



## Amendment Floor Report for HB 6- Wednesday, May 10, 2017

Author	Analysis	Recommendation
<b>Frank</b> P.2 850580	This amendment removes the five-business day time period for a child in a rural community to receive a medical examination upon entering conservatorship. It states that the medical exam can take place three days after the adversary hearing or three days after the child enters conservatorship. This also adds that these periods cannot be extended. This could potentially hurt rural communities who may not have the same available resources as other communities.	<u><b>Will of the House</b></u>
<b>Frank</b> P.3 850584	This amendment strikes the word decision from page 28 line 27 and replaces it with recommendation. This also changes provisions surrounding the permanency recommendation for the contractor to include a request from the child's, attorney ad litem, parent or attorney for the parents. This also states that if approval or disapproval is not submitted by DFPS to the contractor approval will be implied.	<u><b>Favorable</b></u>
<b>Neave</b> P.4 850601	This amendment will require that the department publish every plan developed by a contractor that the department deems to be adequate on the departments website for the purpose of increasing transparency.	<u><b>Favorable</b></u>
<b>Neave</b> P.5 850600	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><b>Favorable</b></u>
<b>Neave</b> P.6 850599	This amendment adds to the bill that would establish a process for the single source continuum contractor to report to the department the results of their best interest determination for a child in instances where the contractor finds that the determination conflicts with a performance measure stipulated in the contract.	<u><b>Favorable</b></u>
<b>Senfronia Thompson</b> P.7-8 850587	This amendment requires DFPS to conduct a cost-benefit analysis regarding the transference case management services to a single source continuum contractor (SSCC). The report will be provided to certain members of the legislature no later than January 15, 2019. Criteria for what analysis shall include is outlined in the amendment. If the results from the report, recommends the transfer of case management services to an SSCC then the legislature shall vote on it to approve with the recommendations.	<u><b>Favorable</b></u>

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<p><b>Neave</b> P.9-10 850597</p>	<p>This amendment inserts language that mandates the department to retain oversight of and perform the following case management services for one year after the date the department transfers their case management services to a single source continuum contractor:</p> <ul style="list-style-type: none"> <li>• Maintain direct contact with the child on a monthly basis for oversight and making recommendations, including final ones, to the court</li> <li>• Maintain direct observation on a monthly basis of family visits</li> <li>• Evaluate the appropriateness of all medical, mental health, and educational decisions</li> <li>• Monitor and evaluate the effectiveness of all case management and permanency services and making necessary changes</li> <li>• Maintain final approval authority of and the authority to change the child’s placement, the child and family service plan, the decision to discontinue case management for a child aging out of foster care, the child’s permanency plan, and any decision regarding the adoption of a child</li> <li>• Prosecuting suits affecting the parent-child relationship and making legal decisions regarding those suits</li> <li>• Ensuring that a single source continuum contractor provides a child’s attorney/guardian ad litem with immediate access to the child and the contractors information and records</li> <li>• Make ongoing recommendations to the court to ensure the child’s safety and well being</li> <li>• Take any action or requiring a single source continuum contractor to take any action the department deems necessary for the child’s safety and well being</li> </ul> <p>Following the stipulated one-year period, the department may continue to retain all or partial responsibility for case management performance listed, based off of the single source continuum contractor’s reviews. This would create much needed oversight of the child’s continuous care under a contractor after the child leaves the department’s jurisdiction. By adding this language, there will be more review and oversight of case management services after the department transfers care to the single source continuum contractor.</p>	<p><b><u>Favorable</u></b></p>
<p><b>Neave</b> P.11 850598</p>	<p>This amendment inserts language that mandates the department to review and approve or disapprove a single source continuum contractor choice concerning the placement of a child, the child’s medical treatment, and their mental health treatment. It also adds under Section 264.165 – Review of Contractor Decisions by Department, that this section may not be construed to limit the or restrict the authority of the department to have direct access to the child to ensure the safety and well-being of the child, as considered appropriate by the department. It also may not limit or restrict the department to take any action or require the single source continuum contractor to take any action, which the department considers to be necessary for the wellbeing or safety of the child.</p>	<p><b><u>Favorable</u></b></p>
<p><b>Minjarez</b> P.12-13 850582</p>	<p>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:</p> <ul style="list-style-type: none"> <li>• Monthly contact of the child and supervision during visitation,</li> <li>• Evaluation of medical, mental health, and educational decisions, and</li> <li>• Management of aspects of the child’s care relating to the court system.</li> </ul> <p>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.</p>	<p><b><u>Favorable</u></b></p>
<p><b>Klick</b> P.14-15 850588</p>	<p>This amendment expands the amount of information and resources for a guardian ad litem. It requires that the guardian add educators and welfare service providers to the list of people to interview after being appointed. The guardian would also have access to the child in their placement, provide comments on potential placements, meetings regarding the service plan, and court ordered mediation. This will strengthen the guardian’s ability to support the child through more in depth access.</p>	<p><b><u>Favorable</u></b></p>



