

BILL ANALYSIS

Senate Research Center

H.B. 1549
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Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Department of Family and Protective Services (DFPS) has experienced numerous challenges in achieving DFPS's mission to protect children. Such problems have included high turnover rates among caseworkers within Child Protective Services (CPS) and lack of sufficient data to effectively address barriers that hinder DFPS's mission to protect children.

H.B. 1549 addresses these challenges by improving CPS workforce development through retention and staffing strategies, increasing foster care recruitment and placements, better evaluation of Prevention and Early Intervention (PEI) services and outcomes, as well as other provisions designed to strengthen the capacity and capability of DFPS to protect children.

H.B. 1549 amends current law relating to the provision of services by the Department of Family and Protective Services, including child protective services and prevention and early intervention services.

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 Subchapter C, Chapter 261, Family Code, by adding Section 261.2031, as follows:

Sec. 261.2031. DESIGNATED CHILD FATALITY INVESTIGATION CASEWORKERS. Requires the Department of Family and Protective Services (DFPS) to designate current tenured caseworkers to conduct investigations involving child fatalities.

SECTION 2. Amends Section 261.204(a), Family Code, to require DFPS, not later than February 1 of each year, rather than annually, to publish a certain aggregated report.

SECTION 3. Amends Section 261.301, Family Code, by adding Subsection (j), to require DFPS, in geographic areas with demonstrated need, to designate employees to serve specifically as investigators and responders for after-hours reports of child abuse or neglect.

SECTION 4. Amends Section 264.107, Family Code, by adding Subsection (b-2), as follows:

(b-2) Requires DFPS, subject to the availability of funds, to use a web-based system to assist DFPS in making the best placement decision for a child in foster care. Requires that the system:

- (1) integrate a level of care for the child;
- (2) suggest placements based on the child's needs;
- (3) display the proximity of potential providers to the child's home and school;

- (4) incorporate foster care provider preferences;
- (5) provide access to the foster care provider's history in providing safe and stable placements for children; and
- (6) include any other provider information the department determines to be relevant.

SECTION 5. Amends Subchapter B, Chapter 264, Family Code, by adding Section 264.1131, as follows:

Sec. 264.1131. FOSTER CARE PROVIDER RECRUITMENT PLAN. Requires DFPS to, in addition to foster parent recruitment from faith-based organizations under Section 264.113 and subject to the availability of funds, collaborate with current foster and adoptive parents to develop and implement a foster care provider recruitment plan. Requires that the plan:

- (1) identify certain geographic areas;
- (2) use data analysis, social media, partnerships with faith-based and volunteer organizations, and other strategies for recruitment, including targeted and child-focused recruitment;
- (3) identify the number of available foster care providers for children with high needs in order to expand the use of therapeutic or treatment foster care for children in those placements;
- (4) require certain provisions;
- (5) include strategies for increasing the number of kinship providers;
- (6) include strategies to ensure that children in foster care do not have to transfer schools after entering foster care, unless transferring is in the child's best interest; and
- (7) include programs to support foster and adoptive families, including programs that provide training, respite care, and peer assistance.

SECTION 6. Amends Subchapter C, Chapter 264, Family Code, by adding Section 264.2012, as follows:

Sec. 264.2012. FAMILY PRESERVATION SERVICES. Requires DFPS, subject to the appropriation of funds for that purpose, to implement an evidence-based pilot program that provides frequent in-home visits to not more than 2,000 families who have a history of child abuse or neglect and who are receiving family-based safety services from DFPS. Requires that the program contain guidelines for the frequency of monthly contact by DFPS with the family, based on the risk factors for child abuse and neglect in each case.

SECTION 7. Amends Sections 264.502(a) and (b), Family Code, as follows:

- (a) Provides that the child fatality review team committee (committee) is composed of certain persons, including a person appointed by and representing the speaker of the house of representatives, a person appointed by and representing the lieutenant governor, and a person appointed by and representing the governor. Redesignates existing text of Subdivision (4) as Subdivision (7) and makes nonsubstantive changes.
- (b) Requires the members of the committee who serve under Subsections (a)(1) (relating to the person appointed to the committee by the state registrar of vital statistics) through (6) (relating to a person appointed to the committee by the governor), rather than

Subdivision (3) (relating to a person appointed to the committee by the director of the Department of State Health Services (DSHS)), to select certain additional committee members.

SECTION 8. Amends Section 264.503, Family Code, by amending Subsections (d) and (e) and adding Subsection (h), as follows:

(d) Requires DSHS to develop and make available training for justices of the peace and medical examiners regarding inquests in child death cases. Redesignates existing text of Subdivision (5) as Subdivision (6) and makes nonsubstantive changes.

