

## VIII. STATUTORY AUTHORITY AND RECENT LEGISLATION

A. Fill in the following chart, listing citations for all state and federal statutes that grant authority to or otherwise significantly impact your agency. Do not include general state statutes that apply to all agencies, such as the Public Information Act, the Open Meetings Act, or the Administrative Procedure Act. Provide information on Attorney General Opinions from FY 2009 – 2013, or earlier significant Attorney General Opinions, that affect your agency’s operations.

<b>Department of Family and Protective Services</b> <b>Exhibit 12: Statutes/Attorney General Opinions</b>	
<i>Statutes</i>	
Citation/Title	<b>Authority/Impact on Agency</b> (e.g., “provides authority to license and regulate nursing home administrators”)
Titles IV-B and IV-E of the Social Security Act; 42 U.S.C. 621 et seq.	Provide federal funding to states with an approved state plan for provision of child welfare services. The IV-E and IV-B state plans must also ensure compliance with the Child Abuse Prevention and Treatment Act (CAPTA) (discussed below). Together with CAPTA, these federal laws impose very significant mandates that the states must comply with in order to retain eligibility for federal funding, and many of the provisions in the Texas Family Code, Chapters 261–264 are intended to ensure compliance with these federal laws.
Child Abuse Prevention and Treatment Act (CAPTA), as amended; 42 U.S.C. 5101 et seq; 42 U.S.C. 5116 et seq.	Provides federal funding to a state with an approved state plan that complies with CAPTA Title IV-B, and IV-E requirements.
The U.S. Constitution	Many of the provisions in the Family Code applicable to DFPS are intended to ensure constitutional rights – most particularly: <ul style="list-style-type: none"> <li>• the constitutional protections applicable to the parent-child relationship under the First Amendment.</li> <li>• the right to be free from unreasonable search and seizure under the Fourth Amendment, and</li> </ul>

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	<ul style="list-style-type: none"> <li>• the rights to procedural and substantive due process and to equal protection under the Fourteenth Amendment.</li> </ul> <p>Recent court decisions under the First and Fourth amendments have had significant impact on DFPS.</p>
Human Resources Code, Chapter 40.	<p>This chapter is the primary enabling legislation for DFPS. This chapter:</p> <ul style="list-style-type: none"> <li>• creates DFPS and sets forth Department core duties (§42.002);</li> <li>• establishes DFPS as the “single state agency” responsible for administering Titles IV-B and IV-E of the federal Social Security Act;</li> <li>• establishes the Family and Protective Services Council to make recommendations to the HHSC Executive Commissioner (EC) and the DFPS Commissioner on management and operation of the Department (§§40.021-40.027);</li> <li>• establishes a Commissioner, to be appointed by HHSC EC and to serve as the CEO subject to control of the HHSC EC; and</li> <li>• provides miscellaneous administrative provisions for the organization and staffing of the Department, the use of funds, delivery of services, and interaction with other agencies and the public.</li> </ul>
Human Resources Code, Ch. 42	Establishes the authority of DFPS to regulate residential and non-residential childcare facilities, including child placing agencies and foster homes.

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<b>Citation/Title</b>	<b>Authority/Impact on Agency</b> (e.g., “provides authority to license and regulate nursing home administrators”)
Human Resources Code, Ch. 43	<ul style="list-style-type: none"> <li>Establishes licensure qualifications for childcare administrators and child placing agency administrators.</li> <li>Requires DFPS to issue and administer the required license.</li> </ul>
Human Resources Code, Ch. 44	The “subsidized” daycare program created under this chapter is administered by the Texas Workforce Commission (TWC), not DFPS. However, programs eligible to contract with TWC under Ch. 44 must meet Child Care Licensing standards promulgated under Ch. 42 by DFPS.
Human Resources Code, Ch. 48	<p>Establishes the authority of DFPS to:</p> <ul style="list-style-type: none"> <li>conduct investigations of alleged abuse, neglect, and exploitation (a/n/e) of persons aged 65 or older and disabled adults, including the duty to conduct a/n/e investigations of persons served by state hospitals, state supported living centers, MHMR authorities, community centers, private Intermediate Care Facilities for the Intellectually Disabled (ICF-IDs), home and community-based services (HCS) programs, and home and community support services agencies (HCSSAs); and</li> <li>also provides authority to provide protective services to adult victims of a/n/e who live in the community.</li> </ul>
Chapter 531, Government Code	Creates the Health and Human Services Commission, establishing DFPS as one of five health and human service agencies subject to the control of the HHSC Executive Commissioner. In addition to the general provisions in Ch. 551 applicable to all HHS agencies, provisions specific to DFPS include the following sections:

