

BILL ANALYSIS

C.S.H.B. 1536
By: Miller
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There have been calls for the state's child welfare system to become more trauma-informed to better address the maladaptive coping skills and behaviors exhibited by traumatized children. It has been suggested that these calls would be answered by providing training for the significant adults in these children's lives, including caregivers, caseworkers, and Department of Family and Protective Services (DFPS) employees, in the essential components of trauma-informed care. C.S.H.B. 1536 seeks to meet this goal by instituting trauma-informed care training for certain DFPS employees and establishing the Trauma-Informed Care Task Force.

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 commissioner of the Department of Family and Protective Services in SECTION 2 of this bill.

ANALYSIS

C.S.H.B. 1536 amends the Human Resources Code to require the Department of Family and Protective Services (DFPS) to ensure that the child protective services division of DFPS transitions to a trauma-informed system of care that ensures that participants in the system recognize and respond to the widespread impact of trauma and the signs and symptoms of trauma in those involved with the system and seek to actively resist re-traumatization with an understanding for the potential paths for recovery by fully integrating knowledge about trauma and trauma-informed care into policies, procedures, practices, and training. The bill prohibits these provisions from being construed to create a legal presumption against a parent in an investigation of child abuse or neglect conducted by DFPS or a child protection suit or to relieve DFPS from any burden of proof required in such a suit. The bill sets out definitions for "trauma" and "trauma-informed care," among other terms, but establishes that those definitions do not apply if the DFPS commissioner adopts rules defining those two terms. The bill adds a temporary provision set to expire September 1, 2021, requiring the commissioner to adopt those rules for purposes of the transition to trauma-informed care using a negotiated rulemaking process under the Negotiated Rulemaking Act and to consider, in adopting those rules, the definitions provided by the bill.

C.S.H.B. 1536 requires DFPS to appoint in each DFPS region at least two trauma-informed care coordinators who have substantial expertise and experience in at least one trauma-informed care model and, in appointing the coordinators, to ensure that, if possible, each coordinator in a region represents a different trauma-informed care model. The bill requires each coordinator to organize and offer trauma-informed care training and offer coaching and support regarding

trauma-informed care within the coordinator's region.

C.S.H.B. 1536 requires DFPS to establish the 11-member Trauma-Informed Care Task Force to assist DFPS in implementing the transition to a trauma-informed system of care for children in DFPS conservatorship. The bill sets out the composition of the task force and provides for its administration and operation. The bill exempts the task force from statutory provisions governing state agency advisory committees. The bill requires the task force, not later than December 1 of each even-numbered year, to report to the legislature regarding the progress of DFPS toward transitioning to a trauma-informed system of care and to make recommendations for any legislative action. These provisions expire and the task force is abolished September 1, 2023.

C.S.H.B. 1536 requires DFPS to ensure that each DFPS employee who interacts with or makes decisions on behalf of a child in DFPS conservatorship receives trauma-informed care training that provides the employee with a foundational level of understanding of a range of matters as prescribed by the bill and sets out additional training requirements, including the total time spent in training, for the following persons:

- each DFPS administrative employee who makes decisions on behalf of DFPS regarding DFPS organization, policy goals, and funding;
- each DFPS employee who serves as a regional director or mid-level supervisor; and
- each DFPS employee who serves as a caseworker or investigator.

C.S.H.B. 1536 establishes that the training required under its Human Resources Code provisions do not require the use of any specific training model or program. The bill requires DFPS to provide the training required under those provisions to DFPS employees in two or three DFPS regions each fiscal year and to complete the training in all regions not later than September 1, 2023.

C.S.H.B. 1536 amends the Family Code to require foster parents, adoptive parents, and kinship caregivers to receive training in trauma-informed care that uses a research-supported or evidence-based model and that meets the requirements established by the bill for the training required for DFPS employees who interact with or make decisions on behalf of a child in DFPS conservatorship and DFPS caseworkers and investigators. The bill authorizes the training to include faith-based programs that meet those same criteria. The bill authorizes DFPS to exempt from that trauma-informed training requirement any individual who submits proof to DFPS that the individual has received training that meets the training requirements established by the bill for those applicable DFPS employees, caseworkers, and investigators.

C.S.H.B. 1536 repeals Section 264.015(b), Family Code.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1536 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include a list of required attributes of the trauma-informed care system to which DFPS is required to transition but includes a requirement for DFPS to instead ensure that that system ensures system participants recognize and respond to certain factors and seek to actively resist re-traumatization.

The substitute changes the entity responsible for establishing the task force from the governor to DFPS. The substitute revises and expands the task force's composition and provides for a biennial report from the task force to the legislature.

The substitute revises the required components of the trauma-informed care training to be provided to the following:

- DFPS employees who interact with or make decisions on behalf of a child in DFPS conservatorship;
- DFPS employees who serve as a regional director or mid-level supervisor; and
- DFPS employees who serve as a caseworker or investigator.

The substitute revises the definition applicable to the terms "trauma-informed care," "trauma-informed program," or "trauma-informed service" and includes a provision making the definition of "trauma" and "trauma-informed care" inapplicable if the DFPS commissioner adopts rules defining those terms. The substitute provides for the adoption of those rules by December 1, 2019.

The substitute removes the requirement for DFPS to include a minimum period of training in trauma-informed programs and services in any training DFPS provides to foster parents, adoptive parents, and kinship caregivers and requires DFPS to instead require those persons to receive training on that topic. The substitute revises the requirements for the training and authorizes the training to include certain faith-based programs.