

BILL ANALYSIS

H.B. 542
By: White
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Reports indicate that 11 foster children in the care of the Department of Family and Protective Services (DFPS) died between the end of July 2019 and April 2020. Despite apparent safety issues with certain residential child-care facilities in which DFPS places children, there remains little transparency in regard to prior incidents. Many of these facilities close following an incident simply to then reopen under a new name and continue to operate in the same manner they did previously. H.B. 542 seeks to better protect the vulnerable children in the state's care by requiring DFPS to establish guidelines for the placement of foster care children in a residential child-care facility that had a preventable death case and by ensuring that a residential child-care facility operator whose contract with the state is terminated due to a preventable death case will be unable to obtain a license, listing, or registration in the future.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Department of Family and Protective Services in SECTION 1 of this bill.

ANALYSIS

H.B. 542 amends the Family Code to require the Department of Family and Protective Services (DFPS) by rule to establish guidelines for the placement of a child in a residential child-care facility at which the preventable death of a child in DFPS managing conservatorship occurred.

H.B. 542 amends the Human Resources Code to require the Health and Human Services Commission (HHSC) to deny an application for a license to operate a child-care facility, child-placing agency, or continuum-of-care residential operation or for a listing or registration to operate a family home if the applicant operated a residential child-care facility at which the preventable death of a child in DFPS managing conservatorship occurred and HHSC terminated a contract with the facility as the result of the death.

EFFECTIVE DATE

September 1, 2021.