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Amendment Floor Report for SB 11 - Thursday, May 18, 2017

Author	Analysis	Recommendation
Frank P.2 852149	This amendment strikes page 16 line 23 through page 17 line 14, regarding the findings that have led to a movement for community-based foster care. It also strikes the word decision from page 28 line 27 and replaces it with recommendation. This goes on to remove the 72-hour deadline for DFPS to review, approve or disapprove a permanency goal set by a single source continuum contractor (SSCC) as well as removing the department's ability to attend court proceedings regarding the SSCC's permanency recommendations. Eliminating a standardized timeline for DFPS to approve or disapprove a permanency goal could lead to such cases to compound and children to remain out of the permanent home. Lack of consistency and comfort can a child can add to the traumatic experiences all children within the child welfare system.	<u>Will of the House</u>
Frank P.3 852152	This amendment repeals section 263.402(b) from the Family Code which states that should a party involved with a CPS case fail to make a motion to dismiss a suit during the final order hearing, that party waives the right to object to the court's failure to dismiss the case. This then could potentially allow a parent who opposes the final order of permanency to retroactively object to the failure to dismiss a case.	<u>Will of the House</u>
Miller P.4 852133	This amendment just adds additional requirements for DFPS and other child-placing related entities to provide access to research information about health issues and conditions of trauma to prospective adoptive parents. This amendment will destigmatize mental health and will equip adoptive parents with better information on how to be an effective parent to a child that could potentially have mental health issues.	<u>Favorable</u>
Raymond P.5-6 852163	SB 11 builds on the goals listed in relation to the Department's requirement to develop a strategic plan in the Human Resources Code. The bill adds to two goals to the list: 1)the goal of ending the abuse and neglect of children in the conservatorship of the Department, and 2) the goal of increasing the capacity and availability of foster, relative and kinship placements in this state. This amendment proposes striking these two positive goals.This amendment provides a number of other clarifying changes. Another main change proposed by this amendment is to allow an SSCC to terminate a contract no later than the 60th day before the date of termination, instead of the 90th day.	<u>Unfavorable</u>
Oliverson P.7-8 852146	This amendment states that DFPS is responsible that all children in their conservatorship receive necessary emergency medical care as soon as possible. It also asserts that physicians and other healthcare professionals may not administer a vaccination during a child's initial medical examination except a child's emergency medical situation requires the provision of a tetanus vaccination. The amendment clarifies that that prohibition on the administration of vaccinations no longer applies after DFPS has been	<u>Favorable</u> w/concerns

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	given managing conservatorship of the child. While it is concerning that the amendment is asserting legislative control over a physician's medical expertise, it makes necessary allowances for emergency tetanus vaccinations and ensures that children in long term DFPS care are able to receive necessary vaccinations.	
	The amendment also states that the guidelines developed by DFPS for a child's initial medical examination must include assessing the child for signs and symptoms of abuse or neglect, the presence of acute and chronic illness, and signs of acute or severe mental health conditions. The examination should also ensure that children have all necessary medical equipment and prescriptions they need and that their caregivers are given appropriate education and support as it relates to the child's healthcare. These guidelines will help ensure a comprehensive medical exam is completed on children in DFPS custody.	
	This amendment strikes the requirement that the initial medical examination of a child in DFPS custody must include a mental health screening. Additionally, changes the timeline within which the exam must occur to be as follows: the same day the child is removed from the home if the removal is the result of sexual or physical violence, the day after the child is removed if the child has a complex or chronic medical condition, or the seventh day after the child's adversarial hearing.	
