

## **BILL ANALYSIS**

Senate Research Center

S.B. 1229  
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Health & Human Services  
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### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Since the passage of the Adoption and Safe Families Act of 1997 (ASFA), the child has become the center of the child welfare system, and promoting the child's health and safety must be in the forefront of every decision made by a court. ASFA requires the court to be much more involved in case management and requires periodic court review of each case every six months. Although the mission of the Department of Family and Protective Services (DFPS) is to protect children from abuse, neglect, and exploitation, federal and state laws and accountability to voters require the courts to bear the ultimate responsibility for the safety, well-being, and permanency of children in the child welfare system. Furthermore, the unique characteristics and needs of vulnerable children and youth within a particular community often clash with regulations established by DFPS at the state level. While ASFA regulations require the courts to ensure that the physical and mental health needs of dependent children are met, the current strained interaction between DFPS and Bexar County judges, child advocates, and service providers inhibit the provision of unified, complimentary child welfare services and care to children.

Currently, each DFPS region has a regional director and staff. This regional director has responsibility over child protective services (CPS) programming and contract monitoring for his or her respective DFPS region to the extent allowed by current statute and governed by DFPS regulations.

This bill creates a two-tiered advisory committee in the region that includes Bexar County to advise DFPS in the provision of child abuse and neglect services that are conducive to the unique needs of the local community and in alignment with the mission and goals of DFPS. The advisory committee will provide a regular forum among local child abuse and neglect judges, child advocates, service providers, and DFPS for the discussion and resolution of region-specific issues, concerns, and recommendations.

The first tier of the advisory committee consists of Bexar County child abuse and neglect judges and DFPS designees with responsibility over or expertise regarding contract monitoring, licensing and regulation of child care facilities, family-based safety services, and conservatorship and foster care. The committee's role will be to bring its concerns and concerns raised by the child advocates to the attention of DFPS and make recommendations regarding how the concerns can feasibly be resolved.

The second tier of the advisory committee consists of local child advocates, including a foster care alumni and foster care provider such as a foster parent. The committee's role will be to bring to the attention of the judges on the advisory committee any concerns, questions, and recommendations the community has regarding DFPS's policies and procedures that negatively impact foster care youth and foster care providers or other CPS providers in the region that includes Bexar County. DFPS employees who participate on the advisory committee must report the issues, concerns, and recommendations to DFPS personnel who have authority to consider these issues and determine whether any change in DFPS policy or practice is necessary. DFPS is required to provide a written response to the advisory committee that includes the rationale for its policies and for any actions taken or not taken in response to the advisory committee's issues, concerns, or recommendations.

As proposed, S.B. 1229 creates an advisory committee in the region that includes Bexar County to advise DFPS in the provision of child abuse and neglect services that are both conducive to the unique needs of the local community and in alignment with the mission and goals of DFPS, and provide a regular forum for the discussion and resolution of region-specific issues, concerns,

and recommendations among pertinent DFPS staff, local child abuse and neglect judges, child advocates, foster care providers, and foster care alumni.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 40, Human Resources Code, by adding Subchapter E, as follows:

#### **SUBCHAPTER E. BEXAR COUNTY CHILD PROTECTIVE SERVICES ADVISORY COUNCIL**

Sec. 40.121. BEXAR COUNTY CHILD PROTECTIVE SERVICES ADVISORY COUNCIL. (a) Requires the Bexar County Child Protective Services Advisory Council to be an advisory committee to the Department of Family and Protective Services (DFPS) on child protective services issues impacting the region that includes Bexar County. Provides that the purpose of the Bexar County Child Protective Services Advisory Council is to support the realization of DFPS's mission and goals in the region that includes Bexar County by providing a regular forum for the discussion and resolution of region-specific issues, concerns, and recommendations.

(b) Provides that the Bexar County Child Protective Services Advisory Council consists of the Bexar County Judges Advisory Council and the Bexar County Advocates Advisory Council.

Sec. 40.122. BEXAR COUNTY JUDGES ADVISORY COUNCIL. (a) Provides that the Bexar County Judges Advisory Council consists of the judge of each court in the county having jurisdiction over child abuse and neglect cases and proceedings; the judge with supervisory authority over the courts in the county having jurisdiction over child abuse and neglect cases and proceedings; DFPS's director for the region that includes Bexar County; and a person or persons designated by DFPS as having responsibility over and expertise regarding certain types of programs within the region that includes Bexar County.

