

BILL ANALYSIS

Senate Research Center
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S.B. 69
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Health & Human Services
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 69 builds on S.B. 6, 79th Legislature, Regular Session, 2005, and S.B. 758, 80th Legislature, Regular Session, 2007, to strengthen the foster care system by providing better care for abused, neglected, and abandoned children.

As proposed, S.B. 69 clarifies foster care processes at the Department of Family and Protective Services (DFPS), emphasizes community resources for foster youth aging out of the system, allows foster parents to provide feedback, and requires that the criteria and guidelines for payment of foster care ensure that foster care providers whose foster children meet certain standards are paid a higher rate than foster care providers whose foster children fail to achieve or maintain the progress goals. The bill requires DFPS to have a goal of privatizing case management services in 10 percent of the cases in which DFPS has been appointed temporary or permanent managing conservator of a child. The bill also modifies provisions relating to changes in a child's placement, including the frequency and process for such changes.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the executive commissioner of the Health and Human Services Commission is modified in SECTION 2 (Section 264.101, Family Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 264, Family Code, by adding Section 264.015, as follows:

Sec. 264.015. COLOCATION OF CERTAIN EMPLOYEES. (a) Defines "conservatorship services."

(b) Requires the Department of Family and Protective Services (DFPS), to the extent feasible, to contract with child-placing agencies throughout the state to provide office space for DFPS employees who provide conservatorship services and employees who perform licensing functions.

SECTION 2. Amends Section 264.101(d), Family Code, to require that the criteria and guidelines for the payment of foster care ensure that foster care providers whose foster children achieve and maintain the progress goals set under each child's individualized treatment or service plan are paid a higher rate than foster care providers whose foster children fail to achieve or maintain the progress goals.

SECTION 3. Amends Sections 264.106(c) and (e), Family Code, as follows:

(c) Requires DFPS to have a goal of privatizing case management services in 10 percent, rather than five percent, of the cases in which DFPS has been appointed temporary or permanent managing conservator of a child.

(e) Requires that a contract authorized under this section, in addition to the requirements of Section 40.058(b) (regarding contracts for the purchase of program-related client services), Human Resources Code, include provisions that ensure that a private agency that is providing case management services for a child uses relative caregivers, as defined

by Section 264.751 (Definitions), whenever possible and provides family-based safety services, as described by DFPS rule.

SECTION 4. Amends Section 264.1075, Family Code, by adding Subsection (c) to prohibit DFPS from reassessing the substitute care placement of a child identified as requiring specialized or intense-level services, as described by DFPS rule, more often than once every six months.

SECTION 5. Amends Subchapter B, Chapter 264, Family Code, by adding Sections 264.119 and 264.120, as follows:

Sec. 264.119. NOTICE OF CHANGE OF PLACEMENT. (a) Requires DFPS, except in the case of an emergency, to provide written notice to the substitute care provider and any child-placing agency involved with the child before DFPS is authorized to change the child's substitute care provider.

(b) Requires DFPS to provide the notice required under Subsection (a) not later than the fifth day before the date the child's substitute care provider is changed.

Sec. 264.120. EXIT INTERVIEW. (a) Requires DFPS to adopt a policy that provides for an exit interview of each foster parent who decides to leave the foster care system.

(b) Requires DFPS to encourage the foster parent to state in the foster parent's own words the reasons why the foster parent decided to leave the foster care system.

(c) Requires DFPS to submit a report summarizing the results of the exit interviews to the speaker of the house of representatives, the lieutenant governor, the House Human Services Committee or its successor, and the Senate Health and Human Services Committee or its successor not later than December 1 of each odd-numbered year.

SECTION 6. Amends Section 264.121, Family Code, by adding Subsection (d), to require DFPS to ensure that each individual enrolled in the Preparation for Adult Living Program receives information about the community resources that are available in the county in which the individual resides to assist the individual in obtaining employment, job training, educational services, housing, food, and health care.

SECTION 7. Amends Subchapter B, Chapter 264, Family Code, by adding Section 264.123, as follows:

Sec. 264.123. FOSTER PARENT MENTORS. Requires DFPS to establish a program under which the foster parents of a child provide mentoring services to the child's parents to assist the child's parents in complying with the terms of the service plan.

SECTION 8. Amends Sections 42.0221(d), (e), and (f), Human Resources Code, as follows:

(d) Requires the Committee on Licensing Standards (committee) to meet three times a year, rather than twice a year, at the call of the presiding officer. Requires that at least one meeting each year to provide an opportunity for public testimony.

(e) Requires that the review and analysis by the committee include the analysis of specific information, including the ways the licensing requirements for substitute care providers impair DFPS's ability to recruit and retain substitute care providers.

(f) Requires the committee to report its findings and recommendations to DFPS and the legislature not later than September 1 of each year, rather than December 1 of each year.

SECTION 9. Amends Section 45.002(a), Human Resources Code, to require DFPS to contract with one or more providers of case management services in one or more geographic areas of the state as provided by Section 264.106 (Contracts for Substitute Care and Case Management),

Family Code, with a goal of contracting for those services in 10 percent, rather than five percent, of the cases in this state not later than September 1, 2011, rather than September 1, 2008.

SECTION 10. Effective date: September 1, 2009.