Klick P.9-10 852147	This amendment's provision to remove the mandatory mental health screening is particularly concerning, as children who are in DFPS custody have likely experienced physical or emotional trauma and are very likely in dire need of mental health services. Without an initial screening, the opportunity for early detection of mental health issues is virtually lost. Additionally, the new graduated timeframe in which the exam must occur is concerning because it will increase the time a child has to wait to receive a medical screening in many cases. Currently, the screening must take place no later than 5 days after a child is taken into custody; this amendment's proposed deadline of seven days post adversarial hearing extends the overall amount of time a child has to wait for a medical examination if they do not meet one of the proposed criteria for a sooner examination. Ensuring that all children in DFPS custody receive timely, comprehensive medical care (which includes mental healthcare) should be a top priority, and this amendment does not attempt to do that.	<u>Unfavorable</u>
Tinderholt P.11 852115	This amendment would prohibit physicians and other healthcare providers from administering any contraceptives, including emergency contraceptives, during the initial medical examination of a child in DFPS custody. This provision intrudes on the practitioner-patient relationship and does not take the wishes of the child into account. Many children are in DFPS custody as the result of experiencing sexual trauma, including rape, at the hands of relatives or other adults. This amendment would prevent a young girl who has been raped from receiving emergency contraceptives, which are necessary to ensure she does not become pregnant. It completely disregards the bodily autonomy and best interests of the child and instead imposes an ideological standard onto them that they may not ascribe to.	<u>Unfavorable</u>
Tinderholt P.12 852114	This amendment would prohibit physicians and other healthcare providers from administering vaccinations during the initial medical examination of a child in DFPS custody. This provision is not aligned with medical best practice, and attempts to override the accepted scientific fact that vaccinations are a vital healthcare service. Additionally, the amendment doesn't allow for the administration of vaccinations even in emergency situations, such as a child who has been bitten by a dog that needs a rabies vaccination or a child who has stepped on a nail that needs a tetanus vaccination. This amendment is harmful to the health and safety of children in DFPS care.	<u>Unfavorable</u>
Neave P.13 852130	This amendment will require that the department publish every plan developed by a contractor that the department deems to be adequate on the department's website for the purpose of increasing transparency.	<u>Favorable</u>

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Miller P.14 852134	This amendment removes sections of the revised code requiring DFPS to conduct a final readiness review for any single source continuum contractor before transferring placement and case management services to the contractor. This important mechanism ensures that contractors have made proper arrangements to take over services as part of the foster care system. Taking away the readiness review inhibits DFPS's ability to safeguard the well-being of children in their care.	<u>Unfavorable</u>
Dale P. 15 852151	This amendment would drastically move up the implementation timeline for the expansion of community-based foster care, from December 31, 2019 to December 31, 2017. This change would not allow DFPS enough time to properly identify catchment areas and implement the necessary changes without affecting the continuity of services for children in the system. The other changes to SB 11 would remove limitations on the number of catchment areas identified for transfer to a single source continuum contractor, which could compound the risk to children.	<u>Unfavorable</u>
Miller P.16 852132	This amendment requires DFPS to accept proposals from entities that seek qualification to have community-based foster care services. Proposals can start being accepted by September 1, 2017 and DFPS has to make a decision by the 90th day to determine if the entity is qualified. The concerns are that the 90th day mark is not enough time for DFPS to thoroughly review the qualification of an entity to have community-based foster care services. It is recommended to give DFPS more of a reasonable time period to review these proposals.	<u>Favorable</u> w/concerns
Neave P.17 852129	This amendment amends the language to add to the listed community engagement group an attorney ad litem who is appointed to represent the child in the conservatorship of the department. An attorney ad litem is a lawyer appointed by the court to represent and advocate on behalf of the child or ward during a guardianship proceeding.	<u>Favorable</u>
	This amendment strikes a number of provisions from the bill. One, it strikes the requirement that the Department must create a data access and standards governance council. The purposes of this council would be to develop protocols for access by single source continuum contractors (SSCC) to the Department's data to allow the contractors to perform case management functions. SB 11 states that a contract with a SSCC must establish conditions for single source continuum contractor's access to relevant department data. Thus, it appears this amendment will strike the need for this council for the sake of avoiding redundancy.	