Sec. 40.123. BEXAR COUNTY ADVOCATES ADVISORY COUNCIL. (a) Provides that the Bexar County Advocates Advisory Council consists of seven members residing in Bexar County who are a member of the Bexar County Child Welfare Board, actively advocating for foster care youth and child welfare within the region that includes Bexar County, a foster care alumnus, or a foster care parent.

(b) Requires the presiding officer of the Bexar County Judges Advisory Council to appoint the members of the Bexar County Advocates Advisory Council upon consideration of recommendations made by advocates for foster care youth and child welfare in the region that includes Bexar County.

Sec. 40.124. MEETINGS. (a) Requires that the first meeting of the Bexar County Judges Advisory Council be called no later than December 1, 2009, by the judge with supervisory authority over the courts in the county having jurisdiction over child abuse and neglect cases and proceedings. Requires the Bexar County Judges Advisory Council, at the first meeting, to elect a presiding officer from its members. Requires the Bexar County Judges Advisory Council to meet quarterly at the call of the presiding officer and adopt bylaws.

(b) Requires the Bexar County Advocates Advisory Council to meet quarterly with the judges on the Bexar County Judges Advisory Council. Provides that the purpose of the quarterly meetings is to provide the child protective services advocates in the region that includes Bexar County the opportunity to bring to the

attention of the judges on the Bexar County Judges Advisory Council any concerns, questions, and recommendations the advocates have regarding DFPS's policies and procedures that impact foster care youth, foster care providers, or other child protective service providers in the region that includes Bexar County.

(c) Requires that the quarterly meeting between the judges on the Bexar County Judges Advisory Council and the Bexar County Advocates Advisory Council occur not more than 21 days or less than 14 days before the date of the next quarterly meeting of the Bexar County Judges Advisory Council. Requires that the information presented to the judges at the meeting be submitted in writing at least seven days before the meeting of the Bexar County Judges Advisory Council.

(d) Requires the judges on the Bexar County Judges Advisory Council to present their questions, concerns, and recommendations in writing to the other members of the Bexar County Judges Advisory Council at the Bexar County Judges Advisory Council quarterly meeting. Requires the questions, concerns, and recommendations to include those raised by the Bexar County Advocates Advisory Council.

(e) Requires the presiding officer of the Bexar County Judges Advisory Council to coordinate and facilitate all quarterly meetings under this section. Requires DFPS to designate a staff person to serve as a liaison to the Bexar County Child Protective Services Advisory Council to assist in scheduling the quarterly meetings.

(f) Requires the members of the Bexar County Judges Advisory Council to attend the quarterly meetings of the Judges Advisory Council. Requires the judges serving on the Judges Advisory Council to also attend the quarterly meetings with the advocates advisory council.

(g) Requires the members of the Bexar County Advocates Advisory to attend each quarterly meeting of the advocates advisory council. Provides that a member of the Bexar County Advocates Advisory Council who fails to attend a quarterly meeting of the advocates advisory council is considered to have resigned the member's position on the council effective on the date of the meeting unless the member receives prior approval for the member's absence from the presiding officer of the Bexar County Judges Advisory Council. Requires a vacancy created by a resignation under this subsection to be filled as provided by Section 40.123.

(h) Provides that both councils are subject to any confidentiality requirements imposed by federal or state law.

Sec. 40.125. DEPARTMENT'S DUTIES. Requires DFPS to consider the issues, concerns, and recommendations presented to DFPS by the Bexar County Judges Advisory Council and respond to those issues, concerns, and recommendations not later than the 30th day after the date the issue, concern, or recommendation is raised in a quarterly meeting of the Bexar County Child Protective Services Advisory Council. Requires that DFPS's written response include DFPS's rationale for any policy or action taken or not taken by DFPS. Requires the staff of DFPS who serve on the Bexar County Judges Advisory Council to ensure that the concerns and recommendations of the Bexar County Child Protective Services Advisory Council are communicated to the appropriate staff within DFPS with authority to consider these recommendations and determine whether any change in DFPS policy or practices is warranted to effectively address these concerns.

SECTION 2. Effective date: September 1, 2009.