

BILL ANALYSIS

S.B. 593
By: Sparks
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

State data indicates that more than 1,000 beds for children in foster care were lost during FY 2021. This has resulted in a dramatic increase in the number of children entering care without a safe, stable placement. The legislature's investigation into the placement crisis revealed a number of contributing factors, including an increasingly complex, disjointed, and inefficient process for licensing and overseeing the agencies and families who are on the front lines of serving our state's most vulnerable children. The current regulatory environment is inhibiting the state's ability to ensure the safety and effectively meet the complex needs of children in the state's care. S.B. 593 aims to increase the capacity and quality of child welfare services, including the number of available foster and adoptive placements, in Texas by providing for a third-party assessment of rules and standards governing the provision of foster care and adoptive services.

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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 593 amends the Human Resources Code to require the Health and Human Services Commission (HHSC), not later than March 31, 2024, to contract with an independent entity that has demonstrated expertise in evaluating state child welfare systems and conducting statistical and operational analysis to conduct an assessment of the following:

- HHSC's and the Department of Family and Protective Services' (DFPS) rules, minimum standards, and contract requirements that apply to child-placing agencies, residential child-care facilities including foster homes, relative caregivers, and adoptive homes; and
- the standards or oversight requirements prescribed by law to determine:
 - the relevance of the standard or oversight requirement;
 - whether the standard or oversight requirement complies with federal laws, rules, or guidelines; and
 - whether the standard or oversight requirement is the best practice.

S.B. 593 requires the independent entity, not later than September 30, 2024, or the date of DFPS's next comprehensive review, whichever occurs first, to complete the assessment and submit to HHSC and DFPS a report that includes the findings of the assessment and recommendations for the following:

- simplifying HHSC's minimum standards for the following purposes:

- prioritizing the health, safety, and well-being of children residing in a residential child-care facility including a foster home or the home of a relative caregiver or an adoptive parent; and
- reducing any barriers to opening a child-placing agency or a residential child-care facility or becoming a relative caregiver, a foster parent, or an adoptive parent;
- adjusting HHSC's system for assigning weights to minimum standards to ensure that the system is methodical, consistent, and reflective of a strategic model for increasing the focus on the health, safety, and well-being of children residing in a residential child-care facility including a foster home or the home of a relative caregiver or an adoptive parent, including an explanation of the recommended adjustments;
- taking into consideration the model licensing standards recommended by the federal Administration for Children and Families, eliminating any minimum standards that are weighted as low, medium-low, or medium by HHSC and are not directly related to child safety;
- addressing any licensing, training, or oversight requirements that are barriers to retaining high-quality residential child-care facilities including foster homes, relative caregivers, or adoptive parents;
- updating licensing standards for the following purposes:
 - prioritizing the health, safety, and well-being of children residing in a residential child-care facility including a foster home or the home of a relative caregiver or an adoptive parent; and
 - reducing any barriers to the hiring and retention of high-quality leadership, administrators, and staff at child-placing agencies and residential child-care facilities;
- providing maximum flexibility in applying standards to ensure that services are provided in response to the needs of each individual child residing in a residential child-care facility including a foster home or the home of a relative caregiver or an adoptive parent;
- defining the role of HHSC and DFPS in licensing, investigating, contract oversight, and any other regulatory activity to eliminate duplicate functions among HHSC and DFPS or divisions within HHSC or DFPS; and
- promoting transparency and clarity of HHSC's and DFPS's expectations for child-placing agencies, residential child-care facilities including foster homes, relative caregivers, and adoptive parents.

The bill requires the independent entity to make any recommendations for legislative action, including recommendations for retaining, repealing, or modifying existing state laws or rules or adopting new state laws or rules, necessary to implement the entity's recommendations. The bill requires the independent entity, in conducting the assessment, to solicit and consider the input of relevant stakeholders, including those affected by HHSC's or DFPS's rules, minimum standards, and contract requirements that apply to child-placing agencies, residential child-care facilities including foster homes, relative caregivers, or adoptive parents.

S.B. 593 requires HHSC to publish the independent entity's report on the HHSC website and submit a copy of the report to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing committee of each house of the legislature with primary jurisdiction over HHSC. The bill requires HHSC, in collaboration with DFPS and not later than the 90th day after receiving the report, to submit to those authorities a report that includes a description of the following:

- HHSC's and DFPS's plan to implement the independent entity's assessment recommendations; and
- any recommendation HHSC or DFPS decides not to implement and a written justification for not implementing the recommendation.

The bill's provisions expire September 1, 2025.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.