(e) Requires DSHS, in addition to the duties under Subsection (d), to evaluate the available child fatality data and use the data to create public health strategies for the prevention of child fatalities. Makes nonsubstantive changes.

(h) Requires each member of the committee to be a member of the child fatality review team in the county where the committee member resides.

SECTION 9. Amends Subchapter F, Chapter 264, Family Code, by adding Sections 264.5031 and 264.5032, as follows:

Sec. 264.5031. COLLECTION OF NEAR FATALITY DATA. (a) Defines "near fatality."

(b) Requires DSHS to include near fatality child abuse or neglect cases in the child fatality case database, for cases in which child abuse or neglect is determined to have been the cause of the near fatality. Requires DSHS to also develop a data collection strategy for near fatality child abuse or neglect cases.

Sec. 264.5032. TRACKING OF CHILD FATALITY AND NEAR FATALITY DATA.

(a) Requires DFPS to produce a report relating to child fatality and near fatality cases resulting from child abuse or neglect containing certain information.

(b) Requires DFPS to make the data collected under Subsection (a) available to allow research into the determining factors related to child abuse fatalities, with the purpose of reducing child fatalities or near fatalities and repeated referrals of a child or family to DFPS and predicting future occurrences of child fatalities and near fatalities to improve prevention and early intervention strategies.

SECTION 10. Amends Sections 264.505(a) and (c), Family Code, as follows:

(a) Authorizes a county, rather than a review team for a county with a population of less than 50,000, to join with an adjacent county or counties to establish a combined review team.

(c) Requires that a review team reflect the diversity of the county's population and authorizes the review team to include certain person.

SECTION 11. Amends Section 264.506(b), Family Code, as follows:

(b) Requires that a review team, to achieve its purpose, review and analyze the collected data to identify any demographic trends in child fatality cases, including whether there is a disproportionate number of child fatalities in a particular population group or geographic area. Redesignates existing text under Subdivision (4) as Subdivision (5) and makes nonsubstantive changes.

SECTION 12. Amends Section 264.509, Family Code, by adding Subsection (b-1), to require DSHS to provide a review team with electronic access to the preliminary death certificate for a deceased child.

SECTION 13. (a) Amends Section 264.514, Family Code, by adding Subsection (a-1) and amending Subsection (b), as follows:

(a-1) Requires the commissioners court of a county to adopt regulations relating to the timeliness for conducting an inquest into the death of a child. Requires that the regulations adopted under this subsection be as stringent as the standards issued by the National Association of Medical Examiners unless the commissioners court determines that it would be cost prohibitive for the county to comply with those standards.

(b) Requires the medical examiner or justice of the peace to notify the appropriate county child fatality review team of the child's death not later than the 120th day after the date the death is reported.

(b) Requires that a county attempt to implement the timeliness standards for inquests as described by Section 264.514(a-1), Family Code, as added by this Act, as soon as possible after the effective date of this Act.

SECTION 14. Amends Section 264.903, Family Code, by adding Subsection (a-1), as follows:

(a-1) Requires DFPS to expedite the evaluation of a potential caregiver under this section (Caregiver Evaluation) to ensure that the child is placed with a caregiver who has the ability to protect the child from the alleged perpetrator of abuse or neglect against the child.

SECTION 15. Amends Section 265.005(b), Family Code, as follows:

(b) Requires that a strategic plan required under this section identify certain strategies, subject to the availability of funds, with the eventual goal of providing services to 50 percent of the highest risk families, as defined by DFPS, that are eligible to receive services through home visiting and community-based programs financed with federal, state, local, or private resources.

SECTION 16. Amends Subchapter A, Chapter 265, Family Code, by adding Sections 265.007, 265.008, and 265.009, as follows:

Sec. 265.007. IMPROVING PROVISION OF PREVENTION AND EARLY INTERVENTION SERVICES. (a) Requires DFPS, to improve the effectiveness and delivery of prevention and early intervention services, to take certain actions.

(b) Prohibits DFPS from using data gathered under this section to identify a specific family or individual.

Sec. 265.008. EVALUATION OF PREVENTION AND EARLY INTERVENTION SERVICES. (a) Requires DFPS and the Texas Higher Education Coordinating Board (THECB) to enter into agreements with institutions of higher education (IHEs) to conduct efficacy reviews of any prevention and early intervention services provided under this chapter (Prevention and Early Intervention Services) that have not previously been evaluated for effectiveness in a research evaluation that meets the standards described by Subsection (b). Requires that the efficacy review include, when possible, a cost-benefit analysis of the program to the state.

