

By: Sparks, West

S.B. No. 593

A BILL TO BE ENTITLED

AN ACT

relating to an independent assessment of the Health and Human Services Commission's and the Department of Family and Protective Services' rules, minimum standards, and contract requirements that apply to certain residential child-care providers.

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

SECTION 1. Subchapter B, Chapter 42, Human Resources Code, is amended by adding Section 42.027 to read as follows:

Sec. 42.027. INDEPENDENT ASSESSMENT. (a) Not later than March 31, 2024, the commission shall 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:

(1) the commission's and the department's 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

(2) the standards or oversight requirements prescribed by law to determine:

(A) the relevance of the standard or oversight requirement;

(B) whether the standard or oversight requirement complies with federal laws, rules, or guidelines; and

1 (C) whether the standard or oversight
2 requirement is the best practice.

3 (b) Not later than September 30, 2024, or the date of the
4 next comprehensive review required under Section 42.042(b),
5 whichever occurs first, the independent entity shall complete the
6 assessment and submit to the commission and the department a report
7 that includes the findings of the assessment and recommendations
8 for:

9 (1) simplifying the commission's minimum standards for
10 the purposes of:

11 (A) prioritizing the health, safety, and
12 well-being of children residing in a residential child-care
13 facility including a foster home or the home of a relative caregiver
14 or an adoptive parent; and

15 (B) reducing any barriers to opening a
16 child-placing agency or a residential child-care facility or
17 becoming a relative caregiver, a foster parent, or an adoptive
18 parent;

19 (2) adjusting the commission's system for assigning
20 weights to minimum standards to ensure that the system is
21 methodical, consistent, and reflective of a strategic model for
22 increasing the focus on the health, safety, and well-being of
23 children residing in a residential child-care facility including a
24 foster home or the home of a relative caregiver or an adoptive
25 parent, including an explanation of the recommended adjustments;

26 (3) taking into consideration the model licensing
27 standards recommended by the Administration for Children and

1 Families of the United States Department of Health and Human
2 Services, eliminating any minimum standards that are weighted as
3 low, medium-low, or medium by the commission and are not directly
4 related to child safety;

5 (4) addressing any licensing, training, or oversight
6 requirements that are barriers to retaining high-quality
7 residential child-care facilities including foster homes, relative
8 caregivers, or adoptive parents;

9 (5) updating licensing standards for the purposes of:

10 (A) prioritizing the health, safety, and
11 well-being of children residing in a residential child-care
12 facility including a foster home or the home of a relative caregiver
13 or an adoptive parent; and

14 (B) reducing any barriers to the hiring and
15 retention of high-quality leadership, administrators, and staff at
16 child-placing agencies and residential child-care facilities;

17 (6) providing maximum flexibility in applying
18 standards to ensure that services are provided in response to the
19 needs of each individual child residing in a residential child-care
20 facility including a foster home or the home of a relative caregiver
21 or an adoptive parent;

22 (7) defining the commission's and the department's
23 role in licensing, investigating, contract oversight, and any other
24 regulatory activity to eliminate duplicate functions among the
25 commission and the department or divisions within the commission or
26 department; and

27 (8) promoting transparency and clarity of the

1 commission's and the department's expectations for child-placing
2 agencies, residential child-care facilities including foster
3 homes, relative caregivers, and adoptive parents.

4 (c) The independent entity conducting the assessment under
5 this section shall make any recommendations for legislative action,
6 including recommendations for retaining, repealing, or modifying
7 existing state laws or rules or adopting new state laws or rules,
8 necessary to implement the entity's recommendations described by
9 Subsection (b).

10 (d) In conducting the assessment, the independent entity
11 shall solicit and consider the input of relevant stakeholders,
12 including those affected by the commission's or the department's
13 rules, minimum standards, and contract requirements that apply to
14 child-placing agencies, residential child-care facilities
15 including foster homes, relative caregivers, or adoptive parents.

16 (e) The commission shall publish the independent entity's
17 report on the commission's Internet website and submit a copy of the
18 report to the governor, the lieutenant governor, the speaker of the
19 house of representatives, and the standing committee of each house
20 of the legislature with primary jurisdiction over the commission.

21 (f) Not later than the 90th day after the date the
22 commission receives the independent entity's report, the
23 commission, in collaboration with the department, shall submit to
24 the governor, the lieutenant governor, the speaker of the house of
25 representatives, and the standing committee of each house of the
26 legislature with primary jurisdiction over the commission a report
27 that includes a description of:

1 (1) the commission's and department's plan to
2 implement the independent entity's assessment recommendations; and

3 (2) any recommendation the commission or department
4 decides not to implement and a written justification for not
5 implementing the recommendation.

6 (g) This section expires September 1, 2025.

7 SECTION 2. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2023.