S.B. No. 2261

AN ACT

relating to the training program required for certain employees of the Department of Family and Protective Services.

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

SECTION 1.  Section 40.035, Human Resources Code, is amended by amending Subsections (a) and (b) and adding Subsection (a-1) to read as follows:

(a)  The department shall develop and implement a training program that, except as provided by Subsection (a-1), each newly hired or assigned department employee must successfully complete before:

(1)  initiating an investigation of a report of alleged abuse, neglect, or exploitation of an elderly person or person with a disability under Chapter 48; or

(2)  providing protective services to elderly persons or persons with disabilities under that chapter.

(a-1)  A newly hired or assigned department employee may initiate an investigation of a report of alleged abuse, neglect, or exploitation of an elderly person or a person with a disability under Chapter 48 or provide protective services to an elderly person or a person with a disability under that chapter only if the employee:

(1)  is in the process of receiving the training required by Subsection (a); and

(2)  initiates the investigation or provides protective services under the direct supervision of the person who is providing the training to the employee.

(b)  The training program must:

(1)  provide the employee [~~person~~] with appropriate comprehensive information regarding:

(A)  the incidence and types of reports of abuse, neglect, and exploitation of elderly persons or persons with disabilities that are received by the department, including information concerning false reports; and

(B)  the use and proper implementation of:

(i)  the risk assessment criteria developed under Section 48.004;

(ii)  the criteria used by caseworkers to determine whether elderly persons or persons with disabilities lack capacity to consent to receive protective services; and

(iii)  the legal procedures available under Chapter 48 for the protection of elderly persons or persons with disabilities, including the procedures for obtaining a court order for emergency protective services under Section 48.208;

(2)  include best practices for management of a case from the intake process to the provision of protective services, including criteria that specify the circumstances under which an employee should:

(A)  consult a supervisor regarding a case; or

(B)  refer an elderly person or person with a disability to an appropriate public agency or community service provider for guardianship or other long-term services after the delivery of protective services to that person has been completed;

(3)  provide appropriate specialized training in any necessary topics, including:

(A)  investigation of suspected identity theft and other forms of financial exploitation and suspected self-neglect; and

(B)  establishment and maintenance of working relationships with community organizations and other local providers who provide services to elderly persons and persons with disabilities;

(4)  include on-the-job training, which must require another department caseworker with more experience to accompany and train the caseworker in the field;

(5)  provide for the development of individualized training plans;

(6)  include training in working with law enforcement agencies and the court system when legal intervention is sought for investigations or emergency orders;

(7)  to the maximum extent possible, include nationally recognized best practices in addition to the best practices required under Subdivision (2); and

(8)  include testing, progress reports, or other evaluations to assess the performance of trainees.

SECTION 2.  Section 40.035, Human Resources Code, as amended by this Act, applies to an employee who is enrolled in the training program on or after the effective date of this Act.

SECTION 3.  This Act takes effect September 1, 2023.

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I hereby certify that S.B. No. 2261 passed the Senate on April 20, 2023, by the following vote:  Yeas 31, Nays 0.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    Secretary of the Senate

I hereby certify that S.B. No. 2261 passed the House on May 12, 2023, by the following vote:  Yeas 138, Nays 2, two present not voting.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    Chief Clerk of the House

Approved:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_             Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_           Governor