



Representative

Desk

Amendment Floor Report for HB 5- Wednesday, March 1, 2017

Author	Analysis	Recommendation
Anchia	Moves the expiration date for DFPS as outlined in the sunset provisions forward from 2023 to 2019 unless the agency is continued.	Favorable
Anchia	Changes the Family and Protective Services Council appointment process to include that the governor, lieutenant governor and the speaker of the house will each appoint three members to the council for a total of nine members. The amendment also includes provisions for ineligibility for participation in the council.	Favorable
Collier	Mandates cultural sensitivity training for CPS investigators and caseworkers.	Favorable
Flynn	<p>This amendment amends multiple sections of the family code as follows:</p> <ul style="list-style-type: none"> • <i>Section 261 Subchapter D (261.317)</i>: DFPS may not use or request for evidence any photograph that shows a child in any state of undress • <i>Section 262.104</i>: DFPS may not request or utilize the assistance of any law enforcement officer while taking custody of a child without obtaining a temporary order or restraining order from the court • <i>Section 264.1073</i>: DFPS may not place children out of state unless they are placed with a biological parent, brother, sister, aunt, uncle, grandparent, or great-grandparent • <i>Section 40.038</i>: Stipulates immediate dismissal for any employee who intentionally falsifies or places misleading information in a department document or report • <i>Section 40.039</i>: Stipulates that DFPS may not: 	Unfavorable

OK for Distribution – Rep Garnet Coleman

	<ul style="list-style-type: none"> ○ Retaliate/take action against a person who requests assistance from an elected official relating to any DFPS action ○ Intimidate any person through the actions of a DFPS employee ○ Take any action to unreasonable delay or discourage the request for adoption <p>While the stipulations regulating DFPS employee conduct (last 2 bullets) serve to improve the integrity of the agency, the first 3 provisions don't seem topical to the bill. The first provision would prohibit DFPS employees from investigating the full scope of an abuse/neglect claim, which could be harmful to the child. The second provision could put DFPS employees at risk should they be in a situation where they are removing a child under a judge's authority for emergency removal but have not yet received an official court order.</p>	
<p>Frank</p>	<p>This amends C.S.H.B. 5 in a few ways as a means to further clarify language in the bill:</p> <p>“Abuse or neglect” is changed to read as “abuse, neglect, or exploitation” in section 19.</p> <p>The department and the commission shall enter into contracts for the provision of shared administrative services under section 27. This amendment adds “subject to approval by the governor” after “shared administrative services” in order to reinforce the governor’s role in the process. A few lines down in the same paragraph “subject to approval by the governor” is taken out for the sake of removing redundancy.</p> <p>Proposes a striking of “subchapter c” so that section 30 simply refers to human resources code and not only subchapter c of human resources code, so that the department takes on the duties of not only subchapter c.</p> <p>This amendment proposes a new section that amends family code in which the commission <i>shall</i> continue to provide any services to children in the conservatorship of the department that the commission provided to those children prior to September 1, 2017. It further specifies that this does not apply to any services provided by the commission in relation to the child’s education passport.</p>	<p>Favorable</p>
<p>M. Gonzalez</p>	<p>Adds a requirement for the department to pay a supplement not to exceed 6.8 percent of the employee’s base salary for employees who are proficient in both English and a second language. The bill lays out provisions for the commissioner determining proficiency and necessity. Application forms would have to inform bilingual applicants of the potential supplemental pay. The employee may apply for this supplemental pay at any time during their active employment with the department.</p>	<p>Favorable</p>
<p>M. Gonzalez</p>	<p>This amendment mandates that every child that is in DFPS custody for 30+ days receive a medical examination no later than their 30th day in custody.</p>	<p>Favorable</p>