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***Statutes***

<b>Citation/Title</b>	<b>Authority/Impact on Agency</b> (e.g., “provides authority to license and regulate nursing home administrators”)
	<p>§531.0162. Use of technology to improve the Adult Protective Services (APS) program;</p> <p>§§531.047 – .049. Outcome measures in substitute care contracts; caseload standards; caseload standards advisory committee;</p> <p>§531.088. Pools funds for prevention services;</p> <p>§531.165. Referrals by the Department of Aging and Disability Services (DADS) to DFPS of abandoned children in certain long-term care facilities;</p> <p>§531.02447. Creates Employment-First Task Force (effective 1/1/2014), of which DFPS is a member; and</p> <p>§531.802. DFPS a member of the Council on Children and Families.</p> <p>Subchapter D-1. Establishes a role for multiple state agencies, including DFPS, in permanency planning for persons in certain institutions.</p> <p>Subchapter U. Requires DFPS cooperation with mortality reviews of certain deceased persons.</p>
Family Code, Chapter 261	Provides definitions for child abuse and neglect, and requires reporting of same. It delineates responsibilities for investigation of child abuse and neglect among various state and local agencies – most particularly DFPS – and contains guidelines for investigations.
Family Code, Chapter 262	Describes circumstances and legal proceedings for taking possession and legal custody of a child by law enforcement or DFPS; it also contains “Baby Moses” provisions for abandoning a child up to 60 days of age with a “designated

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***Statutes***

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	emergency infant care provider.”
Family Code, Chapter 263	Sets forth a schedule of periodic hearings to review the circumstances and permanency plans for children in the custody of DFPS, with a one-year legal permanency deadline (subject to one six-month extension); provides for continued hearings for current and former foster youth between the ages of 18 and 21.
Family Code, Chapter 264	Provides general provisions relating to the administration of the child-welfare system by DFPS, including provisions on payment of foster care and other benefits, provision of services to children and families, legal representation, etc. It also contains miscellaneous provisions relating to Services To At-Risk (STAR) youth prevention programs; Court-Appointed Special Advocates (CASA); Children’s Advocacy Centers (CACs), Child Fatality Review Teams (CFRTs), and Family Drug Court Programs.
Family Code, Chapter 265	Establishes Prevention and Early Intervention (PEI) services, administered by DFPS
Family Code, Chapter 266	Provides special provisions relating to medical care, including medical consent issues. It also requires the establishment of the Health Passport and Education Passport.
Code of Criminal Procedure, Art. 2.27	Requires law enforcement to cooperate with DFPS in investigation of certain abuse or neglect reports (See also related provisions in Family Code, Chapter 261.)
Code of Criminal Procedure, Art. 5.05	Creates a system for reporting to DFPS when law enforcement responds to a domestic violence call in the home of a foster parent.
Code of Criminal Procedure, Art. 42.12 (Sec. 5)	Authorizes DFPS to consider a deferred adjudication when considering whether to license a person to operate a childcare facility or child placing agency.

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Code of Criminal Procedure, Art. 56.06	Requires law enforcement to request a sexual assault exam of a victim if requested by DFPS under certain conditions.
Code of Criminal Procedure, 57B.04	Exempts DFPS from requirement to use a pseudonym in Department records relating to certain victims of family violence.
Code of Criminal Procedure, Art. 63.009	Requires law enforcement to transfer to DFPS possession of a missing child listed in the missing person clearinghouse who is located by law enforcement.
The Education Code	<p>The Education Code contains many provisions of interest to DFPS in its role as managing conservator of children and youth enrolled in public schools and higher education. Provisions of special note include the following:</p> <p>§7.029. MOU between DFPS and TEA on educational outcomes for foster children;</p> <p>§25.001. Special provisions for admission/continuity of attendance of foster child;</p> <p>§25.002. Includes special procedures for enrollment of foster children in public schools;</p> <p>§25.007. Special provisions to support foster children transferring from one school to another;</p> <p>§29.08. Contracts with residential placement facilities for educational services; required interagency MOU;</p> <p>§29.015. Foster parents as “surrogate parents” for special education purposes;</p> <p>§29.081. Compensatory education/accelerated instruction for “at risk” students, the</p>

