

## **BILL ANALYSIS**

C.S.H.B. 5394  
By: Rose  
Human Services  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The Health and Human Services Commission (HHSC) collaborates with the Department of Family and Protective Services (DFPS) to develop and adopt different licensing rules or approval standards for relative or kinship foster family homes with the intent to facilitate more relative or kinship homes to qualify for full foster care payments. The state is also continuing to implement community-based foster care in which the state contracts with a single source continuum contractor (SSCC). The bill author has informed the committee that SSCCs enter contracts with the state that grant these entities broad authority to overlay rules or even preempt some rules promulgated in the Texas Administrative Code in order to shield themselves from liability or simply to conform with practices preferred by that SSCC. C.S.H.B. 5394 seeks to address this issue by prohibiting an SSCC or a child-placing agency from subjecting a kinship caregiver to requirements other than those provided by law or HHSC or DFPS rule.

### **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**

C.S.H.B. 5394 amends the Family Code to prohibit a single source continuum contractor or a child-placing agency from doing the following:

- subjecting a relative or designated caregiver to any requirement other than as provided by law or Department of Family and Protective Services (DFPS) or Health and Human Services Commission (HHSC) rule; and
- adopting any policies or procedures related to a relative or designated caregiver other than as authorized by law or DFPS or HHSC rule.

### **EFFECTIVE DATE**

September 1, 2025.

### **COMPARISON OF INTRODUCED AND SUBSTITUTE**

While C.S.H.B. 5394 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

While both the introduced and the substitute prohibit a child-placing agency from subjecting a relative or designated caregiver to any requirement other than as provided by law or DFPS or HHSC rule, the substitute also prohibits a single source continuum contractor from taking that action, whereas the introduced did not. Additionally, the substitute further prohibits a single source continuum contractor or a child-placing agency from adopting any policies or procedures related to a relative or designated caregiver other than as authorized by law or DFPS or HHSC rule.