Hernandez	Creates a uniform set of standards for what constitutes abuse, neglect, and exploitation across Child Protective Services (CPS) and Child Care Licensing (CCL) to facilitate investigations of allegations. In 2015, DFPS found that CCL investigations had a 75% error rate because of the difference between agency thresholds; HB4 consolidates investigations under DFPS while HHCS holds authority over licensing and the regulatory process, leading to more comprehensive investigations.	Favorable
Keough	Changes language of Family Code. It originally states that a court to require a family, managing conservator or guardian to participate in DFPS programs at the request of the departments. The amendment would add in that in order for the court to do so they would have to find clear and convincing evidence of abuse or neglect. Adds in provision that the court must advise any parent, managing conservator guardian or other member of child's household of their right to an attorney before they order participation in DFPS services. If the person does not wish to participate in service and is not represented by an attorney at the hearing the court cannot order them to participate in services.	Unfavorable
Leach	This requires that if the parents show up at a hearing about the child, the judge would have to hear them. Previously the court would inform the parent of a hearing but would have discretion as to whether or not they would hear them. This amendment limits the jurisdiction of the judge's discretion.	Will of the House
Martinez	Removes the stipulation that allows the governor an alternative appointment for the Family and Protective Council. This does not give the option for the governor to not find a person who was a child in the foster care system.	Favorable
Martinez	Revises the stipulation that the Family and Protective Services Council include a member who was previously a child in the foster care system. If the governor's search does not turn up any eligible candidates, a former or current foster parent or caregiver may be considered before expanding the search further.	Favorable
Martinez	This amendment will make the Family and Protective Services Council require to have 11 members instead of 9. This amendment will include the requirement for the council to have a member who is currently or has been a foster care parent, kinship caregiver, or other designated caregiver from the department.	Favorable
Metcalf	Authorizes DFPS to allocate state and federal funds to charitable and faith-based organizations that provide services to populations involved with DFPS. Rather than keeping state and federal funds within state and federal entities this would allow dispersal of funds among organizations that would potential discriminate against vulnerable populations.	Unfavorable



Minjarez	Creates a Division of Fair Treatment within the proposed DFPS Departments. The Division of Fair Treatment would protect children from unfair treatment within DFPS based on the child's race, ethnicity, gender, gender identity, religion, national origin, disability status, medical status, or sexual orientation.	Favorable
Neave	Requires the governor to appoint to the Family and Protective Service Council, an individual who was previously a case manager for at least three years for the department to the council.	Favorable
Neave	Requires a Family and Protective Service Council appointee by the governor to be a person with at least 3 years of experience as either a staff member or volunteer for Texas Court-Appointed Special Advocates (CASA) or Children's Advocacy Center of Texas.	Favorable
Raymond	Adds DFPS to the list of entities that the Inspector General's Office is responsible for monitoring and investigating for fraud, waste, and abuse of services.	Favorable
Raymond	Changes the language around the functions of DFPS to include the authority to investigate abuse against the elderly. This reflects the organizational restructuring of the agency to include the responsibilities of Department of Aging and Disability Services.	Favorable
Sanford	Adds Section 40.0327 to create a community initiative specialist position to coordinate agency and nonprofit services that assist families in crisis.	Favorable
Turner	This amendment adds a division to oversee programs relating to assisting youths with their transition out of the foster care system.	Favorable
Turner	Strikes language exempting the governor from appointing a former foster child to the Family and Protective Services Council in the event that their search does not find an eligible individual.	Favorable



<p>Walle</p>	<p>Adds a new section to the bill which establishes a study conducted caseload standards. The study would develop professional and other caseload standards for minimum and maximum caseloads in order to improve outcomes for different types of caseworkers or contractors providing case management services. Recommendations will be made based on the outcomes of this study to agencies and state departments authority over these matters.</p>	<p>Favorable</p>
<p>Walle</p>	<p>Adds Sec 40.0328 to establish caseload limits for CPS department employees based on the type of services being provided, contingent on available funds. Adds Section 40.073 to outline minimum expected standards for the Abuse, Neglect, and Exploitation Hotline with regards to wait time and call abandonment rates, also contingent on available funds.</p>	<p>Favorable</p>

OK for Distribution – Rep Garnet Coleman