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	<p>definition of which includes students in DFPS conservatorship (see other provisions throughout Ch. 29 designed to benefit “at risk” students as defined in 29.081(d));</p> <p>§29.153. Makes children in DFPS custody eligible for free pre-kindergarten (and see 29.1532, requiring private pre-K contracted programs to meet Child Care Licensing (CCL) minimum standards for childcare;</p> <p>§29.160. Requires DFPS to cooperate with State Center for Early Childhood Development in developing a quality rating system and waivers of minimum standards, if applicable;</p> <p>§38.04. Requires TEA to develop policy for reporting child abuse and neglect and requiring cooperation with DFPS in the investigation of child abuse and neglect; and</p> <p>§§54.211 &amp; 54.2111. Tuition waiver provisions for higher education costs of former foster youth.</p>
Family Code, Chapters 32 and 33	Contains provisions relating to consent by a non-parent for medical treatment of a child, including special provisions for youth in the Texas Juvenile Justice Department (TJJD) and for suspected victims of abuse or neglect. It also describes DFPS’ role in assisting minors seeking abortion services and investigating suspected sexual abuse.
Family Code, Title V, Subtitles A – D	Contains general provisions applicable to all “suits affecting the parent child relationship” (SAPCRs), including SAPCRs to which DFPS is a party. These subtitles cover issues relating to possession, access, and custody of a child, parental rights, adoption, and child support.

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	<p>Provisions of particular note include the following:</p> <ul style="list-style-type: none"> <li>• Ch. 102 specifies who has “standing” to sue for custody, termination or adoption, including numerous provisions specific to DFPS;</li> <li>• Ch. 107 mandates appointment of guardian ad litem (GAL, can include CASA) and attorney ad litem (AAL) for child, and AAL for parent in DFPS suit seeking termination. Specifies requirements for social studies and requires DFPS to adopt rules relating to certain social studies;</li> <li>• Ch. 153 contains provisions relating to conservatorship, possession and access; including the rights of a “non-parent conservator” (e.g., DFPS);</li> <li>• §156.101 confers the ability to modify a custody order due to “material and substantial” change of circumstances;</li> <li>• §156.102 grants standing to a sibling of a child who is separated from the child due to actions of DFPS in a suit for modification of a custody order.</li> <li>• Ch. 160 provides for the establishment of paternity and the creation of the “paternity registry”;</li> <li>• Ch. 161 provides for the termination of parental rights, including grounds that are specifically directed at DFPS, and others that DFPS frequently uses. It outlines the duty of DFPS, in conjunction with DSHS, to adopt the form currently in use to provide medical</li> </ul>



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	<p>history of a child who is voluntarily relinquished by a parent;</p> <ul style="list-style-type: none"> <li>• Ch.162 contains general procedures for adoption and the adoption of the Interstate Compact on the Placement of Children (ICPC)/Interstate Compact on Adoption and Medical Assistance, both of which are administered by DFPS for Texas. It also creates the adoption assistance program operated by DFPS, implements the mandatory federal Multi-Ethnic Placement Act (MEPA) in §162.308, and authorizes DFPS to pay an adoption incentive to a private child-placing agency (§162.601);</li> <li>• Ch. 201 establishes a system of associate judges to hear DFPS SAPCR cases; and</li> <li>• §231.010 requires cooperation between the Child Support division of the Office of the Attorney General and DFPS.</li> </ul>
Government Code, §402.035	Makes DFPS a member of the Human Trafficking Taskforce and assigns certain duties to DFPS in connection with this taskforce.
Government Code Chapter 411, §411.081, §411.114	Grants DFPS access to criminal history records for certain purposes.
Government Code, §651.004	Exempts DFPS from certain management-to-staff ratios applicable to other state agencies.
Government Code, §662.054	Requires DFPS to promote Texas Adoption Day.
Government Code Chapter, Chapter 2155	<p>Outlines:</p> <ul style="list-style-type: none"> <li>• §2155.144.The delegation of authority to HHS agencies to purchase goods and services (§2155.144); and</li> <li>• §2155.1442. Special procedures relating to foster care residential contract managers</li> </ul>

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	(§2155.1442).
Health and Safety Code; Subchapter C	Establishes a task force on domestic violence, of which DFPS is a member, effective 6/14/2013, and expiring 1/1/2016.
Health and Safety Code; §81.010; §81.023; §161.0101	<p>§81.010 requires DFPS membership on the Interagency Coordinating Council for HIV and Hepatitis.</p> <p>§81.023 requires the Department of State Health Services (DSHS) to cooperate with DFPS in developing immunization requirements for children in childcare.</p> <p>§161.0101 requires DSHS to work with DFPS to increase immunization awareness and participation among parents of children in childcare facilities.</p>
Health and Safety Code, Chapter 115	Creates the Interagency Task Force for Children with Special Needs, of which DFPS is a required member.
Health and Safety Code, Chapter 116	Requires DFPS membership on the Early Childhood Health and Nutrition Interagency Council, which studies and makes recommendations on improving childhood nutrition and health.
Health and Safety Code, §191.0047	Requires a DSHS MOU and cooperation with DFPS in furnishing birth information and certified birth certificates to DFPS for children in DFPS conservatorship.
Health and Safety Code, Chapter 252	Contains provisions of DFPS duty that are in addition to those in Chapter 48, Human Resources Code, to investigate allegations of abuse, neglect, and exploitation in private ICF-IDs.
Health and Safety Code, Chapter 253	Contains provisions relating to DFPS duty to submit the names of certain individuals to the Employee Misconduct Registry.

