

SENATE AMENDMENTS

2nd Printing

By: Frank, Swanson

H.B. No. 2764

A BILL TO BE ENTITLED

AN ACT

1
2 relating to minimum standards and caregiver training for substitute
3 care providers for children in the conservatorship of the
4 Department of Family and Protective Services.

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

6 SECTION 1. Section 42.042, Human Resources Code, is amended
7 by adding Subsections (b-1) and (t) to read as follows:

8 (b-1) Not later than the earlier of December 31, 2020, or
9 the date the commission conducts the next review required by
10 Subsection (b), the commission shall create and implement a process
11 to simplify, streamline, and provide for greater flexibility in the
12 application of the minimum standards to licensed child-placing
13 agencies, agency foster homes, and adoptive homes with the goal of
14 increasing the number of foster and adoptive homes in this state.
15 This subsection expires September 1, 2021.

16 (t) The commission by rule shall grant to each child-placing
17 agency and each single source continuum contractor the authority to
18 waive certain minimum standards related to preservice training,
19 annual training, or other requirements that are not directly
20 related to caring for the child for:

21 (1) the child's foster or prospective adoptive parent;

22 or

23 (2) foster homes that have no citations or violations
24 reported to the commission.

1 SECTION 2. Section 42.0537, Human Resources Code, is
2 amended by amending Subsections (a) and (b) and adding Subsections
3 (d), (e), and (f) to read as follows:

4 (a) The department and each single source continuum
5 contractor shall include a provision in each contract with a
6 child-placing agency with whom children in the managing
7 conservatorship of the department are placed that requires the
8 child-placing agency to provide [~~at least 35 hours of~~]
9 competency-based, preservice training to a potential caregiver
10 before the child-placing agency verifies or approves the caregiver
11 as a foster or adoptive home. Except as provided by Subsection (d),
12 the amount of training required by this subsection may not exceed 35
13 hours.

14 (b) The department shall adopt policies to ensure that each
15 potential caregiver receives [~~at least 35 hours of~~]
16 competency-based, preservice training before the department
17 verifies or approves the caregiver as a foster or adoptive home.
18 Except as provided by Subsection (d), the amount of training
19 required by this subsection may not exceed 35 hours.

20 (d) The department and each single source continuum
21 contractor providing foster care placement or case management
22 services may include in each contract with a child-placing agency
23 with whom children in the managing conservatorship of the
24 department are placed provisions that:

25 (1) require the child-placing agency to, before
26 verifying or approving a prospective caregiver as a foster or
27 adoptive home, provide to the prospective caregiver

1 competency-based, preservice training in addition to other
2 training required under this section, based on the needs of the
3 child being placed, including training regarding:

4 (A) the treatment of:

5 (i) children with complex medical needs;

6 (ii) children with emotional disorders;

7 (iii) children with intellectual or
8 developmental disabilities; and

9 (iv) victims of human trafficking; and

10 (B) any other situation the department
11 determines would require additional training; and

12 (2) allow the child-placing agency to provide
13 training, in addition to other training required under this section
14 for a prospective caregiver, that:

15 (A) meets the eligibility standards for federal
16 financial participation under the requirements of the federal
17 Family First Prevention Services Act (Title VII, Div. E, Pub. L.
18 No. 115-123);

19 (B) meets the standards set by a nationally
20 recognized accrediting organization; or

21 (C) meets the standards described by Paragraphs
22 (A) and (B).

23 (e) The department may require training in addition to other
24 training required under this section described by Subsection
25 (d)(2), as appropriate, for certified child-placing agencies
26 operated by the department.

27 (f) A child-placing agency may issue a provisional

1 verification as provided by Section 42.053(e) to a prospective
2 foster caregiver while the caregiver completes the training
3 required under Subsection (d).

4 SECTION 3. The changes in law made by this Act apply only to
5 a contract for foster care services entered into or renewed on or
6 after the effective date of this Act.

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

ADOPTED

MAY 22 2019

FLOOR AMENDMENT NO. 1

BY:

Leta Spaul
Secretary of the Senate

Jim M... ..

1 Amend H.B. No. 2764 (senate committee report) by adding the
2 following appropriately numbered SECTIONS to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION ____ . Subchapter D, Chapter 261, Family Code, is
5 amended by adding Section 261.3072 to read as follows:

6 Sec. 261.3072. REQUIRED NOTIFICATIONS DURING INVESTIGATION
7 AND INTERVIEW. (a) As soon as possible after initiating an
8 investigation of a report of child abuse or neglect, the department
9 shall notify the parent or conservator of the child who is the
10 subject of the report of abuse or neglect and the person alleged
11 to have committed the abuse or neglect of:

12 (1) the specific facts made in the report of abuse or
13 neglect;

14 (2) the date the report of abuse or neglect was made;
15 and

16 (3) whether the department is considering previously
17 closed investigations against the person alleged to have committed
18 the abuse or neglect.

19 (b) Before the department conducts an interview regarding a
20 report of child abuse or neglect, the department shall:

21 (1) provide the person being interviewed with the
22 contact information of the department employee conducting the
23 interview, including the employee's name, e-mail address, and
24 phone number;

25 (2) notify the person being interviewed of the person's
26 right to:

27 (A) record the interview using an audio recording
28 device;

1 (B) consult with an attorney during the interview
2 and have an attorney present during the interview; and

3 (C) file a complaint relating to the department's
4 conduct during the investigation with the department's office of
5 consumer relations; and

6 (3) inform the person being interviewed that any
7 information collected during the investigation may be used as
8 evidence in a proceeding to remove the child or in a criminal
9 proceeding.