Raymond P.18 852155	This amendment also strikes Section 264.162 of the bill, relating to a review of contractor performance. It seems undesired to strike the requirement for a formal review process that evaluates a SSCC's implementation of placement services and case management services in a catchment area. A SSCC performance should be monitored and reviewed for the of the wellbeing of the children that the SSCC is providing services for under contract with the Department. This amendment also strikes the creation of the Child Protective Services Legislative Committee from the bill. The purposes of this committee it to facilitate the transfer of functions from the Department to a SSCCs to mitigate negative effects on the delivery of services to which those functions relate.	<u>Unfavorable</u>
	As SB 11 already is limited in its scope of oversight, cutting many of the provisions for state oversight over SSCC would leave the bill greatly lacking in accountability.	
Ortega P.19 852128	This amendment adds to the qualifications of a single source continuum contractor that a process for single source continuum contractors to report to the department their best interest determination for a child which conflicts with a performance measure stipulated in the contract is to be established. This would allow for more transparency and discussion around the decision-making process of the contractors when making determinations in the best interest of the child.	<u>Favorable</u>

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Minjarez P.20 852127	SB 11 requires the Department to create a data access and standards governance council to develop protocols for access by SSCCs to the Department's data for the sake of allowing such contractors to perform case management functions. This amendment clarifies the language of this section. The amendment requires the Department to create this council for the electronic transfer of data, but instead of allowing an SSCC access to the Department's data, the SSCC must instead transfer their data to the Department. The council must develop protocols for the access, management and security of this electronic case data.	<u>Favorable</u>
Rodriguez, E. P.21-22 852144	 DFPS would do a cost-benefit analysis of transferring case management services to a single source continuum contractor. The report shall be sent no later than January 15, 2019, and it should be sent to the governor, the speaker of the house of representatives, lieutenant governor, and House and Senate committees on Health and Human Services. Analysis shall include: Cost to DFPS on providing case management services including: indirect expenses related to performance of case management services, and any assumptions and documentation that support the actual cost determination Recommendations for improving performance of case management services by DFPS An assessment of costs of a single source continuum contractor to provide case management services at a level comparable to the case management services provided by DFPS An assessment of the cost of establishing caseload standards for case management services for DFPS and for a single source continuum contractor Estimate of the cost of returning the performance of the case management services from the single source continuum contractor Estimate of the cost of returning the performance of the case management services from the single source continuum contractor to the commission or DFPS if necessary including proposed schedule for any actions necessary to return the performance of case management services to the commission or DFPS if necessary including proposed schedule for any actions necessary to return the performance of case management services to the commission or DFPS A comparison of the salary, health care benefits, retirement, and worker's compensation insurance for caseworkers employed by a single source continuum contractor and by DFPS If the results from the report, recommends the transfer of case management services to single source continuum contractor then the legislature shall vote on it to approve with the recommendations. 	<u>Favorable</u>
Raymond P.23 852164	This amendment amends Section 264.160, relating to the transfer of case management services to a single source continuum contractor, by changing the month from June to September. Therefore, each area where community-based foster care has been implemented or a contract with a single source continuum contractor has been executed before September 1, 2017, as opposed to the previously stipulated June 1, 2017 date, the department will transfer the stipulated duties to that single source continuum contractor. This will allow the department more time to effectively implement the bill.	<u>Favorable</u>
Raymond P.24 852162	This amendment would insert language stating that the Civil Practice and Remedies Code (Chapter 101) does not apply to a single source continuum contractor who is a member of a non-profit entity. The Civil Practice and Remedies Code includes statute addressing governmental liability and limitations on the amount of liability.	Will of the House

Miller P.25 852131	This amendment requires DFPS to approve/disapprove the permanency goal of a child based on the recommendation from a contractor within 72 hours that DFPS gets a written notification from a child, child's attorney, parent, or parent's attorney. If no decision has been made then, the contractor's recommendation is approved. DFPS will still have the power to do oversight on the contractor's recommendation at any time it is necessary. The concern is the approval of the contractor's recommendation without any decision from DFPS because this could further traumatize the child from being in a harmful situation or being removed from a home way too soon. It is recommended to remove the approval of a contractor's recommendation without any decision being made from DFPS.	<u>Unfavorable</u>