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Health and Safety Code, Chapter 254	Defines a new type of Boarding Home Facility that is not subject to regulation as a long-term care agency by DADS, but may be regulated by a county or municipality. It requires DFPS to investigate abuse, neglect, and exploitation in such facilities.
Health and Safety Code, §461.0124; §461.017	Establish parents of foster children as a priority population for drug and alcohol treatment services and make DFPS a member of the Drug Demand Reduction Advisory Committee.
Health and Safety Code, Chapter 468, Subchapter C	Requires DFPS to establish a Drug Endangered Child initiative (it mirrors provisions in Human Resources Code, §§ 40.071 & 40.072).
Health and Safety Code, Chapter 555, Subchapter C	Creates the Independent Ombudsman for state supported living centers and requires certain cooperation and sharing of information with DFPS.
Health and Safety Code, Chapter 614	Requires an MOU and interagency collaboration, including DFPS, to ensure continuity of care and services for offenders with medical or mental impairments.
Health and Safety Code, Chapter 672	Authorizes the creation of Adult Fatality Review Teams at the county level, which may include DFPS as a member, and biennial reporting of such teams to DFPS.
Health and Safety Code, §1001.153	Requires participation by the DFPS medical director or designee on the MEDCARES advisory committee, which awards grants to improve assessment, diagnosis, and treatment of child abuse and neglect.
Human Resources Code, §31.002	Defines a “dependent child” for purposes of Aid to Families with Dependent Children to include certain foster children up to age 19. This definition, in combination with Title IV-E of the Social Security Act, makes foster children eligible for IV-E reimbursements categorically eligible for

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	Medicaid under §32.024, Human Resources Code. Foster children not eligible for IV-E are eligible for Medicaid under the “medically needy” program authorized under §32.024.
Human Resources Code, §32.0247; §32.02471	Authorizes children who aged out of foster care at age 18, but who have not yet turned 21, as eligible for Medicaid; and makes these same youth eligible between 21 and 23 if attending higher education.
Human Resources Code, § 51.012	Requires DFPS to help coordinate the provision of violence prevention services for children.
Human Resources Code, Chapter 54	Relates to protective orders sought by DFPS on behalf of child abuse victims.
Human Resources Code, Ch. 61	Contains provisions relating to youth in DFPS conservatorship, most particularly the sections beginning at §61.0766, concerning collaborative service planning, reporting, sharing of data, and the role of TJJ in family court hearings involving foster youth.
Human Resources Code, Chapter 73	Creates the Interagency Council on Early Childhood Intervention and makes DFPS a member of the Board. [Although the statutory authorization for this council is still in current law, the Council no longer exists.]
Human Resources Code, §114.003	Makes DFPS a member of the Texas Council on Autism and Pervasive Developmental Disorders.
Human Resources Code, Chapter 142	Contains provisions (corresponding to provisions in HRC Chapter 48) relating to the DFPS duty to investigate allegations of abuse, neglect, and exploitation of adult clients by Home and Community Support Services Agency (HCSSA) workers.
Human Resources Code, Chapter 161	Contains numerous provisions regarding cooperation between DFPS and DADS, including: <ul style="list-style-type: none"> <li>• §161.077 requires the development, with</li> </ul>

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	<p>DFPS input, of an investigation database;</p> <ul style="list-style-type: none"> <li>• Subchapter E, Ch. 161 which, in combination with provisions in Chapter 48, Human Resources Code, reflects the 2005 legislative transfer of the guardianship program to DADS, which had previously been administered by DFPS (S.B. 6, 79 RS 2005. DFPS makes referrals to DADS for guardianship of both CPS and APS clients under these provisions.</li> </ul>
Labor Code, Chapter 310	Creates the Childcare Resource and Referral Network and requires DFPS assistance.
Occupations Code, Chapter 55	Contains general provisions applicable to all agencies that issue a professional license to require special considerations for licensing applicants who are military members, spouses of military member, and veterans.
Occupations Code, §110.202	Establishes DFPS as a member on the Interagency Advisory Committee to the Council on Sex Offender Treatment.
Transportation Code, §504.642	Creates a specialty license plate, the proceeds of which must be deposited into a fund with DFPS to be used for services to abused and neglected children.
Government Code, §434.153	Adds DFPS to the membership of the Texas Coordinating Council for Veteran Services (effective 9/1/2013)

