

BILL ANALYSIS

C.S.H.B. 1542
By: Price
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that building high quality foster care capacity that best meets the needs of children in the state's foster care system remains a high priority. The parties further note that traditional foster homes and general residential operations operating as cottage homes are vital parts of the continuum of care for children in Texas and should be classified as the least restrictive setting when being considered as the potential placement site for certain children under the care of the Department of Family and Protective Services. C.S.H.B. 1542 seeks to provide for that classification.

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. 1542 amends the Family Code to require the Department of Family and Protective Services (DFPS), in selecting a foster care placement for a child, to consider whether the placement is in the child's best interests. The bill requires DFPS, in determining whether a placement is in a child's best interests, to consider whether the placement is the least restrictive setting for the child; is the closest in geographic proximity to the child's home; is the most able to meet the identified needs of the child; and satisfies any expressed interests of the child relating to placement, when developmentally appropriate. The bill specifies that, if a suitable relative or other designated caregiver is not available, placing the child in a foster home or a general residential operation operating as a cottage home is considered the least restrictive setting and defines "least restrictive setting" as a placement for a child that, in comparison to all other available placements, is the most family-like setting.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1542 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 263.001(a), Family Code, is amended by amending Subdivision (3-a) and adding Subdivision (3-b) to read as follows:

(3-a) "Least restrictive environment" means a placement for a child that, in comparison to all other available placements:

(A) is the closest in geographic proximity to the child's home; and

(B) is the most able to meet the identified needs of the child.

(3-b) "Physician assistant" has the meaning assigned by Section 157.051, Occupations Code.

SECTION 2. Section 263.001, Family Code, is amended by adding Subsection (c) to read as follows:

(c) With respect to a child designated by the department as a child who needs basic or moderate services, the least restrictive environment requires placement in a foster home or a general residential operation operating as a cottage home.

SECTION 3. Section 264.001, Family Code, is amended by adding Subdivision (3-a) to read as follows:

(3-a) "Least restrictive environment" means a placement for a child that, in comparison to all other available placements:

(A) is the closest in geographic proximity to the child's home; and

(B) is the most able to meet the identified needs of the child.

SECTION 4. Section 264.107, Family Code, is amended by adding Subsection (c) to read as follows:

(c) The department shall place a child designated by the department as a child who needs basic or moderate services in the least restrictive environment necessary to meet the child's needs. Placement of a child in the least restrictive environment requires placement in a foster home or a general residential operation operating as a cottage home.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 263.001(a), Family Code, is amended by amending Subdivision (3-a) and adding Subdivision (3-b) to read as follows:

(3-a) "Least restrictive setting" means a placement for a child that, in comparison to all other available placements, is the most family-like setting.

(3-b) "Physician assistant" has the meaning assigned by Section 157.051, Occupations Code.

SECTION 2. Section 263.001, Family Code, is amended by adding Subsection (c) to read as follows:

(c) With respect to a child who is removed from the child's home, if a suitable relative or other designated caregiver is not available, placing the child in a foster home or a general residential operation operating as a cottage home is considered the least restrictive setting.

SECTION 3. Section 264.001, Family Code, is amended by adding Subdivision (3-a) to read as follows:

(3-a) "Least restrictive setting" means a placement for a child that, in comparison to all other available placements, is the most family-like setting.

SECTION 4. Section 264.107, Family Code, is amended by adding Subsection (c) to read as follows:

(c) In selecting a placement for a child, the department shall consider whether the placement is in the child's best interest. In determining whether a placement is in a child's best interest, the department shall consider whether the placement:

(1) is the least restrictive setting for the child;

(2) is the closest in geographic proximity to the child's home;

(3) is the most able to meet the identified needs of the child; and

(4) satisfies any expressed interests of the

child relating to placement, when developmentally appropriate.

SECTION 5. This Act takes effect September 1, 2017.

SECTION 5. Same as introduced version.