

By: Wu

H.B. No. 723

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of county boards to oversee the provision of child protective services in certain counties.

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

SECTION 1. Title 2, Human Resources Code, is amended by adding Subtitle F to read as follows:

SUBTITLE F. COUNTY OVERSIGHT OF CHILD PROTECTIVE SERVICES

CHAPTER 57. COUNTY CHILD PROTECTIVE SERVICES BOARDS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 57.001. DEFINITIONS. In this chapter:

(1) "Board" means the child protective services board for a county.

(2) "Department" means the Department of Family and Protective Services.

SUBCHAPTER B. BOARD

Sec. 57.051. ESTABLISHMENT OF CHILD PROTECTIVE SERVICES BOARD. (a) The commissioners court of a county with a population of 300,000 or more shall establish a child protective services board to oversee the child protective services provided in the county.

(b) The commissioners court of a county with a population of less than 300,000 may establish a child protective services board to oversee the child protective services provided in the county.

(c) The commissioners courts of two or more counties may

1 agree to operate a combined board to oversee child protective
2 services in each county.

3 Sec. 57.052. COMPOSITION OF BOARD. (a) The commissioners
4 court of a county shall coordinate the appointment of members to the
5 board. The board is composed of the following members:

6 (1) except as provided by Subsection (b), each judge
7 of a district court in the county with jurisdiction over child
8 protective services cases, or the judge's appointed associate judge
9 who is assigned those cases;

10 (2) a representative from the office of the attorney
11 who represents the state in child protective services cases brought
12 in the county, selected by that office;

13 (3) the county judge of the county or a commissioners
14 court representative, selected by the commissioners court;

15 (4) one department employee in the regional office
16 located in the county, selected by the department;

17 (5) one court-appointed special advocate, selected by
18 a county child advocate organization designated by the
19 commissioners court; and

20 (6) except as provided by Subsection (c), one attorney
21 in the county who has experience as an attorney ad litem in child
22 protective services cases, selected by the board.

23 (b) If a county has more than six judges described by
24 Subsection (a)(1), the local administrative judge shall appoint
25 three of the described judges to serve on the board.

26 (c) The commissioners court of a county shall make the
27 initial appointment of the member described by Subsection (a)(6).

1 (d) The members who are selected for appointment under
2 Subsection (a) serve two-year terms and may be reappointed by the
3 selecting entity subject to the approval of the board or
4 commissioners court, as appropriate.

5 Sec. 57.053. PRESIDING OFFICER. The board shall elect one
6 of its members as presiding officer at the first regular board
7 meeting each calendar year. The presiding officer shall perform
8 the duties required by the board to accomplish the purposes of this
9 chapter.

10 Sec. 57.054. MEETINGS; PUBLIC INTEREST INFORMATION AND
11 PUBLIC ACCESS. (a) The board shall hold regular meetings each year
12 on dates set by the board and special meetings at the call of the
13 presiding officer.

14 (b) The board shall develop and implement policies that
15 provide the public with a reasonable opportunity to appear before
16 the board and to speak on any issue under the jurisdiction of the
17 board.

18 (c) The board shall prepare information of public interest
19 describing the functions of the board. The board shall make the
20 information available to the public and appropriate state agencies.

21 SUBCHAPTER C. POWERS AND DUTIES

22 Sec. 57.101. DUTIES. (a) The board shall oversee, review,
23 and make recommendations related to the department's child
24 protective services program in the county, including:

- 25 (1) the protective services provided to children;
26 (2) the investigations of alleged abuse or neglect of
27 children;

1 (3) the family support and family preservation
2 services;

3 (4) the programs for early intervention or prevention
4 of at-risk behaviors that lead to child abuse, delinquency, running
5 away, truancy, and dropping out of school; and

6 (5) the policies, including financial policies, for
7 the provision of child protective services.

8 (b) The recommendations provided under Subsection (a)
9 should include procedures the department can implement to:

10 (1) reduce the number of abused and neglected children
11 in the county;

12 (2) increase the number of foster care placements in
13 the county for children residing in the county at the time of
14 initial placement in child protective services;

15 (3) increase foster parent recruiting in the county;

16 (4) reduce the time a child is placed in foster care;

17 (5) facilitate adoptions in the county for children
18 residing in the county at the time of initial placement in the
19 department's managing conservatorship;

20 (6) provide additional assistance to children aging
21 out of foster care and to children with special needs; and

22 (7) increase the treatment options and services
23 available to children in the managing conservatorship of the
24 department and to the children's families.

25 Sec. 57.102. CONFIDENTIALITY OF INFORMATION. (a) The
26 board shall establish and enforce policies governing the custody,
27 use, and preservation of the board's records and communications.

1 (b) The board shall prescribe safeguards to govern the use
2 or disclosure of privileged or confidential information relating to
3 the board's duties or to an investigation the board conducts in
4 performing its duties. The safeguards must be consistent with the
5 purposes of the board's duties and comply with applicable state and
6 federal law.

7 Sec. 57.103. REPORTS; APPROPRIATION REQUESTS. (a) A board
8 described by Section 57.051(a) shall and a board described by
9 Section 57.051(b) or (c) may annually prepare and submit to the
10 lieutenant governor, the speaker of the house of representatives,
11 and each member of the legislature a report on:

12 (1) the provision of child protective services in the
13 county;

14 (2) recommendations for changes in the provision of
15 child protective services in the county; and

16 (3) any other information required by the legislature.

17 (b) The board may submit any legislative appropriation
18 request related to the operations of the board to the department for
19 incorporation in the department's budget.

20 Sec. 57.104. IMMUNITY FROM LIABILITY. (a) A board member
21 is not liable for damages arising from an act or omission committed
22 while performing duties as a board member.

23 (b) This section does not apply if the act or omission is:

24 (1) reckless or intentional;

25 (2) done wilfully, wantonly, or with gross negligence;

26 or

27 (3) done with conscious indifference or reckless

1 disregard for the safety of others.

2 SECTION 2. As soon as practicable after the effective date
3 of this Act, each county with a population of 300,000 or more shall
4 establish a child protective services board for the county in
5 accordance with Chapter 57, Human Resources Code, as added by this
6 Act.

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