

By: Noble

H.B. No. 4351

A BILL TO BE ENTITLED

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. Sections 40.035(a) and (b), Human Resources Code, are amended to read as follows:

(a) The department shall develop and implement a training program that 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].~~

(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;

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

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

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

12 (A) consult a supervisor regarding a case; or

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

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

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

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

26 (4) include on-the-job training, which must require
27 another department caseworker with more experience to accompany and

1 train the caseworker in the field;

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

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

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

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

12 SECTION 2. Section [40.035](#), Human Resources Code, as amended
13 by this Act, applies to an employee who is enrolled in the training
14 program on or after the effective date of this Act.

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