

BILL ANALYSIS

Senate Research Center
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S.B. 1084
By: Powell; Johnson
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Older youth transitioning out of foster care are faced with the difficult challenges that are unique to their situation, and therefore have disproportionately adverse outcomes compared to people their age who did not leave the foster care system at 18. Those who transition out of the foster care system at 18 have higher pregnancy and incarceration rates, a higher likelihood of experiencing homelessness, of being underemployed or unemployed, and of experiencing physical and mental health challenges. They also have a lower likelihood of completing high school with a diploma and of having an ID or driver's license. The COVID-19 pandemic has further worsened the challenges that young adults leaving the foster system face.

S.B. 1084 seeks to prepare young adults transitioning out of foster care for independent living by expanding efforts to improve transition planning and by increasing the availability of transitional family group decision-making to all youth ages 14 or older. S.B. 1084 also aims to extend foster care eligibility and transition services until age 21, to extend Medicaid coverage for foster care youth until age 21, and to create cooperative agreements with the Texas Workforce Commission that would help refer short-term stays for youth in need of housing.

S.B. 1084 is supported by Texas CASA, Texans Care for Children, Texas Network of Youth Services, and TexProtects.

As proposed, S.B. 1084 amends current law relating to the Preparation for Adult Living Program and other services for foster children transitioning to independent living.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Department of Family and Protective Services in SECTION 2 (Section 264.1214, Family Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 264.121, Family Code, by amending Subsections (a), (a-2), (e-1), and (g), and adding Subsections (a-7) and (e-4), as follows:

(a) Requires the Department of Family and Protective Services (DFPS) to address the unique challenges facing foster children in the conservatorship of DFPS who must transition to independent living by:

(1) makes no change to this subdivision;

(2) and (3) makes nonsubstantive changes to these subdivisions;

(4) addressing barriers to participation in the Preparation for Adult Living Program for a youth who has a disability by making appropriate accommodations that allow the youth to meaningfully participate in the program; and

(5) documenting in the youth's case file any accommodations made under Subdivision (4).

(a-2) Requires that the experiential life-skills training under Subsection (a-1) (relating to experiential life-skills training required for foster youth age 14 or older) include certain programs and lessons, including, for youth who are 17 years of age or older, lessons related to the documents the youth is required to receive under Subsection (e-1) prior to being discharged from foster care and how those documents are authorized to be used. Makes a nonsubstantive change.

(a-7) Requires DFPS to ensure that before a youth leaves foster care, each youth who is 14 years of age or older has an e-mail address through which the youth are authorized to receive encrypted copies of personal documents and records.

(e-1) Requires DFPS, if, at the time a youth is discharged from foster care, the youth is at least 18 years of age or has had the disabilities of minority removed, to provide to the youth, not later than the 30th day before the date the youth is discharged from foster care, certain information and documents, including a Medicaid card or other proof of the youth's enrollment in Medicaid or an insurance card from a health plan that provides health coverage to foster youth, rather than proof of enrollment in Medicaid, if appropriate.

(e-4) Requires the youth's caseworker to assist the youth with developing a plan for keeping the documents described by Subsection (e) (relating to a youth's birth certificate, social security card, and personal identification certificate) in a safe place, and to inform the youth about the documents the youth is required to receive before the date the youth is discharged from foster care.

(g) Requires DFPS, for a youth taking prescription medication, to ensure that the youth's transition plan includes provisions to assist the youth in managing the use of the medication and in managing the child's long-term physical and mental health needs after leaving foster care, including provisions that inform the youth about certain information, including for each youth who is 17 years of age or older and preparing to leave foster care, a program supervised by a health care professional to assist the youth with independently managing the youth's medication. Makes nonsubstantive changes.

SECTION 2. Amends Subchapter B, Chapter 264, Family Code, by adding Section 264.1214, as follows:

Sec. 264.1214. HOUSING FOR HOMELESS YOUTH AGING OUT OF FOSTER CARE. (a) Requires a youth's caseworker, for a youth who will voluntarily enter extended foster care on the youth's 18th birthday, to, not later than six months before the youth's 18th birthday, complete any necessary transitional living or supervised independent living paperwork to ensure the youth has housing on the date the youth enters extended foster care. Requires the caseworker, not later than the 90th day before the youth's 18th birthday, to review the qualifications and requirements for the youth's housing.

(b) Requires DFPS, if a youth intends to continue living with the youth's substitute care provider after the youth's 18th birthday, to waive any background check otherwise required for the youth to remain living with the substitute care provider.

(c) Authorizes a youth, for a youth who continues living with the youth's substitute care provider after the youth's 18th birthday, to share a bedroom with another youth who is 16 years of age or older provided the age difference between the youths does not exceed two years.

(d) Requires a substitute care provider who prohibits a youth from living in the facility after the youth's 18th birthday to notify the youth's caseworker of that fact not later than the 90th day before the youth's 18th birthday if the facility is a foster home, or not later than six months before the youth's 18th birthday if the facility is a cottage family home or general residential operation, or as soon as

possible if the youth is placed in a foster home, cottage family home, or general residential operation less than six months before the youth's 18th birthday.

(e) Requires the youth's caseworker, after receiving notice under Subsection (d), to verbally communicate with the youth about the youth's living arrangements and document the substance of the communication in the youth's case file.

(f) Requires DFPS to assist a youth living in a supervised independent living program arrangement to develop a rental history by allowing the youth to cosign the lease for the youth's housing provided the property owner does not object.

(g) Requires DFPS by rule to establish a protocol that is authorized to be implemented for a youth to prevent the youth from aging out of a residential treatment center. Requires that the protocol, if implemented, be implemented not later than the youth's 17th birthday or at the time the youth is placed in a residential treatment center after the youth's 17th birthday.

SECTION 3. Effective date: September 1, 2021.