

By: Menéndez  
(Frank)

S.B. No. 1535

Substitute the following for S.B. No. 1535:

By: Klick

C.S.S.B. No. 1535

A BILL TO BE ENTITLED

1 AN ACT

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

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

4 SECTION 1. Section 263.008(b), Family Code, is amended to  
5 read as follows:

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

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

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

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

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

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

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

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

23 (8) interaction with persons outside the foster care  
24 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 Subsections (c-1) and (c-2) to read as follows:

1       (c-1) Not later than the fifth day of each month, the  
2 ombudsman shall compile and provide to the department and the  
3 commission's child care licensing division a written report  
4 regarding the investigations completed during the preceding month.  
5 For each complaint investigated, the report must include:

- 6           (1) a summary of the complaint;  
7           (2) the ombudsman's final determination; and  
8           (3) any corrective action recommended by the  
9 ombudsman.

10       (c-2) The department or the commission's child care  
11 licensing division, as applicable, shall provide written notice to  
12 the ombudsman on whether the department or division adopted or  
13 rejected any of the ombudsman's recommended corrective actions. If  
14 the department or division rejects a recommended corrective action,  
15 the department or division shall include in the notice the reason  
16 for the rejection.

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

19       Sec. 531.9933. COMPLAINT PROCESS FOR FOSTER CHILDREN AND  
20 YOUTH. A child or youth in the conservatorship of the department  
21 may file a complaint directly with the ombudsman, regardless of  
22 whether the child or youth is served directly by the department or  
23 by a single source continuum contractor providing services for the  
24 department under Subchapter B-1, Chapter 264, Family Code, as added  
25 by Chapter 319 (S.B. 11), Acts of the 85th Legislature, Regular  
26 Session, 2017.

27       SECTION 4. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as  
2 provided by Section 39, Article III, Texas Constitution. If this  
3 Act does not receive the vote necessary for immediate effect, this  
4 Act takes effect September 1, 2019.