

By: Nelson

S.B. No. 218

A BILL TO BE ENTITLED

AN ACT

relating to procedures in certain suits affecting the parent-child relationship and the operation of the child protective services and foster care systems.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 153.0071(e-1), Family Code, is amended to read as follows:

(e-1) Notwithstanding Subsections (d) and (e), a court may decline to enter a judgment on a mediated settlement agreement if the court finds that:

(1) a party to the agreement was a victim of family violence, and that circumstance impaired the party's ability to make decisions; or ~~and~~

(2) the agreement is not in the child's best interest.

SECTION 2. Subchapter D, Chapter 261, Family Code, is amended by adding Section 261.3013 to read as follows:

Sec. 261.3013. CASE CLOSURE AGREEMENTS PROHIBITED. (a) Except as provided by Subsection (b), on closing a case, the department may not enter into a written agreement with a child's parent or another adult with whom the child resides that requires the parent or other adult to take certain actions after the case is closed to ensure the child's safety.

(b) This section does not apply to an agreement that is:

(1) entered into following the removal of a child; and

1           (2) subject to the approval of a court with continuing  
2 jurisdiction over the child.

3           SECTION 3. Subchapter A, Chapter 262, Family Code, is  
4 amended by adding Section 262.010 to read as follows:

5           Sec. 262.010. POSITIVE TEST FOR SEXUALLY TRANSMITTED  
6 DISEASE. (a) If, during an investigation by the Department of  
7 Family and Protective Services, a child younger than 11 years of age  
8 tests positive for a sexually transmitted disease, the department  
9 shall file an original suit requesting an emergency order under  
10 this chapter for possession of the child unless the department  
11 determines:

12                 (1) based on medical evidence, that a finding of  
13 sexual abuse of the child is not supported; or

14                 (2) after interviewing the child, that the perpetrator  
15 of the abuse was not a parent of the child or another adult living in  
16 the same home as the child.

17                 (b) In a suit filed under Subsection (a), the court shall  
18 order the parents of the child, each adult living in the same home  
19 as the child, and any caregiver who is an alleged perpetrator of  
20 sexual abuse of the child to undergo medically appropriate  
21 diagnostic testing for sexually transmitted diseases. If a parent  
22 or an adult living in the same home as the child refuses to submit to  
23 the court-ordered testing, the court shall render an appropriate  
24 order naming the department as managing conservator of the child  
25 and making any other order the court determines necessary to  
26 protect the child.

27           SECTION 4. Section 262.1015, Family Code, is amended by

adding Subsection (a-1) to read as follows:

(a-1) Notwithstanding Subsection (a), if the Department of Family and Protective Services determines that a protective order issued under Title 4 provides a reasonable alternative to obtaining an order under that subsection, the department may:

(1) file an application for a protective order on behalf of the child instead of or in addition to obtaining a temporary restraining order under this section; or

(2) assist a parent or other adult with whom a child resides in obtaining a protective order.

SECTION 5. Subchapter B, Chapter 264, Family Code, is amended by adding Section 264.1062 to read as follows:

Sec. 264.1062. PUBLISHING PERFORMANCE DATA FOR PERSONS WHO PROVIDE SUBSTITUTE CARE SERVICES. The department shall publish on the department's Internet website performance data for each person providing substitute care services under a contract with the department.

SECTION 6. Section 264.118(a), Family Code, is amended to read as follows:

(a) The department shall collect and report service and outcome information for certain current and former foster care youth for use in the National Youth in Transition Database as required by 42 U.S.C. Section 677(f) and 45 C.F.R. Section 1356.80 et seq ~~[conduct an annual random survey of a sample of children from each region of the state who are at least 14 years of age and who receive substitute care services. The survey must include questions regarding:~~

1           ~~[(1) the quality of the substitute care services~~  
2 ~~provided to the child;~~

3           ~~[(2) any improvements that could be made to better~~  
4 ~~support the child; and~~

5           ~~[(3) any other factor that the department considers~~  
6 ~~relevant to enable the department to identify potential program~~  
7 ~~enhancements].~~