***Attorney General Opinions***

<b>Attorney General Opinion No.</b>	<b>Impact on Agency</b>
OR 2006-13929	Held that decisions and orders issued by SOAH regarding DFPS hearings in Child Care Licensing matters are not confidential.
OR 2004-5599	Affirmed the right of DFPS to withhold certain

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	Child Care Licensing abuse or neglect information from the public based on confidentiality rules the agency adopts in compliance with the federal Child Abuse Prevention and Treatment Act.
OR 2003-5590	Established a “previous determination” under Government Code §552.301(a) that the records concerning a CPS investigation of an allegation of abuse or neglect of a child and the records used or developed in providing services as a result of that investigation are confidential, and the agency need not ask for a decision from the OAG each time they receive a request for such records.
OR 1999-3779	Held that information that would identify a foster care provider is confidential and must not be released to the public.
Opinion DM-476	Held that a local school district cannot interfere with a child abuse or neglect investigation by prohibiting a CPS worker investigating a report of abuse or neglect from interviewing a student (the alleged victim) in the school, or by requiring school personnel to be present at the interview.
Opinion GA-0476	Held that DFPS may not contract with a governmental entity to provide substitute care or case management services except in some circumstances.
Opinion GA-0649	Held that while DFPS’ authority to make rules concerning the regulation and licensing of childcare facilities, to the extent the agency rule exempts a certain kind of childcare programs not expressly exempted under Section 42.041, Human Resources Code, the rule conflicts with the statute and is therefore invalid.
Opinion GA-0678	Held that DFPS has the authority to make an initial fact determination regarding whether an agency is operating a childcare program that is

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	subject to, or exempt from, licensure.
Opinion GA-0815	Held that DFPS’ rulemaking authority allows it to adopt minimum standards establishing minimum training hours for staff in certain daycare centers that exceeds the number of hours specified in §42.0421, Human Resources Code.
Opinion GA-0879	Held that a law enforcement entity is required by the Family Code to furnish information in its records relating to alleged abuse or neglect of a child by a person responsible for the child’s care, custody, or welfare to DFPS.
Opinion GA-0944	Held that under Subsection 261.101(b), Family Code, a professional is not required to report abuse or neglect that the professional believes occurred during an adult patient’s childhood.

**B. Provide a summary of recent legislation regarding your agency by filling in the chart below or attaching information already available in an agency-developed format. Briefly summarize the key provisions. For bills that did not pass, briefly explain the key provisions and issues that resulted in failure of the bill to pass (e.g., opposition to a new fee, or high cost of implementation). Place an asterisk next to bills that could have a major impact on the agency.**

<b>Department of Family and Protective Services</b>		
<b>Exhibit 13: 83<sup>rd</sup> Legislative Session Chart</b>		
<b><i>Legislation Enacted – 83<sup>rd</sup> Legislative Session</i></b>		
<b>Bill Number</b>	<b>Author</b>	<b>Summary of Key Provisions</b>
H.B. 748*	Raymond	The bill directs DFPS to pursue a Title IV-E waiver as authorized by the Child and Family Services Improvement and Innovation Act, which, under that law, must be revenue neutral and must accomplish one of the following goals: increasing permanency, increasing positive outcomes, and preventing abuse and neglect.
H.B. 843*	Lucio III	This bill amends the Family Code to require that children in DFPS conservatorship be provided with at least 10 days advance notice of every permanency and placement review hearing, provided the child is at least 10 years of age or the court directs that such notice be given.
H.B. 915*	Kolkhorst	This bill adds new duties related to the review of medical care by a guardian ad litem, attorney ad litem, and the court, for children in DFPS conservatorship. The bill directs CPS to ensure that a youth’s transition plan includes provisions to assist the youth in managing medication usage after exiting foster care. New requirements are added to the training for medical consenters. The bill outlines requirements for informed consent for psychotropic medications. Notification of the child’s parents at the next visit is required upon the initial prescription of a psychotropic medication, or any change in dosage of the medication. HHSC is directed to use Medicaid prescription drug data to monitor the prescribing of psychotropic drugs for children who are under the supervision of DFPS through the Interstate Compact on the Placement of Children (ICPC).
H.B. 1227*	Dukes	This bill provides CASA with electronic access to certain data stored in the DFPS IMPACT database system, as provided under rules to be adopted by the HHSC Executive Commissioner. CASA must maintain the confidentiality of the data. With funding appropriated in the 83 <sup>rd</sup> Session, DFPS will undertake a four year



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**Exhibit 13: 83<sup>rd</sup> Legislative Session Chart**