Thierry P.26 852157	This amendment ensures that DFPS will review and approve or deny a single source continuum contractor's decisions regarding child placement, medical treatment, and mental health treatment. It also authorizes DFPS to have access to a child and take any necessary actions to ensure a child's safety and wellbeing if that child is in a continuum contractor's care. The amendment ensures proper DFPS oversight of children placed with single source continuum contractors, which will result in increased safety and wellbeing of children.	<u>Favorable</u>
Minjarez P.27-28 852065	 This amendment ensures that DFPS retains authority for oversight and decision-making in parts of the state where a single source continuum contractor provides foster care services. These responsibilities include: Monthly contact of the child and supervision during visitation, Evaluation of medical, mental health, and educational decisions, and Management of aspects of the child's care relating to the court system. The contracted agency remains responsible for the day-to-day case management activities in the child's best interest so that DFPS resources can be allocated more effectively, but emphasizes that they are still ultimately accountable to the department. 	<u>Favorable</u>
Minjarez P.29-30 851959	 This amendment ensures that DFPS retains authority for oversight and decision-making in parts of the state where a single source continuum contractor provides foster care services. These responsibilities include: Monthly contact of the child and supervision during visitation, Evaluation of medical, mental health, and educational decisions, and Management of aspects of the child's care relating to the court system. The contracted agency remains responsible for the day-to-day case management activities in the child's best interest so that DFPS resources can be allocated more effectively, but emphasizes that they are still ultimately accountable to the department. 	<u>Favorable</u>
Raymond P.31-34 852154	This amendment allows the Department to use risk mapping, predictive analytic systems or geographic risk assessments in order to identify geographic areas and family dynamics and other factors in this state with high incidents of child maltreatment and fatalities. The purposes furthermore are specified that this information may be used to offer opportunities to provide prevention services, and guide decisions about the allocation of resources for prevention and early intervention programs. The HHSC, on behalf of the Department, may enter into agreements with higher education institutions to develop or adapt these systems for these purposes. Furthermore, interagency sharing of this data to achieve these purposes is authorized by this amendment. The amendment is very clear on protections for confidential and personal information that would identify any individuals or families, and assesses a criminal penalty if a person utilizes or discloses the information improperly. Developing further studies such as that provided by this amendment are important to the future of ending child abuse and neglect.	<u>Favorable</u>

Raymond P.35 852153	 This amendment strikes language from Section 531.02013, relating to the functions remaining with certain agencies. Under this section, the amendment adds to the list of functions that are not subject to transfer and substitutes the language to include: Child care licensing The regulation of certain child-care facilities, homes, and agencies The regulation of child-care and child-placing agency administrators Investigations of alleged abuse, neglect, or exploitation occurring in a facility, home, or agency The amendment also strikes the statute that mandates the Health and Human Service Commission to amend residential child-care services contracts entered into with general residential operations and child-placing agencies. 	<u>Will of the House</u>
Hernandez P.36-39 852060	This amendment incorporates "exploitation" to language pertaining to investigations of abuse or neglect. This also merges the definitions of abuse, neglect and exploitations between DFPS investigations and the Department of Juvenile Justice investigations. This will allow for consistency along all investigations regarding minors. Many children who fall into the juvenile justice system are victims of abuse, neglect or exploitation, this will allow for more awareness and potentially open investigations.	<u>Favorable</u>
Dukes P.40-41 852161	This amendment requires the Health and Human Services Commission (HHSC) to create a division for elimination of disproportionality and disparities. The HHSC commission would be responsible for developing initiatives to eliminate disproportionality and disparities in certain state, federal and private entity contracts dealing with child welfare services. The duties of the division are outlined in the amendment and aim to promote cultural, racial and socio-economic equity and diversity among child welfare contracts. This bill promotes community collaboration and will address disparity issues among children receiving services.	<u>Favorable</u>
