providers under the community-based foster care service  
9 system.

10 SECTION 4. Subchapter B, Chapter 40, Human Resources Code,  
11 is amended by adding Section 40.039 to read as follows:

12 Sec. 40.039. FOSTER CARE SERVICES CONTRACT COMPLIANCE AND  
13 OVERSIGHT DIVISION. (a) In this section "community-based foster  
14 care" has the meaning assigned by Section 264.152, Family Code.

15 (b) The department shall create within the department the  
16 foster care services contract compliance and oversight division.  
17 The division shall oversee contract compliance and achievement of  
18 performance-based outcomes by any vendor that provides foster care  
19 services for the department under community-based foster care.

20 SECTION 5. Section 42.042, Human Resources Code, is amended  
21 by adding Subsection (s) to read as follows:

22 (s) The department shall create and implement a process to  
23 simplify and streamline the licensing and verification rules for  
24 agency foster homes and child-placing agencies.

25 SECTION 6. The changes in law made by this Act apply only to  
26 a contract for foster care services entered into or renewed on or  
27 after the effective date of this Act.

1 SECTION 7. This Act takes effect September 1, 2017.