

By: Watson

S.B. No. 1347

A BILL TO BE ENTITLED

AN ACT

relating to the investigation of a complaint made by a foster child or youth and the results of the investigation.

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

SECTION 1. Subchapter D, Chapter 261, Family Code, is amended by adding Section 261.317 to read as follows:

Sec. 261.317. NOTICE OF RESULTS OF INQUIRY BY FOSTER CARE OMBUDSMAN. (a) The department shall notify a child in the conservatorship of the department of the outcome of an inquiry of the ombudsman for children and youth in foster care relating to a report made by the child if it is in the best interests of the child.

(b) The department shall ensure that the child is provided access to counseling and any other assistance the child may need relating to the circumstances that gave rise to the report.

SECTION 2. Section 263.008(b), Family Code, is amended to read as follows:

(b) It is the policy of this state that each child in foster care be informed of the child's rights provided by state or federal law or policy that relate to:

(1) abuse, neglect, exploitation, discrimination, and harassment;

(2) food, clothing, shelter, and education;

(3) medical, dental, vision, and mental health services, including the right of the child to consent to treatment;

1 (4) emergency behavioral intervention, including what
2 methods are permitted, the conditions under which it may be used,
3 and the precautions that must be taken when administering it;

4 (5) placement with the child's siblings and contact
5 with members of the child's family;

6 (6) privacy and searches, including the use of storage
7 space, mail, and the telephone;

8 (7) participation in school-related extracurricular
9 or community activities;

10 (8) interaction with persons outside the foster care
11 system, including teachers, church members, mentors, and friends;

12 (9) contact and communication with caseworkers,
13 attorneys ad litem, guardians ad litem, and court-appointed special
14 advocates;

15 (10) religious services and activities;

16 (11) confidentiality of the child's records;

17 (12) job skills, personal finances, and preparation
18 for adulthood;

19 (13) participation in a court hearing that involves
20 the child;

21 (14) participation in the development of service and
22 treatment plans;

23 (15) if the child has a disability, the advocacy and
24 protection of the rights of a person with that disability; ~~and~~

25 (16) information relating to a report made by the
26 child to the ombudsman for children and youth in foster care,
27 including:

1 (A) the right to be notified that the report has
2 been received and is being investigated;

3 (B) the steps the ombudsman has taken in the
4 investigation; and

5 (C) if it is in the child's best interest, the
6 results of the ombudsman's investigation; and

7 (17) any other matter affecting the child's ability to
8 receive care and treatment in the least restrictive environment
9 that is most like a family setting, consistent with the best
10 interests and needs of the child.

11 SECTION 3. Section 531.993, Government Code, is amended by
12 adding Subsections (b-1) and (c-1) to read as follows:

13 (b-1) Not later than the fifth day of each month, the
14 ombudsman shall compile a report regarding the investigations the
15 ombudsman completed during the preceding month. The report must
16 include:

17 (1) a summary of each complaint that was investigated;
18 (2) the ombudsman's final determination; and
19 (3) any corrective action recommended by the
20 ombudsman.

21 (c-1) The department and the commission's child care
22 licensing division shall provide written notice to the ombudsman on
23 whether the department or child care licensing division adopted or
24 rejected the ombudsman's recommended corrective action. If the
25 department or child care licensing division rejects a recommended
26 corrective action, the department or division shall include in the
27 notice the reason for the rejection.

1 SECTION 4. This Act takes effect September 1, 2019.