

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 investigation
15 in which the child is involved; and

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

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

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

1 notice the reason for the rejection.

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

4 Sec. 531.9933. COMPLAINT PROCESS FOR FOSTER CHILDREN AND
5 YOUTH SERVED BY SINGLE SOURCE CONTINUUM CONTRACTOR. (a) In this
6 section:

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

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

12 (b) A child or youth in the conservatorship of the
13 department and served by a contractor may file a complaint directly
14 with the division and is not required to file an initial complaint
15 with the contractor.

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

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

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

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

24 (3) the department.

25 (e) Each contractor in this state shall provide to the
26 division:

27 (1) the contractor's contact information for the

1 division to receive records and provide notice under this section;

2 and

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

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

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