(b) Provides that a prevention and early intervention services program is considered to have been previously evaluated if it has been evaluated by at least one rigorous randomized controlled research trial across heterogeneous populations or communities, the results of at least one of which has been published in a peer-reviewed journal.

(c) Provides that DFPS is not required to enter into an agreement to conduct a program efficacy evaluation under this section unless DFPS is specifically

appropriated money for the purposes of this section or the agreement with the IHE is cost neutral.

Sec. 265.009. EXPANSION OF HOME VISITING SERVICES. Requires DFPS, subject to an appropriation for that purpose, and not later than August 31, 2019, to expand the capacity of home visiting services provided by the prevention and early intervention services division of DFPS by 20 percent in a certain six counties.

SECTION 17. Amends Subchapter B, Chapter 40, Human Resources Code, by adding Section 40.038, as follows:

Sec. 40.038. SECONDARY TRAUMA SUPPORT FOR CASEWORKERS. (a) Defines "secondary trauma."

(b) Requires DFPS to develop and make available a program to provide ongoing support to caseworkers who experience secondary trauma resulting from exposure to trauma in the course of the caseworker's employment. Requires that the program include critical incident stress debriefing. Prohibits DFPS from requiring that a caseworker participate in the program.

SECTION 18. Amends Subchapter C, Chapter 40, Human Resources Code, by adding Section 40.0516, as follows:

Sec. 40.0516. COLLECTION OF DATA; ANNUAL REPORT. (a) Requires DFPS to collect and compile certain data on the state and county level.

(b) Requires DFPS, not later than February 1 of each year, to publish a report containing data collected under this section. Requires that the report include the statewide data and the data reported by county.

SECTION 19. Amends Subchapter C, Chapter 40, Human Resources Code, by adding Section 40.0529, as follows:

Sec. 40.0529. CASELOAD MANAGEMENT. (a) Requires DFPS, subject to a specific appropriation for that purpose, to develop and implement a certain caseload management system for child protective services caseworkers and managers.

(b) Provides that DFPS, in calculating the caseworker caseload under Subsection (a)(2) (relating to calculating caseloads based on the number of individual caseworkers who are available to handle cases), is:

- (1) prohibited from counting caseworkers who are on leave for four weeks or more as available caseworkers;
- (2) prohibited from creating fictive caseworkers to compensate for overtime hours worked by caseworkers; and
- (3) required to only count caseworkers who are on reduced caseloads at a value of .3 or less.

SECTION 20. Amends Subchapter C, Chapter 40, Human Resources Code, by adding Section 40.078, as follows:

Sec. 40.078. PREVENTION ADVISORY BOARD. (a) Defines "board."

(b) Provides that the Prevention Advisory Board (board) is established in DFPS to promote public awareness and make recommendations to HHSC, DSHS, DFPS, the governor, and the legislature for certain changes to law, policy, and practices.

- (c) Provides that the board is composed of not more than 25 members, appointed from certain offices or positions.
- (d) Provides that certain appointed members serve as ex officio nonvoting members of the board.
- (e) Authorizes the commissioner of DFPS (commissioner), in appointing members to the board, to attempt to select individuals whose qualifications are not already represented by existing members of the board. Authorizes board members to include certain persons.
- (f) Requires the board to select a chair from among its members and to meet at least quarterly, with additional meetings called by the chair as necessary.
- (g) Requires that a vacancy on the board be filled in the same manner as the original appointment.
- (h) Provides that a member of the board is not entitled to compensation or reimbursement of expenses incurred in performing board duties.
- (i) Authorizes the board to take testimony and receive evidence that the board considers necessary to carry out the duties of the board.
- (j) Requires the board, in developing the recommendations under Subsection (b), to collaborate with the prevention and early intervention services division of DFPS to:
- (1) use a public health approach by applying population-based, universal, and targeted strategies for prevention;
 - (2) consider certain evidence-based and promising practice programs in structuring accountability and evidence-based measures for child abuse fatality prevention programming;
 - (3) maximize funding sources to expand prevention programs, including federal and local government funds and private funds; and
 - (4) research and make recommendations regarding certain training of external stakeholders.
- (k) Requires the board to collaborate with DFPS and DSHS to develop and maintain a database of the most effective state and national evidence-based or promising practice programs that address child abuse and neglect and the prevention of child abuse and neglect fatalities. Requires that the database include the cost per family and a cost-benefit analysis for each program.

SECTION 21. Effective date: September 1, 2017.