Raney P.42-46 852057	This amendment would allow institutions of higher education to establish competitive grant programs that fund early child literacy efforts under the Reach Out and Read model. This program model focuses on health care professionals as a key point of interaction with children and their families to introduce services that support child literacy within their offices. Grant recipients must serve children in the DFPS system as part of their clientele and the grant award must be distributed throughout the state of Texas. Giving institutions of higher education the option to create these grant programs can help prepare children for future learning by increasing their access to reading materials.	Will of the House
Klick P.47-48 852148	This amendment requires that a child who is 16 or older has access to necessary documents such as a birth certificate or social security card. The documents are needed as the child begins to transition into independence. Many of these are required to gain employment or housing and will help the child to be responsible over important documents.	<u>Favorable</u>
Isaac P.49 852156	This amendment stipulates that a court may not terminate a parent-child relationship if it is found that the child is using medicinal marijuana or there is THC in a product that the parent deems is beneficial to the child. This will help to reduce unnecessary removals for products that are not harmful to a child and are deemed medically necessary.	<u>Favorable</u>
Anchia P.50 852145	This amendment waives adoption fees for the adoption of a child from DFPS or any other single continuum contractor if the child is 9-years of age or older at the time of adoption. Older children are less likely to be adopted; the passage of this amendment would incentivize families to adopt older children by waiving associated fees, which will likely result in more children ages 9 and up being adopted into long-term homes.	<u>Favorable</u>

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Burrows P.51 852138	An individual may oppose an associate judge from doing a hearing by having a written objection. This amendment has the potential of slowing down the legal process of getting hearings with CPS related cases. There are currently no issues with associate judges hearing CPS cases thus, this amendment is not necessary.	<u>Unfavorable</u>
Dukes P.52-57 852140	Delineates a procedure for a health and human services agency or the Health and Human Service Commission as it relates to contract considerations for outsourcing state services with a private commercial contractor. If HHSC considers a contract, contract amendment, or contract extension that will lead to the loss of more than 100 or more state employee positions, or has a value of \$10 million or more, it is subject to this amendment. The requirements for considering these contracts include the commission or agency to perform a cost analysis, an assessment of whether the private contractor is capable of providing a service comparable to the level provided by the commission or agency, and prepare by considering the cost estimate for returning the services for performance by the commission or agency. This cost analysis must at least cover a period of one year, but not more than five years. This analysis and supporting documentation must be sent to the governor, the chairs of the appropriate legislative committees with jurisdiction over the commission or agency, the Legislative Budget Board, and the state auditor for evaluation. This amendment is a crucial step forward towards ensuring best practices are used to determine whether or not to implement these sorts of contracts.	<u>Favorable</u>
Dukes P.58-63 852141	Delineates a procedure for the Department of Family and Protective Services (DFPS) or the Health and Human Service Commission (HHSC) as it relates to contract considerations for outsourcing state services with a private commercial contractor. If HHSC considers a contract, contract amendment, or contract extension that will lead to the loss of more than 100 or more state employee positions, or has a value of \$10 million or more, it is subject to this amendment. The requirements for considering these contracts include the commission or agency to perform a cost analysis, an assessment of whether the private contractor is capable of providing a service comparable to the level provided by the commission or agency, and prepare by considering the cost estimate for returning the services for performance by the commission or agency. This cost analysis must at least cover a period of one year, but not more than five years. This analysis and supporting documentation must be sent to the governor, the chairs of the appropriate legislative committees with jurisdiction over the commission or agency, the Legislative Budget Board, and the state auditor for evaluation. This amendment is an crucial step forward towards ensuring best practices are used to determine whether or not to implement these sorts of contracts.	<u>Favorable</u>
Swanson P.64 852135	This amendment requires DFPS to prioritize to family homes that have the fewest number of foster children in the home. This would only be upheld should a placement still be in the best interest of the child. While the intention of this bill into ensure that quality care is given to a child, there is not research that supports that placing a child with the fewest number of foster children is beneficial. Rather, as there is already a foster home capacity crisis, limits to where a child may be place should only be surrounding the safest and best place for the child.	<u>Unfavorable</u>
Burrows P.65-67 852137	This amendment changes language regarding the burden of proof required during a full adversary hearing. Increasing the standard for which the court should find evidence to not return a child to their home "satisfy a person of ordinary prudence and caution" to "preponderance of evidence". This change would increase the chances of a child being returned to a potentially harmful home environment by allowing doubt in the court's findings.	<u>Unfavorable</u>
