

BILL ANALYSIS

Senate Research Center

C.S.S.B. 907
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Health & Human Services
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Building high quality foster care capacity that best meets the needs of children in foster care remains a high priority. Child Protective Services (CPS) has seen an increase in the number of children without placement. The result of this capacity issue is that the agency must enter into expensive child-specific contracts with providers that are not the best setting for children's needs.

While traditional foster homes are clearly the "best option" for certain children, general residential operations (GROs) are also a vital part of the continuum of care for children in Texas by providing:

- A safe environment.
- Multiple "eyes" on the child.
- Caring adults in a local community, participating in the care of children needing shelter, education, and resources in order to be successful community members.

Licensed GROs operating in a live-in cottage parent model include care that is reinforced by a myriad of support services not available in a typical foster family setting. Children have the privilege of routine interaction with case managers, therapists, recreation staff, and other crucial support staff. Because of the numbers of people involved in the life of a child, it serves as a check-and-balance system to protect the child's safety and well-being. Houseparent couples devote their full-time attention to the needs of children in care, such as a large sibling group.

S.B. 907 defines least restrictive environment in statute and ensures that DFPS recognizes that licensed GROs operating as a cottage home may serve, like a foster home, as a foster placement option for children in need of basic or moderate services when that placement (1) is closest to the child's home, and (2) is the most able to meet the identified needs of the child.

Committee Substitute

The committee substitute changes the language to define a least restrictive setting as one that is the most family-like setting. This would include kinship placements, traditional foster homes, or GROs operating as a cottage home.

S.B. 907 as substituted is permissive in nature and does NOT force the Department of Family and Protective Services (DFPS) to do anything different than it is doing today.

Instead, it encourages DFPS to consider placements in organizations that meet current and well established placement criteria by creating a definition of least restrictive that includes certain GROs, foster homes, and kinship homes across the state.

C.S.S.B. 907 amends current law relating to the definition of the least restrictive environment for the placement of children in foster care.

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 Section 263.001(a), Family Code, by amending Subdivision (3-a) and adding Subdivision (3-b), as follows:

(3-a) Defines “least restrictive setting” as a placement for a child that, in comparison to all other available placements, is the most family-like setting.

(3-b) Creates this subdivision from existing text and makes no further changes to this subdivision.

SECTION 2. Amends Section 263.001, Family Code, by adding Subsection (c), to provide that, with respect to a child who is removed from the child’s home, if a suitable relative or other designated caregiver is not available, placing the child in a foster home or a general residential operation operating as a cottage home is considered the least restrictive setting.

SECTION 3. Amends Section 264.001, Family Code, by adding Subdivision (3-a), to define “least restrictive setting.”

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

(c) Requires DFPS, in selecting a placement for a child, to consider whether the placement is in the child’s best interest. Requires DFPS, in determining whether a placement is in a child’s best interest, to consider whether the placement is the least restrictive setting for the child, is the closest in geographic proximity to the child’s home, is the most able to meet the identified needs of the child, and satisfies any expressed interests of the child relating to placement, when developmentally appropriate.

SECTION 5. Provides that this Act takes effect only if a specific appropriation for the implementation of the Act is provided in a general appropriations act of the 85th Legislature.

SECTION 6. Effective date: September 1, 2017.