

# SENATE AMENDMENTS

## 2<sup>nd</sup> Printing

By: Bucy, Harris of Anderson, Garcia, Frank,  
Ashby, et al.

H.B. No. 3765

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the establishment of a supply of luggage by the  
3 Department of Family and Protective Services for the transport of  
4 the personal belongings of a foster child.

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

6 SECTION 1. Section 263.008(b), Family Code, is amended to  
7 read as follows:

8 (b) It is the policy of this state that each child in foster  
9 care be informed of the child's rights provided by state or federal  
10 law or policy that relate to:

11 (1) abuse, neglect, exploitation, discrimination, and  
12 harassment;

13 (2) food, clothing, shelter, and education;

14 (3) luggage to transport the child's personal  
15 belongings;

16 (4) medical, dental, vision, and mental health  
17 services, including the right of the child to consent to treatment;

18 (5) [~~(4)~~] emergency behavioral intervention,  
19 including what methods are permitted, the conditions under which it  
20 may be used, and the precautions that must be taken when  
21 administering it;

22 (6) [~~(5)~~] placement with the child's siblings and  
23 contact with members of the child's family;

24 (7) [~~(6)~~] privacy and searches, including the use of

1 storage space, mail, and the telephone;

2 (8) [~~(7)~~] participation in school-related  
3 extracurricular or community activities;

4 (9) [~~(8)~~] interaction with persons outside the foster  
5 care system, including teachers, church members, mentors, and  
6 friends;

7 (10) [~~(9)~~] contact and communication with  
8 caseworkers, attorneys ad litem, guardians ad litem, and  
9 court-appointed special advocates;

10 (11) [~~(10)~~] religious services and activities;

11 (12) [~~(11)~~] confidentiality of the child's records;

12 (13) [~~(12)~~] job skills, personal finances, and  
13 preparation for adulthood;

14 (14) [~~(13)~~] participation in a court hearing that  
15 involves the child;

16 (15) [~~(14)~~] participation in the development of  
17 service and treatment plans;

18 (16) [~~(15)~~] if the child has a disability, the  
19 advocacy and protection of the rights of a person with that  
20 disability; and

21 (17) [~~(16)~~] any other matter affecting the child's  
22 ability to receive care and treatment in the least restrictive  
23 environment that is most like a family setting, consistent with the  
24 best interests and needs of the child.

25 SECTION 2. Subchapter B, Chapter 264, Family Code, is  
26 amended by adding Section 264.1078 to read as follows:

27 Sec. 264.1078. LUGGAGE FOR FOSTER CHILDREN. (a) In this

1 section, "luggage" means a suitcase, duffel bag, backpack, or  
2 similar container designed to hold an individual's personal  
3 belongings.

4 (b) The department shall:

5 (1) establish and maintain a decentralized supply of  
6 luggage to be used to transport a foster child's personal  
7 belongings; and

8 (2) develop procedures for the storage and  
9 distribution of luggage.

10 (c) The department shall provide luggage to a child who is  
11 being removed from the child's home or changing placement. Luggage  
12 provided to a child under this subsection belongs to the child and  
13 may not be reclaimed by the department or retained by the child's  
14 foster parent. The department is not required to provide new  
15 luggage under this subsection to a child who is changing placement  
16 and has the luggage previously provided by the department.

17 (d) The department shall maintain a record of each time a  
18 trash bag is used to move a foster child's personal belongings. The  
19 record must include the reason the department did not provide the  
20 child with appropriate luggage to move the child's personal  
21 belongings.

22 (e) The department shall submit an annual report to the  
23 legislature that includes a summary of:

24 (1) the number of times a trash bag was used to  
25 transport a foster child's personal belongings and the reasons the  
26 department failed to provide the child with appropriate luggage;  
27 and

1           (2) the department's supply inventory and inventory  
2 management practices for the luggage supply maintained under  
3 Subsection (b).

4           (f) The department may solicit and accept gifts, grants, and  
5 donations of any kind and from any source for purposes of this  
6 section.

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

**ADOPTED**

MAY 17 2023

*Lacey Spaw*  
Secretary of the Senate

BY: *Jean Huffman*

FLOOR AMENDMENT NO. 1

1 Amend H.B. No. 3765 (senate committee report) in SECTION 2 of  
2 the bill, in added Section 264.1078, Family Code (page 2, between  
3 lines 45 and 46), by adding the following appropriately lettered  
4 subsection and relettering subsequent subsections accordingly:

5 ( ) This subsection and Subsection (e) expire September 1,  
6 2025.

**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**May 18, 2023**

**TO:** Honorable Dade Phelan, Speaker of the House, House of Representatives

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB3765** by Bucy (Relating to the establishment of a supply of luggage by the Department of Family and Protective Services for the transport of the personal belongings of a foster child.), **As Passed 2nd House**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB3765, As Passed 2nd House : a negative impact of (\$766,977) through the biennium ending August 31, 2025.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five- Year Impact:**

<i>Fiscal Year</i>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2024	(\$429,477)
2025	(\$337,500)
2026	(\$337,500)
2027	(\$337,500)
2028	(\$337,500)

**All Funds, Five-Year Impact:**

<i>Fiscal Year</i>	<b>Probable (Cost) from General Revenue Fund 1</b>	<b>Probable (Cost) from GR Match For Medicaid 758</b>	<b>Probable (Cost) from Federal Funds 555</b>
2024	(\$428,217)	(\$1,260)	(\$6,724)
2025	(\$337,500)	\$0	\$0
2026	(\$337,500)	\$0	\$0
2027	(\$337,500)	\$0	\$0
2028	(\$337,500)	\$0	\$0

**Fiscal Analysis**

The bill would require the Department of Family and Protective Services to establish and maintain a decentralized supply of luggage to be used to transport foster child's personal belongings. The bill would also require DFPS to report the number of times a trash bag was used to transport belongings and the inventory of luggage supply.

## **Methodology**

According to the agency, in fiscal year 2022 there were 9,623 removals and 2,219 placement moves. It is assumed that 11,842 pieces of luggage would be needed to ensure luggage for all removals and placement moves. This analysis assumes that 5.0 percent of luggage would be donated therefore the agency would need to provide an estimated 11,250 pieces of luggage each fiscal year. According to the agency, the average duffle bag was \$30.0 therefore this analysis assumes \$337,500 each fiscal year to provide luggage.

This analysis also assumes the need of 0.5 Contracted Fulltime Equivalents and 753.0 hours of work in fiscal year 2024 to modify the Information Management Protecting Adults and Children in Texas (IMPACT) system to track information related to luggage.

## **Technology**

This analysis assumes \$86,943 in General Revenue in fiscal year 2024 for IMPACT modifications.

## **Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 530 Family and Protective Services, Department of

**LBB Staff:** JMc, SD, BRI, KK, ER, AN, NPe

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**May 14, 2023**

**TO:** Honorable Joan Huffman, Chair, Senate Committee on Finance

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB3765** by Bucy (Relating to the establishment of a supply of luggage by the Department of Family and Protective Services for the transport of the personal belongings of a foster child.), **As Engrossed**

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LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

April 17, 2023

TO: Honorable James B. Frank, Chair, House Committee on Human Services

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3765 by Bucy (Relating to the establishment of a supply of luggage by the Department of Family and Protective Services for the transport of the personal belongings of a foster child.), As Introduced

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