

BILL ANALYSIS

C.S.H.B. 2866
By: Deshotel
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There are growing concerns about a low response rate and lack of action in regard to certain investigations of alleged abuse or neglect that occur in a residential child-care facility, day-care center, group day-care home, before-school or after-school program, school-age program, or family home, especially with regard to cases of abuse or neglect that are substantiated by the health and human services office of the ombudsman. C.S.H.B. 2866 seeks to address these concerns by, among other things, increasing the frequency of reporting of certain investigation and evaluation information regarding such facilities.

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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2866 amends the Family Code to make the requirement that the Department of Family and Protective Services (DFPS) release certain information regarding a child fatality or near fatality with respect to which DFPS is conducting an investigation of alleged abuse or neglect applicable to an investigation of alleged abuse or neglect that occurred in a residential child-care facility, day-care center, group day-care home, before-school or after-school program, school-age program, or family home, regardless of whether the facility or program is licensed, registered, or listed under applicable Human Resources Code provisions. The bill includes among the information DFPS is required to release after determining following an investigation that the child's death or near fatality was caused by abuse or neglect that occurred in such a facility or program the following information:

- whether the facility or program was licensed, registered, or listed at the time of the child's death or near fatality;
- a summary of any previous reports of abuse or neglect investigated by DFPS relating to the facility or program, including the disposition of any resulting investigation;
- any reported licensing, registration, or listing violations, including notice of any action taken by the Health and Human Services Commission (HHSC) regarding a violation; and
- records of any training completed by the facility or program.

The bill requires DFPS to release in the most cost-efficient manner possible information regarding a child fatality or near fatality with respect to which DFPS is conducting an investigation of alleged abuse or neglect.

C.S.H.B. 2866 amends the Human Resources Code to transfer the duties regarding a database containing relevant inspection information on licensed day-care centers, licensed group day-care homes, and registered family homes from DFPS to HHSC and requires the inspection data HHSC provides to the public to include:

- information on any violation by the center or home relating to the sexual abuse of a child attending the center or home and details of the violation;
- information on any incident at the center or home that HHSC determines violates the minimum standards for the center or home or results in abuse or neglect of a child attending the center or home; and
- a sufficient amount of detail in the aforementioned information for the public to understand the circumstances surrounding a violation, including any action taken by the center or home to remedy the violation.

The bill authorizes HHSC to collaborate with parents and other interested parties in determining the type of information provided to the public and requires HHSC to protect a child's identity in all information provided to the public. The bill requires HHSC to retain in the inspection data the required information until at least the fifth anniversary of the date the information is added to the data. The bill requires HHSC to provide written notice to such a facility or home it determines has committed a violation that results in the sexual abuse of a child attending the facility or home and requires the facility or home, on receipt of the notice, to provide written notice of the described violation to each parent or legal guardian of a child attending the facility or home.

C.S.H.B. 2866 amends the Labor Code to revise the child-care cost information that the Texas Workforce Commission's (TWC) annual evaluation of allocation formulas for federal child care development funds to local workforce development boards must assess and to expand the types of information the evaluation must assess. The bill requires the TWC to annually update certain of that information for purposes of the evaluation.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2866 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 a requirement for DFPS to release in the most cost-efficient manner possible information regarding a child fatality with respect to which DFPS is conducting an investigation of alleged abuse or neglect.