

## **BILL ANALYSIS**

C.S.H.B. 2764  
By: Frank  
Human Services  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

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. C.S.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.

### **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 Department of Family and Protective Services in SECTION 1 of this bill.

### **ANALYSIS**

C.S.H.B. 2764 amends the Human Resources Code to cap the amount of caregiver training required before the Department of Family and Protective Services (DFPS) or a child-placing agency verifies or approves the caregiver as a foster or adoptive home at 35 hours. The bill 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 DFPS managing conservatorship are placed provisions that do the following:

- require the child-placing agency to provide to the prospective caregiver specified competency-based, preservice training in addition to other required training, based on the needs of the child being placed, before verifying or approving a prospective caregiver as a foster or adoptive home; and
- allow the child-placing agency to provide training, in addition to the other required training, that meets the eligibility standards for federal financial participation under the requirements of the federal Family First Prevention Services Act.

The bill authorizes DFPS to require training in addition to such other required training, as appropriate, for certified child-placing agencies operated by DFPS. The bill authorizes a child-placing agency to issue a provisional verification to a prospective foster caregiver while the caregiver completes the appropriate required training.

C.S.H.B. 2764 requires the Health and Human Services Commission (HHSC), not later than the earlier of December 31, 2020, or the date HHSC conducts the next comprehensive review of all its rules and standards regulating certain facilities, homes, and agencies that provide child-care services, 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 Texas. This requirement expires September 1, 2021. The bill requires DFPS 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 certain requirements that are not directly related to caring for the child.

#### **EFFECTIVE DATE**

September 1, 2019.

#### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2764 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 includes the following:

- a temporary provision requiring HHSC to create and implement 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;
- a requirement for DFPS to grant to each child-placing agency and each single source continuum contractor the authority to waive certain minimum standards related to requirements that are not directly related to caring for the child;
- an authorization for DFPS and each such contractor to include in each contract with a child-placing agency with whom children in the managing conservatorship of DFPS are placed certain provisions;
- an authorization for DFPS to require additional training for certified child-placing agencies; and
- an authorization for a child-placing agency to issue a provisional verification to a prospective foster caregiver while the caregiver completes the appropriate required training.