***Legislation Enacted – 83<sup>rd</sup> Legislative Session***

<b>Bill Number</b>	<b>Author</b>	<b>Summary of Key Provisions</b>
		project to provide external access to key stakeholders, including CASA.
H.B. 1272*	Thompson of Harris	This bill continues the existence of the Human Trafficking Prevention Task Force headed by the Office of the Attorney General. In addition to continuing the Task Force until September 1, 2015, the bill would add a new duty to the Task Force’s current list of responsibilities, and would require the Task Force to work with DFPS, the Texas Education Agency and HHSC.
H.B. 1396*	King of Taylor	This bill directs DFPS and DSHS to conduct a study to determine whether certain data is available to identify the use of alcohol or controlled substances by children and parents involved in an investigation by DFPS. It also requires that if neither agency collects this data that they then determine which agency can compile the information most effectively and at the lowest cost and to provide a report on this study to the governor and legislative leadership.
H.B. 1648*	Raymond	This bill provides a confidentiality provision for any photograph, videotape, audiotape, or any other such audio or video depiction that DFPS made of a child during a licensing inspection or investigation conducted by DFPS. DFPS may only release such items if required by state or federal law or a rule adopted by the HHSC executive commissioner.
H.B. 1741	Naishtat	This bill requires licensed childcare centers to have an electronic child safety alarm system in a vehicle designed to seat eight or more persons that is used to transport children in the center’s care, if the vehicle is purchased or leased on or after December 31, 2013.
H.B. 2111*	Strama	This bill requires that experiential life-skills for youth transitioning out of foster care be strengthened in the area of nutrition education, including grocery shopping, meal preparation and cooking, performing basic household tasks, balancing a check book, and using public transportation. The bill also requires contracted providers of transitional living services to offer nutrition education and to assist youth in developing skills in food preparation.
H.B. 2619*	Naishtat	This bill expands education-related responsibilities for DFPS staff, guardians ad litem, attorneys ad litem, and school staff.

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<b>Bill Number</b>	<b>Author</b>	<b>Summary of Key Provisions</b>
		The bill requires DFPS to identify the person who will be delegated responsibility for making education decisions for a child in conservatorship, file that information with the court, and provide a copy to the child’s school and court-appointed advocates. The bill outlines the appointment of a surrogate parent for children in special education programs, adds new duties to the guardian and attorneys ad litem regarding reporting to the court on whether the youth’s educational needs are being addressed, and requires each child to have an education stability plan. Additionally, the bill outlines what notices and information schools or TEA should send to educational decision-makers and adds mental health appointments, family visitations, and appointments with healthcare professionals to the list of excused absences.
H.B. 2620*	Collier	This bill creates a new task force on domestic violence, including a representative of the DFPS prevention and early intervention program. The task force will focus on topics such as the impact of domestic violence on children. The task force is directed to produce a report by September 1, 2015 and expires January 1, 2016.
H.B. 2683	Price	This bill relates to employment in certain consumer directed services (CDS) programs and by certain facilities and to the nurse aid registry and the employee misconduct registry. It ensures that employees hired through the CDS program are eligible to be listed on the employee misconduct registry.
H.B. 2725	Thompson of Harris	This bill concerns centers that provide shelter to trafficking victims, providing an exception to the public information requirement. The bill allows a government body to redact certain personal information maintained by one of these centers for an employee, volunteer worker, or board member. The bill also requires the adoption of minimum standards applicable to general residential operations that provide comprehensive residential and nonresidential services to persons who are victims of trafficking.
S.B. 33*	Zaffirini	The bill requires a State Supported Living Center to allow a resident to install electronic monitoring in the resident’s room, subject to agreement of any roommates also present in the same room. APS will investigate any resulting reports of abuse,

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**Exhibit 13: 83<sup>rd</sup> Legislative Session Chart**

***Legislation Enacted – 83<sup>rd</sup> Legislative Session***

<b>Bill Number</b>	<b>Author</b>	<b>Summary of Key Provisions</b>
		neglect, and exploitation based on a tape or recording.
S.B. 44*	Zaffirini, West	This bill directs DFPS and DSHS to study ways to prevent families from relinquishing a child to DFPS in order to get mental health care, and requires DFPS to collect certain data related to the number of children who suffer from a mental illness and for whom DFPS is appointed managing conservator because a person voluntarily relinquished possession of the child solely to obtain mental health services for the child. The bill requires the Council on Children and Families to make recommendations to HHSC to eliminate the practice of including in the DFPS central registry the name of a person who relinquishes possession of his or her child to DFPS solely to obtain mental health services for the child.
S.B. 50*	Zaffirini	This bill makes changes to the composition and duties of the Children’s Policy Council and adds “mental health” to the issue areas the Council may study. Recommendations from the Council will influence service provisions for long-term care, health services, and mental health services to children with disabilities. DFPS continues as a member of the Council.
S.B. 64	Nelson	This bill requires the vaccination of childcare facility employees for certain diseases identified by the Centers for Disease Control and Prevention and based on the risk of exposure to the children in care.
S.B. 66*	Nelson	This bill adds two additional members to the State Child Fatality Review Team – an emergency medical services provider; and a provider of services to, or an advocate for, victims of family violence. The bill also changes the language about the frequency of the report that is produced by the State Child Fatality Review Team to be bi-annual rather than annual. Additionally, this bill included language to create the “Protect Our Kids Commission” which will focus on reducing child fatalities.
S.B. 152	Nelson	The bill expands protections for patients at State Hospitals by increasing oversight, increasing employee training, strengthening abuse and neglect reporting requirements, and authorizing the HHSC Office of Inspector General to investigate criminal offenses in State Hospitals. The bill also (1) adds professional licensing boards to the list of professionals with a duty to report, and (2) clarifies that a professional or other