<p><b>Coleman</b> P.16-18 850572</p>	<p>This amendment requires that counties who have not created a family drug court program to conduct a study. A family drug court program specializes in substance abuse related, this requires a county to measure the effectiveness such a program would have on a parent who suffers from substance abuse issues. This also requires the study to measure the effectiveness of case management for such a program. The amendment outlines those who should be involved in conducting the study. It also implements a grant funding, which would be subject to available appropriated funds and would be administered by the Health and Human Services Commission (HHSC). This could potentially help parents who are involved in the foster care system and are suffering from substance abuse related issues or substance use disorder, which in turn would encourage family reunification.</p>	<p><b><u>Favorable</u></b></p>
<p><b>Burrows</b> P.19 850604</p>	<p>This amendment allows a party involved with a case to file an objection to an associate judge working on the case. Should an objection be filed the referred judge would take on all responsibilities of the case. This would also allow a part involved with the case to file an objection on the representation of the Department of Family and Protective Services (DFPS). DFPS would then be assigned an attorney based on section 264.009 of the Family Code. While it is important that all cases be heard fairly, a party involved with the case could take advantage of the ability to file objections.</p>	<p><b><u>Unfavorable</u></b></p>
<p><b>Swanson</b> P.20-21 850573</p>	<p>This amendment requires that DFPS will have to prioritize family homes that have the fewest number of foster children in the home. Priority for this shall only be upheld should a placement still be in the best interest of the child. It also adds that DFPS will be allowed 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.</p>	<p><b><u>Will of the House</u></b></p>
<p><b>Swanson</b> P. 22 850575</p>	<p>DFPS will have to prioritize to family homes that have the fewest number of foster children in the home. Priority for this shall only be upheld should a placement still be in the best interest of the child. This will help to assure that children remain in safe environment that will afford them quality care and meet their needs.</p>	<p><b><u>Will of the House</u></b></p>
<p><b>Burrows</b> P.23-25 850603</p>	<p>This amendment changes language regarding the burden of proof required during a full adversary hearing. Changing the language from “satisfy a person of ordinary prudence and caution” to “produce in the mind of a reasonable person a firm belief or conviction” lowers the burden from evidence beyond a reasonable doubt to clear and convincing 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.</p>	<p><b><u>Unfavorable</u></b></p>
<p><b>Dukes</b> P.26-28 850577</p>	<p>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.</p> <p>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.</p> <p>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.</p>	<p><b><u>Favorable</u></b></p>
<p><b>Swanson</b> P.29-30 850576</p>	<p>DFPS shall 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 shall reimburse a former foster child younger than 21 for liability insurance 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.</p>	<p><b><u>Favorable</u></b></p>

<p><b>Giddings</b> P.31-32 850585</p>	<p>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.</p>	<p><b><u>Favorable</u></b></p>
<p><b>Dukes</b> P.33-34 850578</p>	<p>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.</p>	<p><b><u>Favorable</u></b></p>
<p><b>Keough</b> P.35 850569</p>	<p>This amendment raises the bar for court appointed service to a parent by requiring there must be a preponderance of evidence that abuse or neglect has or may occur. It also adds that prior to ordering participation the court must inform the parent or guardian of their right to an attorney and if found to be indigent they court may appoint an attorney. While it is important to allow anyone participating in the program legal representation and inform them of the right to do so, court ordered services are meant to address serious concerns regarding the parents-child relationship. Increasing the burden of proof may take away necessary service for a parent who may not have already harmed a child but who hold a capacity to do so if certain behaviors are not addressed.</p>	<p><b><u>Unfavorable</u></b></p>
<p><b>Swanson</b> P.36-37 850574</p>	<p>With available funds or private donations, the governor shall 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 be over \$300,000.</p>	<p><b><u>Favorable</u></b></p>
<p><b>Dukes</b> P.38-43 850579</p>	<p>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 or not 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 important step forward towards ensuring best practices are used to determine whether or not to implement these sorts of contracts.</p>	<p><b><u>Favorable</u></b></p>

