

1-1 By: Menéndez S.B. No. 1535
 1-2 (In the Senate - Filed March 5, 2019; March 14, 2019, read
 1-3 first time and referred to Committee on Health & Human Services;
 1-4 April 1, 2019, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 8, Nays 0; April 1, 2019,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11			X	
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1535 By: Perry

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to a complaint made by a foster child or youth.
 1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-23 SECTION 1. Section 263.008(b), Family Code, is amended to
 1-24 read as follows:
 1-25 (b) It is the policy of this state that each child in foster
 1-26 care be informed of the child's rights provided by state or federal
 1-27 law or policy that relate to:
 1-28 (1) abuse, neglect, exploitation, discrimination, and
 1-29 harassment;
 1-30 (2) food, clothing, shelter, and education;
 1-31 (3) medical, dental, vision, and mental health
 1-32 services, including the right of the child to consent to treatment;
 1-33 (4) emergency behavioral intervention, including what
 1-34 methods are permitted, the conditions under which it may be used,
 1-35 and the precautions that must be taken when administering it;
 1-36 (5) placement with the child's siblings and contact
 1-37 with members of the child's family;
 1-38 (6) privacy and searches, including the use of storage
 1-39 space, mail, and the telephone;
 1-40 (7) participation in school-related extracurricular
 1-41 or community activities;
 1-42 (8) interaction with persons outside the foster care
 1-43 system, including teachers, church members, mentors, and friends;
 1-44 (9) contact and communication with caseworkers,
 1-45 attorneys ad litem, guardians ad litem, and court-appointed special
 1-46 advocates;
 1-47 (10) religious services and activities;
 1-48 (11) confidentiality of the child's records;
 1-49 (12) job skills, personal finances, and preparation
 1-50 for adulthood;
 1-51 (13) participation in a court hearing that involves
 1-52 the child;
 1-53 (14) participation in the development of service and
 1-54 treatment plans;
 1-55 (15) if the child has a disability, the advocacy and
 1-56 protection of the rights of a person with that disability; ~~and~~
 1-57 (16) notification of the outcome of any of the
 1-58 following investigations in which the child is involved:
 1-59 (A) an abuse or neglect investigation conducted
 1-60 by the department;

2-1 (B) a minimum standard investigation conducted
 2-2 by the Health and Human Services Commission; or
 2-3 (C) an investigation of a complaint to the
 2-4 division of the ombudsman for children and youth in foster care; and
 2-5 (17) any other matter affecting the child's ability to
 2-6 receive care and treatment in the least restrictive environment
 2-7 that is most like a family setting, consistent with the best
 2-8 interests and needs of the child.

2-9 SECTION 2. Section 531.993, Government Code, is amended by
 2-10 adding Subsection (c-1) to read as follows:

2-11 (c-1) The department and the commission's child care
 2-12 licensing division shall provide written notice to the ombudsman on
 2-13 whether the department or child care licensing division adopted or
 2-14 rejected any of the ombudsman's recommended corrective actions. If
 2-15 the department or child care licensing division rejects a
 2-16 recommended corrective action, the department or division shall
 2-17 include in the notice the reason for the rejection.

2-18 SECTION 3. Subchapter Y, Chapter 531, Government Code, is
 2-19 amended by adding Section 531.9933 to read as follows:

2-20 Sec. 531.9933. COMPLAINT PROCESS FOR FOSTER CHILDREN AND
 2-21 YOUTH SERVED BY SINGLE SOURCE CONTINUUM CONTRACTOR. (a) In this
 2-22 section:

2-23 (1) "Contractor" means a single source continuum
 2-24 contractor in this state providing services identified under
 2-25 Subchapter B-1, Chapter 264, Family Code.

2-26 (2) "Division" means the division of the ombudsman for
 2-27 children and youth in foster care created under Section 531.9931.

2-28 (b) A child or youth in the conservatorship of the
 2-29 department and served by a contractor may file a complaint directly
 2-30 with the division and is not required to file an initial complaint
 2-31 with the contractor.

2-32 (c) The division may access the internal records of a
 2-33 contractor that are relevant to a complaint filed under this
 2-34 section and not included in the department's automated case
 2-35 tracking and information management system.

2-36 (d) The division shall provide written notice of the results
 2-37 of the investigation of a complaint filed under this section to:

- 2-38 (1) the child or youth who filed the complaint;
- 2-39 (2) the child's or youth's contractor; and
- 2-40 (3) the department.

2-41 (e) Each contractor in this state shall provide to the
 2-42 division:

- 2-43 (1) the contractor's contact information for the
 2-44 division to receive records and provide notice under this section;
 2-45 and
- 2-46 (2) updates to the contact information as necessary.

2-47 (f) A contractor may not directly or indirectly use or cause
 2-48 to be used the term "ombudsman" to describe the contractor or the
 2-49 contractor's internal complaint process.

2-50 SECTION 4. This Act takes effect immediately if it receives
 2-51 a vote of two-thirds of all the members elected to each house, as
 2-52 provided by Section 39, Article III, Texas Constitution. If this
 2-53 Act does not receive the vote necessary for immediate effect, this
 2-54 Act takes effect September 1, 2019.

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