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**Exhibit 13: 83<sup>rd</sup> Legislative Session Chart**

***Legislation Enacted – 83<sup>rd</sup> Legislative Session***

<b>Bill Number</b>	<b>Author</b>	<b>Summary of Key Provisions</b>
		person with reason to believe that an adult was abused or neglected as a child must make a report if the report will protect the health or safety of another child, persons aged 65 or older, or person with a disability.
S.B. 245	West	This bill codifies new standards for Children’s Advocacy Centers (CACs) which were agreed upon by stakeholders and which reflect evidence-based standards of best practices in the field for the delivery of center services.
S.B. 330*	Huffman	This bill amends the Family Code, concerning the preparation of social studies for purposes of assisting the court in determining the issues of possession, access, and custody of a child in suits affecting the parent-child relationship. Under the bill a social study evaluator may have access to a complete, unredacted copy of the child abuse or neglect investigation regarding a person who is a resident of the home that is the subject of the social study. The information obtained by the evaluator remains confidential and is not subject to release under the Public Information Act.
S.B. 352*	West	This bill concerns visitation between parents and children who are in the temporary managing conservatorship (TMC) of DFPS, and for whom the permanency goal is reunification. DFPS is required to ensure that the parent who is otherwise entitled to possession of the child has an opportunity to visit the child within three days after DFPS is named TMC unless DFPS determines visitation is not in the child’s best interest or would conflict with a court order. A temporary visitation schedule must be developed in coordination with the parents prior to the adversary hearing and remains in effect until DFPS develops a visitation plan or until modified by court order.
S.B. 353	West	This bill exempts from licensure certain emergency shelters that provide care to an unaccompanied minor and any children of that minor, provided the facility contracts with a state or federal agency or meets the requirements to contract as a family violence shelter.
S.B. 423*	Nelson	This bill modifies the Family Code to broadens DFPS’ authority to use a flexible response system (AKA “Alternative Response”) to make the most efficient use of resources. The bill allows DFPS to use an assessment, rather than an investigation, when

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**Exhibit 13: 83<sup>rd</sup> Legislative Session Chart**

***Legislation Enacted – 83<sup>rd</sup> Legislative Session***

<b>Bill Number</b>	<b>Author</b>	<b>Summary of Key Provisions</b>
		responding to less serious cases of reported abuse or neglect.
S.B. 425*	Nelson	This bill strengthens the requirement that DFPS consult with certain entities in a child’s case in making placement decisions. Specifically, the bill requires DFPS to consult with the attorney ad litem, guardian ad litem, and court-appointed volunteer advocate when making placement decisions, unless the placement is an emergency that does not allow time for the required consultations.
S.B. 427*	Nelson	<p>This bill:</p> <ul style="list-style-type: none"> <li>• addresses inspections, background checks, and administrative penalties, and the grounds for taking remedial action against an administrator’s permit;</li> <li>• creates a new exemption for certain emergency shelters that provide shelter, care, or services to alleged victims of human trafficking;</li> <li>• creates the possibility of biennial inspections for licensed childcare centers or homes that have a good compliance history;</li> <li>• requires the same fingerprint criminal-history checks for general residential operations, child-placing agencies, licensed foster homes, and licensed administrators as for all other childcare operations licensed by DFPS;</li> <li>• allows for the immediate imposition of monetary administrative penalties, before imposing nonmonetary administrative penalties for the failure of operations to take certain actions related to background checks; and</li> <li>• adds new grounds for remedial action against an administrator’s license to prevent a person from being a licensed administrator if the person is ineligible to be a controlling person at an operation.</li> </ul>
S.B. 428*	Nelson	This bill eliminates redundant background checks that might make it more difficult for CPS to implement a mentoring program by which foster care providers help to mentor parents who are anticipated to be reunited with their children. Specifically, this bill relieves residential childcare facilities of the

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***Legislation Enacted – 83<sup>rd</sup> Legislative Session***

