

SUBJECT: Prioritizing requests to release former foster child case records

COMMITTEE: Human Services — committee substitute recommended

VOTE: 8 ayes — Raymond, Morrison, Gonzalez, Hopson, Hughes, Hunter, Naishtat, Taylor

1 nay — Laubenberg

WITNESSES: For — Erin Ferris, DePelchin Children’s Center; Mary Christine Reed, Texas Foster Youth Justice Project – Texas Rio Grande Legal Aid, Inc.; *(Registered, but did not testify):* Lauren Dimitry, Texans Care for Children; Diana Martinez, TexProtects, The Texas Association for the Protection of Children; Tara Snowden, Child Advocates San Antonio (CASA); Susan Milam, National Association of Social Workers/Texas Chapter

Against — None

On — Michael Martinez, Department of Family and Protective Services; T.J. Wasden, Department of Family and Protective Services; Liz Kromrei, Department of Family and Protective Services

DIGEST: CSHB 3234 would require the Department of Family and Protective Services (DFPS) to establish guidelines that prioritize requests to release case records, including for adults who were in DFPS’s conservatorship as children.

DFPS would not be required to release a case record except as provided by law or its own rules.

A case record would include any files, reports, communications, audiotapes, or videotapes DFPS collected during a child abuse or neglect investigation or when DFPS was providing services to the child.

The bill would take effect September 1, 2011.

SUPPORTERS SAY: The express rulemaking authority provided by CSHB 3234 would require DFPS to streamline prioritization of requests to release former foster child case records and help better serve former foster care children.

Adults who were formerly foster care children under the conservatorship of DFPS may need their case files for a number of reasons. Some want to reconnect with biological siblings or other family members. They also may want to understand their painful childhoods so that they can move on with their lives. Others need the records to prove their legal names for immigration status or identification cards. Their case files also contain vital medical history that doctors, hospitals, and insurance companies need to treat them effectively.

Unfortunately, the request backlog at DFPS makes attaining these records a long and arduous process, sometimes taking several years and additional written requests from attorneys.

While DFPS has made some progress in addressing this problem, CSHB 3234 is needed to formalize and ensure full implementation of the internal guidelines they recently have started to put into practice.

**OPPONENTS
SAY:**

In response to the long backlog of requests for case records, DFPS has put into place an internal set of guidelines to help prioritize the requests. CSHB 3234 seeks to address a problem for which the solution already is being implemented.

NOTES:

The committee substitute removed a provision from the original version of the bill that would have required DFPS to prepare all foster children's case records within 30 days before the child is discharged from foster care.

The companion bill, SB 277 by Davis, has been referred to the Senate Health and Human Services Committee.