Burrows P.68 852150	This amendment repeals part b of the "Limit on Extension" Section. Part b is about an individual failing to make a suit to dismiss the suit in a timely manner thus, waiving the right of the individual to oppose the court's failure to dismiss the suit. This amendment has the potential of furthering delaying the legal process of CPS related cases since it will be repealing time limits on making suits to dismiss.	<u>Unfavorable</u>

Dukes P.78-79 852143	This amendment relates to ensuring the specialized needs and support of minor parents, or those who are pregnant, in the conservatorship of DFPS are met. Requires the department to provide vital parenting information including the benefits of reading and talking to young children, safe sleeping arrangements, a child's early brain development, methods of coping with crying infants, and so on. Additionally, this amendment requires the provision of related services such as depression screenings. Lastly, the department would be required to collect information related to the number of minor parents in the managing conservatorship of DFPS, the number of those minor parents who are also the children of minor parents, and statistics related to certain demographics. This information shall be collected in a report and posted on their website without any identifying information. This amendment simultaneously addresses crucial concerns of services needed for minor parents in the conservatorship of the department, while also the need for further studies in relation to these experiences.	<u>Favorable</u>
Swanson P.76-77 852113	This amendment requires DFPS to reimburse a foster parent for expenses on a driver's license of the foster child, driver education course, and liability insurance. The department shall also reimburse a former foster child younger than 21 for the expenses previously mentioned. Additionally, the department would be required to reimburse a former foster child younger than 21 for 6 months if the child turns 18 while in state conservatorship. All of these expenses should be proven with receipts. This amendment will assist young adults aging out of foster care in the transition into independent living.	<u>Favorable</u>
Swanson P.75 852136	This amendment allows DFPS to reimburse foster care parents for enrichment activities for the child. The reimbursement should not exceed over \$200/month for each child. If a foster care parent is caught committing fraud with this then the foster care parent would be committing a Class C misdemeanor. While quality of care is essential for a child's health and wellbeing a foster parent's reimbursement rate should already be used to these types of activities. Concerns have arisen that foster parents may be utilizing reimbursements for household care rather than directly for care of the child. This has the potential to further incentivize the parent to file reimbursements for daily household concerns rather than for the child's developmental growth.	<u>Will of the House</u>
Giddings P.73-74 852059	This amendment would authorize a study on young adult caregivers, between the ages of 21 -36, and the impact they can have on older foster children. This study would be conducted with an institution of higher education. It would look at the feasibility of encourage these types of caregivers and provide training. The overall impact from school performance to quality of life of foster children in this caregiver situation would be studied.	<u>Favorable</u>
852142	This pilot program would also require the department to survey each foster child who enters and exists in order to gain valuable insight in any changes in the child's knowledge, attitudes, and perceptions related to financial matters. An evaluation of the program must be completed by December 31, 2022. Two reports must be submitted to the governor, lieutenant governor and speaker of the house: one report on completion of the evaluation, and another report two years later.	
Dukes P.69-72	This pilot program would include an agreement with a credit union or other financial institution to establish a savings account for foster children who participate. The program may also establish incentives to provide financial rewards for actions such as college visits or attending financial education classes. For this pilot program, the department may select not more than 20 children age 16 or older no later than Jan. 1 of each even numbered year.	Favorable
	Requires DFPS to establish a pilot program to assist foster children in the conservatorship to achieve financial security and independence. This is a vital program in the effort for children to transition to independent living smoothly. Without any help in developing financial security, such children may easily fall into vicious cycles related to poverty. This amendment is crucial to securing the dignity and well-being of these children.	

Swanson P.80-81	The amendment requires the governor to utilize available funds and private donations to establish and administer a grant program for faith-based community programs that collaborate with DFPS and the commission to improve foster care and the placement of children. Eligibility criteria for the grant is outlined in the amendment. Grants will not	<u>Favorable</u>
852112	be over \$300,000. This aims to enhance community involvement and increase the availability for foster placements.	

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