

By: Menéndez

S.B. No. 1535

A BILL TO BE ENTITLED

AN ACT

relating to a complaint made by a foster child or youth.

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

SECTION 1. 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;

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

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

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

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

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

1 (9) contact and communication with caseworkers,
2 attorneys ad litem, guardians ad litem, and court-appointed special
3 advocates;

4 (10) religious services and activities;

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

6 (12) job skills, personal finances, and preparation
7 for adulthood;

8 (13) participation in a court hearing that involves
9 the child;

10 (14) participation in the development of service and
11 treatment plans;

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

14 (16) notification of the outcome of any of the
15 following investigations in which the child is involved:

16 (A) an abuse or neglect investigation conducted
17 by the department;

18 (B) a minimum standard investigation conducted
19 by the Health and Human Services Commission; or

20 (C) an investigation of a complaint to the
21 division of the ombudsman for children and youth in foster care; and

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

26 SECTION 2. Section 531.993, Government Code, is amended by
27 adding Subsection (c-1) to read as follows:

1 (c-1) The department and the commission's child care
2 licensing division shall provide written notice to the ombudsman on
3 whether the department or child care licensing division adopted or
4 rejected any of the ombudsman's recommended corrective actions. If
5 the department or child care licensing division rejects a
6 recommended corrective action, the department or division shall
7 include in the notice the reason for the rejection.

8 SECTION 3. Subchapter Y, Chapter 531, Government Code, is
9 amended by adding Section 531.9933 to read as follows:

10 Sec. 531.9933. COMPLAINT PROCESS FOR FOSTER CHILDREN AND
11 YOUTH SERVED BY SINGLE SOURCE CONTINUUM CONTRACTOR. (a) In this
12 section:

13 (1) "Contractor" means a single source continuum
14 contractor in this state providing services identified under
15 Subchapter B-1, Chapter 264, Family Code.

16 (2) "Division" means the division of the ombudsman for
17 children and youth in foster care created under Section 531.9931.

18 (b) A child or youth in the conservatorship of the
19 department and served by a contractor may file a complaint directly
20 with the division and is not required to file an initial complaint
21 with the contractor.

22 (c) The division may access the internal records of a
23 contractor that are relevant to a complaint filed under this
24 section and not included in the department's automated case
25 tracking and information management system.

26 (d) The division shall provide written notice of the results
27 of the investigation of a complaint filed under this section to:

1 (1) the child or youth who filed the complaint;

2 (2) the child's or youth's contractor; and

3 (3) the department.

4 (e) Each contractor in this state shall provide to the
5 division:

6 (1) the contractor's contact information for the
7 division to receive records and provide notice under this section;
8 and

9 (2) updates to the contact information as necessary.

10 (f) A contractor may not directly or indirectly use or cause
11 to be used the term "ombudsman" to describe the contractor or the
12 contractor's internal complaint process.

13 SECTION 4. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2019.