

BILL ANALYSIS

Senate Research Center

H.B. 2764
By: Frank; Swanson (Hughes)
Health & Human Services
5/12/2019
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

It has been suggested that Texas is suffering from a lack of quality, loving foster homes for children who have been removed from their parents' care by the Department of Family and Protective Services (DFPS) due to abuse or neglect allegations. Concerns have been raised about the high number of training hours required for some foster care providers before they are able to foster a child in their home, which may serve as a barrier for individuals who might otherwise be willing to become foster parents.

H.B. 2764 seeks to remedy this situation by providing for a cap on the total number of training hours required for substitute care providers for children in DFPS conservatorship and a process to provide for greater flexibility in the application of the minimum standards to licensed child-placing agencies, agency foster homes, and adoptive homes.

H.B. 2764 amends current law relating to minimum standards and caregiver training for substitute care providers for children in the conservatorship of the Department of Family and Protective Services.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Health and Human Services Commission in SECTION 1 (Section 42.042, Human Resources Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 42.042, Human Resources Code, by adding Subsections (b-1) and (t), as follows:

(b-1) Requires the Health and Human Services Commission (HHSC), not later than the earlier of December 31, 2020, or the date HHSC conducts the next review required by Subsection (b) (relating to requiring the Department of Family and Protective Services (DFPS) to conduct a comprehensive review of all rules and standards at least every six years), to create and implement a process to simplify, streamline, and provide for greater flexibility in the application of the minimum standards to licensed child-placing agencies, agency foster homes, and adoptive homes with the goal of increasing the number of foster and adoptive homes in this state. Provides that this subsection expires September 1, 2021.

(t) Requires HHSC by rule to grant to each child-placing agency and each single source continuum contractor the authority to waive certain minimum standards related to preservice training, annual training, or other requirements that are not directly related to caring for the child for:

(1) the child's foster or prospective adoptive parent; or

(2) foster homes that have no citations or violations reported to HHSC.

SECTION 2. Amends Section 42.0537, Human Resources Code, by amending Subsections (a) and (b) and adding Subsections (d), (e), and (f), as follows:

(a) Requires DFPS and each single source continuum contractor to include a provision in each contract with a child-placing agency with whom children in the managing conservatorship of DFPS are placed that requires the child-placing agency to provide competency-based, preservice training to a potential caregiver before the child-placing agency verifies or approves the caregiver as a foster or adoptive home, rather than requiring DFPS to include a provision in each contract with a child-placing agency with whom children in the managing conservatorship of DFPS are placed that requires the child placing agency to provide at least 35 hours of competency-based, preservice training to a potential caregiver before the child-placing agency verifies or approves the caregiver as a foster or adoptive home. Prohibits the amount of training required by this subsection, except as provided by Subsection (d), from exceeding 35 hours.

(b) Makes a conforming change to this subsection.

(d) Authorizes DFPS and each single source continuum contractor providing foster care placement or case management services to include in each contract with a child-placing agency with whom children in the managing conservatorship of DFPS are placed provisions that:

(1) require the child-placing agency to, before verifying or approving a prospective caregiver as a foster or adoptive home, provide to the prospective caregiver competency-based, preservice training in addition to other training required under this section, based on the needs of the child being placed, including training regarding:

(A) the treatment of:

(i) children with complex medical needs;

(ii) children with emotional disorders;

(iii) children with intellectual or developmental disabilities; and

(iv) victims of human trafficking; and

(B) any other situation DFPS determines would require additional training; and

(2) allow the child-placing agency to provide training, in addition to other training required under this section for a prospective caregiver, that:

(A) meets the eligibility standards for federal financial participation under the requirements of the federal Family First Prevention Services Act (Title VII, Div. E, Pub. L. No. 115-123);

(B) meets the standards set by a nationally recognized accrediting organization; or

(C) meets the standards described by Paragraphs (A) and (B).

(e) Authorizes DFPS to require training in addition to other training required under this section described by Subsection (d)(2), as appropriate, for certified child-placing agencies operated by DFPS.

(f) Authorizes a child-placing agency to issue a provisional verification as provided by Section 42.053(e) to a prospective foster caregiver while the caregiver completes the training required under Subsection (d).

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2019.