8           SECTION 7. Section 40.036, Human Resources Code, is amended  
9 to read as follows:

10           Sec. 40.036. ENHANCED TRAINING OF CHILD PROTECTIVE SERVICES  
11 CASEWORKERS. To improve the quality and consistency of training  
12 provided to child protective services caseworkers, the department  
13 shall:

14           (1) augment classroom-based training with a blended  
15 learning environment using computer-based modules, structured  
16 field experience, and simulation for skills development;

17           (2) use a core curriculum for all new department  
18 caseworkers and specialized training for specific jobs;

19           (3) require that department caseworkers transferring  
20 from one specialty to another must complete the core curriculum and  
21 advanced training for the new specialty before assuming their new  
22 responsibilities; ~~and~~

23           (4) centralize accountability and oversight of all  
24 department training in order to ensure statewide consistency; and

25           (5) require department caseworkers to receive  
26 training relating to the benefits of using a protective order under  
27 Title 4, Family Code, to protect a child as an alternative to

1 removing the child from the child's home.

2 SECTION 8. Subchapter I, Chapter 521, Transportation Code,  
3 is amended by adding Section 521.1811 to read as follows:

4 Sec. 521.1811. WAIVER OF FEES FOR FOSTER CARE YOUTH. A  
5 person is exempt from the payment of any fee for the issuance of a  
6 driver's license, as provided under this chapter, if that person  
7 is:

8 (1) younger than 18 years of age and in the managing  
9 conservatorship of the Department of Family and Protective  
10 Services; or

11 (2) at least 18 years of age, but younger than 21 years  
12 of age, and resides in a foster care placement, the cost of which is  
13 paid by the Department of Family and Protective Services.

14 SECTION 9. (a) The Department of Family and Protective  
15 Services shall implement a redesign of the foster care system, in  
16 accordance with the recommendations contained in the department's  
17 December 2010 Foster Care Redesign report submitted to the  
18 legislature.

19 (b) The goal of the foster care system redesign is to  
20 improve outcomes for children and families by ensuring that:

21 (1) a child is placed in the child's home community so  
22 that the child is able to maintain personal connections and  
23 educational continuity;

24 (2) a child is placed in the least restrictive setting  
25 that meets the child's needs;

26 (3) a child is served by a provider who will ensure the  
27 full continuum of care in a designated geographic area, supporting

1 minimal placement moves and decreased placement disruptions;

2 (4) a child is placed with the child's siblings  
3 whenever safe and appropriate;

4 (5) a child's culture will be respected;

5 (6) a child is provided opportunities, experiences,  
6 and activities similar to those experienced by children who are not  
7 in foster care; and

8 (7) a child is provided opportunities to participate  
9 in decisions that impact the child's life.

10 (c) The Health and Human Services Commission may use payment  
11 rates for foster care under the redesigned system that are  
12 different from those used on the effective date of this Act for  
13 24-hour residential child care. Payment rates for foster care  
14 under the redesigned system must be based on performance targets  
15 and may include incentive payments for superior performance, as  
16 well as funding for additional services provided to families not  
17 historically included in 24-hour residential child-care rates.  
18 Payment rates under foster care redesign may not result in total  
19 expenditures for any fiscal year that exceed the amounts  
20 appropriated for fiscal year 2012 by the 82nd Legislature for  
21 foster care and other purchased services, except to the extent that  
22 any increase in total expenditures is the direct result of caseload  
23 growth.

24 (d) The Department of Family and Protective Services may  
25 phase in the implementation of the foster care redesign over a  
26 reasonable time, during which the department may continue to  
27 reimburse some foster care providers under the 24-hour residential

1 child-care rates in effect on the effective date of this Act, while  
2 using alternative payment rates for other foster care providers  
3 during the phase-in period for implementation of the foster care  
4 redesign.

5 (e) Not later than December 1, 2012, the Department of  
6 Family and Protective Services shall submit a status report on the  
7 implementation of this section to the Senate Finance Committee, the  
8 Senate Committee on Health and Human Services, the House Committee  
9 on Appropriations, the House Human Services Committee, the  
10 Legislative Budget Board, and the governor. The report must  
11 include the department's findings and any recommendations for  
12 improvements to the system.

13 SECTION 10. This Act takes effect September 1, 2011.