

BILL ANALYSIS

Senate Research Center

S.B. 190
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

One of the biggest issues highlighted in recent reviews of the Department of Family and Protective Services (DFPS) has been unsustainably high caseloads in investigations. S.B. 190 improves caseload management efficiency by ensuring that abuse or neglect cases that remain open for over 60 days are reviewed by a supervisor for administrative closure when applicable. This change helps to clear the backlog of very low risk cases, while still requiring that an experienced individual makes the call for administrative closures. The bill also makes absolutely sure that a Child Protective Services (CPS) employee reviews and checks in on the case within 61 days. Besides reducing the caseloads for caseworkers, S.B. 190 helps to get families who have not been cleared nor investigated out of limbo.

DFPS has trained regional staff on how to triage cases, including administrative closures, but caseworkers are still fearful of incorrectly doing an administrative closure. Administrative closures are done when the worker finds that CPS does not have jurisdiction to investigate or when the allegation does not meet the definition of abuse or neglect.

There are limitations on which cases could be closed in order to ensure children's safety. One requirement is that there are no reports of abuse or neglect of that child prior to or since the case being considered. Also, to close a case administratively the supervisor must consult with a professional or another credible source to determine that the child's safety can be assured without additional investigations, services, or assistance. If the supervisor decides that the case should not be administratively closed, they have the option to reassign the case to a different caseworker, if appropriate. DFPS will also implement a training program for supervisors and caseworkers to educate them on how to effectively utilize the system and the process for administrative closure.

If Texas improves caseload management efficiency, it would help CPS better focus its resources and could reduce caseloads for investigators. Maintaining an effective caseload management system allows CPS to improve its ability to protect Texas kids.

As proposed, S.B. 190 amends current law relating to the effective management of caseloads in the investigation of child abuse or neglect reports by the Department of Family and Protective Services.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 261.3015, Family Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 261.3015, Family Code, by adding Subsections (c-1), (c-2), and (c-3), as follows:

(c-1) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner), by rule, to establish, and the Department of Family and Protective Services (DFPS) to implement, a formal review process under which any reported case that remains open 60 days following a report of abuse or neglect

must be reviewed by a DFPS supervisor for administrative closure. Provides that a reported case described by this subsection qualifies for administrative closure if:

(1) there is no prior report of abuse or neglect of the child who is the subject of the report;

(2) no additional report of abuse or neglect of the child has been received following the original report; and

(3) after contacting a professional or other credible source, the supervisor determines that the child's safety can be assured without further investigation, response, services, or assistance.

(c-2) Authorizes a reported case that is reviewed and does not qualify for administrative closure to be reassigned to a different DFPS caseworker if reassignment would allow DFPS to make the most effective use of resources to investigate and respond to reported cases of abuse or neglect.

(c-3) Requires DFPS to develop a training program for DFPS supervisors and caseworkers who investigate reports of abuse or neglect and requires that the training program include information on effective utilization of the alternative response system and the process of, and requirements for, administrative closure.

SECTION 2. Requires the executive commissioner to adopt rules necessary to implement this Act not later than December 1, 2017.

SECTION 3. Effective date: September 1, 2017.