

House Bill 2764
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

No equivalent provision.

SENATE VERSION (IE)

CONFERENCE

SECTION __.Subchapter D, Chapter 261, Family Code, is amended by adding Section 261.3072 to read as follows:
Sec. 261.3072. REQUIRED NOTIFICATIONS DURING INVESTIGATION AND INTERVIEW. (a) As soon as possible after initiating an investigation of a report of child abuse or neglect, the department shall 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:
(1) the specific facts made in the report of abuse or neglect;
(2) the date the report of abuse or neglect was made; and
(3) whether the department is considering previously closed investigations against the person alleged to have committed the abuse or neglect.
(b) Before the department conducts an interview regarding a report of child abuse or neglect, the department shall:
(1) provide the person being interviewed with the contact information of the department employee conducting the interview, including the employee's name, e-mail address, and phone number;
(2) notify the person being interviewed of the person's right to:
(A) record the interview using an audio recording device;
(B) consult with an attorney during the interview and have an attorney present during the interview; and
(C) file a complaint relating to the department's conduct during the investigation with the department's office of consumer relations; and
(3) inform the person being interviewed that any information collected during the investigation may be used as evidence in a proceeding to remove the child or in a criminal proceeding.

House Bill 2764
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(c) A department employee may not threaten adverse action or otherwise retaliate against a person who exercises a right described by Subsection (b)(2).
(d) The department employee conducting the interview shall obtain written verification from the person being interviewed that the department provided the person with the information required by Subsection (b). [FA1]

SECTION __.Subchapter B, Chapter 40, Human Resources Code, is amended by adding Section 40.045 to read as follows:
Sec. 40.045. NOTICE REGARDING RECORDING OF INVESTIGATIVE INTERVIEWS. (a) This section applies to all investigations conducted by the department, including investigations conducted by the adult protective services division and the child protective services division.
(b) Except as provided by Subsection (c), before a department employee conducts an interview as part of a department investigation, the employee shall:
(1) orally notify the person who is the subject of the interview that the person has the right to record the interview using an audio recording device; and
(2) obtain written verification from the person who is the subject of the interview that the department employee provided the notice required by Subdivision (1).
(c) A department employee is not required to provide the notice described by Subsection (b) to:
(1) an alleged victim of self-neglect; or
(2) a person who the department employee suspects is incapacitated. [FA1]

No equivalent provision.

House Bill 2764
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

- (1) the child's foster or prospective adoptive parent; or
- (2) foster homes that have no citations or violations reported to the commission.

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

(a) The department and each single source continuum contractor shall include a provision in each contract with a child-placing agency with whom children in the managing conservatorship of the department are placed that requires the child-placing agency to provide ~~[at least 35 hours of]~~ competency-based, preservice training to a potential caregiver before the child-placing agency verifies or

SENATE VERSION (IE)

SECTION 1. Same as House version.

SECTION 2. Same as House version.

CONFERENCE

House Bill 2764
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

approves the caregiver as a foster or adoptive home. Except as provided by Subsection (d), the amount of training required by this subsection may not exceed 35 hours.

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

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

(1) require the child-placing agency to, before verifying or approving a prospective caregiver as a foster or adoptive home, provide to the prospective caregiver competency-based, preservice training in addition to other training required under this section, based on the needs of the child being placed, including training regarding:

(A) the treatment of:

- (i) children with complex medical needs;
- (ii) children with emotional disorders;
- (iii) children with intellectual or developmental disabilities;

and

- (iv) victims of human trafficking; and

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

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

House Bill 2764
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

(A) meets the eligibility standards for federal financial participation under the requirements of the federal Family First Prevention Services Act (Title VII, Div. E, Pub. L. No. 115-123);
(B) meets the standards set by a nationally recognized accrediting organization; or
(C) meets the standards described by Paragraphs (A) and (B).
(e) The department may require training in addition to other training required under this section described by Subsection (d)(2), as appropriate, for certified child-placing agencies operated by the department.
(f) A child-placing agency may issue a provisional verification as provided by Section 42.053(e) to a prospective foster caregiver while the caregiver completes the training required under Subsection (d).

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

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

SENATE VERSION (IE)

SECTION 3. Same as House version.

SECTION 4. Same as House version.

CONFERENCE