10 (c) A department employee may not threaten adverse action or
11 otherwise retaliate against a person who exercises a right
12 described by Subsection (b) (2).

13 (d) The department employee conducting the interview shall
14 obtain written verification from the person being interviewed that
15 the department provided the person with the information required
16 by Subsection (b).

17 SECTION _____. Subchapter B, Chapter 40, Human Resources Code,
18 is amended by adding Section 40.045 to read as follows:

19 Sec. 40.045. NOTICE REGARDING RECORDING OF INVESTIGATIVE
20 INTERVIEWS. (a) This section applies to all investigations
21 conducted by the department, including investigations conducted by
22 the adult protective services division and the child protective
23 services division.

24 (b) Except as provided by Subsection (c), before a department
25 employee conducts an interview as part of a department
26 investigation, the employee shall:

27 (1) orally notify the person who is the subject of the
28 interview that the person has the right to record the interview
29 using an audio recording device; and

1 (2) obtain written verification from the person who is
2 the subject of the interview that the department employee provided
3 the notice required by Subdivision (1).

4 (c) A department employee is not required to provide the
5 notice described by Subsection (b) to:

6 (1) an alleged victim of self-neglect; or

7 (2) a person who the department employee suspects is
8 incapacitated.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 23, 2019

TO: Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: **HB2764** by Frank (Relating to minimum standards and caregiver training for substitute care providers for children in the conservatorship of the Department of Family and Protective Services.), **As Passed 2nd House**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Human Resources Code to require the Health and Human Services Commission (HHSC) no later than December 31, 2020, to create and implement a process to simplify and provide greater flexibility in application of the minimum standards for child placing agencies, agency foster homes and adoptive homes. HHSC would also be required to grant each child placing agency and Single Source Continuum Contractors (SSCC) the ability to waive certain standards related to training not related to caring for a child.

The bill would require the Department of Family and Protective Services (DFPS) and the SSCC to include a provision in contracts with child-placing agencies to adopt a policy that training for potential caregivers may not exceed 35 hours and require additional provisions in contracts related to training and allow the child placing agency to provide training to meet the requirements of the Federal Family First Prevention Services Act.

The bill would amend the Family Code to require DFPS to notify the parent or conservator of the child who is the subject of the report of abuse or neglect and the person alleged to have committed the abuse or neglect of certain information and services. DFPS employees would be required to orally notify interviewees at the beginning of an investigation that the interviewee has the right to make an audio recording of the interview and to obtain written verification from the interviewee that they were notified.

The bill would take effect September 1, 2019.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission, 530 Family and Protective Services, Department of

LBB Staff: WP, AN, AKi, EP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 9, 2019

TO: Honorable Lois W. Kolkhorst, Chair, Senate Committee on Health & Human Services

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: **HB2764** by Frank (Relating to minimum standards and caregiver training for substitute care providers for children in the conservatorship of the Department of Family and Protective Services.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Human Resources Code to require the Health and Human Services Commission (HHSC) no later than December 31, 2020, to create and implement a process to simplify and provide greater flexibility in application of the minimum standards for child placing agencies, agency foster homes and adoptive homes.

The bill would also require the Department of Family and Protective Services (DFPS) to grant each child placing agency and the Single Source Continuum Contractor (SSCC) the ability to waive certain standard related to training not related to caring for the child.

The bill would require DFPS and the SSCC to include a provision in contracts with child-placing agencies to adopt a policy that training for potential caregivers may not exceed 35 hours and require additional provisions in contracts related to training and allow the child placing agency to provide training to meet the requirements of the Federal Family First Prevention Services Act.

Although the bill requires DFPS to waive training requirements, it is assumed that HHSC will continue to provide these services and implement the provisions of the bill. Based on the LBB's analysis of HHSC's duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would take effect September 1, 2019.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission, 530 Family and Protective Services, Department of

LBB Staff: WP, AN, AKi, EP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 15, 2019

TO: Honorable James B. Frank, Chair, House Committee on Human Services

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: **HB2764** by Frank (Relating to minimum standards and caregiver training for substitute care providers for children in the conservatorship of the Department of Family and Protective Services.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Human Resources Code to require the Health and Human Services Commission (HHSC) no later than December 31, 2020, to create and implement a process to simplify and provide greater flexibility in application of the minimum standards for child placing agencies, agency foster homes and adoptive homes.

The bill would also require the Department of Family and Protective Services (DFPS) to grant each child placing agency and the Single Source Continuum Contractor (SSCC) the ability to waive certain standard related to training not related to caring for the child.

The bill would require DFPS and the SSCC to include a provision in contracts with child-placing agencies to adopt a policy that training for potential caregivers may not exceed 35 hours and require additional provisions in contracts related to training and allow the child placing agency to provide training to meet the requirements of the Federal Family First Prevention Services Act.

Although the bill requires DFPS to waive training requirements, it is assumed that HHSC will continue to provide these services and implement the provisions of the bill. Based on the LBB's analysis of HHSC's duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would take effect September 1, 2019.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission, 530 Family and Protective Services, Department of

LBB Staff: WP, AN, AKi, EP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

March 17, 2019

TO: Honorable James B. Frank, Chair, House Committee on Human Services

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB2764 by Frank (Relating to caregiver training for substitute care providers for children in the conservatorship of the Department of Family and Protective Services.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend section 42.0537 of the Human Resources Code to require the Department of the Family and Protective Services to include a provision in contracts with child-placing agencies and to adopt a policy that training for potential caregivers may not exceed 35 hours.

The bill would take effect September 1, 2019.

It is assumed that the provisions of the bill could be absorbed using existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission, 530 Family and Protective Services, Department of

LBB Staff: WP, AKi, EP, AN