<b>Bill Number</b>	<b>Author</b>	<b>Summary of Key Provisions</b>
		duty to conduct a background check on a parent or other relative of a child in care at the facility if: (1) DFPS has on file for the parent or relative a background and criminal history check; and (2) the background and criminal history check was conducted within the two-year period preceding the date the parent or relative visits the client at the facility.
S.B. 430*	Nelson	This bill directs DFPS to implement a process to verify that each foster parent seeking monetary assistance to pay for daycare has attempted to find daycare services through community services. DFPS may provide the assistance without first requiring verification if DFPS determines the verification would prevent an emergency placement that is in the child’s best interest.
S.B. 502*	West	This bill requires DFPS to conduct a pre-placement visit between a child and a proposed kinship caregiver and to provide the caregiver with a form containing pertinent information about the child, including educational, medical, dental, and social history. The bill also allows DFPS to increase kinship integration payments from \$1,000 per sibling group to up to \$1,000 per child, subject to the availability of funds. DFPS is developing a kinship payment plan based on funds appropriated.
S.B. 534*	West	This bill directs DFPS to conduct a Permanency Planning Meeting (PPM) at 45 days after the award of Temporary Managing Conservatorship (TMC) and five months post-TMC. If DFPS determines that a multidisciplinary PPM will assist DFPS in facilitating permanency for a child, DFPS can conduct the 5-month PPM as a multidisciplinary PPM. The bill also directs that DFPS include the child in the PPM, if the child is at least 7 years old. This bill also requires DFPS to amend its placement review report to identify placement changes and describe barriers to sustaining the placement and requires contracted providers to include the reason and recommendations for a future placement in the discharge notice.
S.B. 717*	West	This bill allows certain children to consent to housing or care for themselves and their offspring through a transitional living program at an operation regulated by DFPS. To consent to such housing or care, the child must be 16 years old and either (1) reside independently and be financially independent, or (2) be unmarried and be pregnant or be a parent.

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**Exhibit 13: 83<sup>rd</sup> Legislative Session Chart**

***Legislation Enacted – 83<sup>rd</sup> Legislative Session***

<b>Bill Number</b>	<b>Author</b>	<b>Summary of Key Provisions</b>
S.B. 769*	Uresti	This bill mandates a pilot program in Bexar County for specialized training of foster parents of children who have been traumatized or have serious mental health needs, if DFPS or another state agency can provide such training with existing resources, or local government or charitable organizations can provide the training at no cost. The training is to be part of community-based services and support provided by a “wraparound” individualized planning process as prescribed by the Texas Integrated Funding Initiative Consortium. DFPS must evaluate the pilot and submit a report by December 1, 2016.
S.B. 771*	Uresti	This bill mandates that Child Protective Services develop and implement a training program that all staff newly hired or promoted to a management position must take before assuming such a position. The training must promote development of skills in communication, decision-making and strategic thinking and prepare the employee to manage workloads, conduct effective unit meetings, manage a mobile workforce, implement program and operational policies, and complete performance plans.
S.B. 886*	Uresti	This bill makes amendments to clarify the Family Code regarding young adults who remain in foster care, and who must be under the extended jurisdiction of a court to qualify for Title IV-E foster care reimbursement. The bill clarifies provisions that are essential to maximizing federal funding, but that attorneys and courts have indicated are not sufficiently clear under the current law.
S.B. 939*	West	This bill amends the Education Code to explicitly delineate the mandatory abuse and neglect reporting requirements and address training requirements for mandatory reporting for employees at open enrollment charter schools and higher education institutions. The bill requires every public school and open enrollment charter school to post English and Spanish signs displaying the DFPS-operated abuse hotline. The bill also requires licensed childcare facilities to maintain verification of an employee’s attendance at training sessions on reporting requirements.
S.B. 1226*	Zaffirini	The bill establishes an Employment-First Task Force to promote competitive employment for individuals with disabilities who receive public benefits. DFPS will have a representative on the

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**Exhibit 13: 83<sup>rd</sup> Legislative Session Chart**

***Legislation Enacted – 83<sup>rd</sup> Legislative Session***

<b>Bill Number</b>	<b>Author</b>	<b>Summary of Key Provisions</b>
		task force. Duties of the task force include making policy and program recommendations and the submission of a report.
S.B. 1236*	West	The bill modifies provisions relating to extensions of emergency orders for protective services obtained by the APS program so that the order may remain in place for up to 70 days from the date it was originally issued, as compared to the current maximum of 60 days.
S.B. 1404*	Patrick, Uresti	This bill is intended to help students in DFPS conservatorship secure course credit for a high school diploma. The bill allows TEA to develop a system for awarding partial credit to students in foster care who experience school disruptions. This bill also allows TEA to provide methods for students to complete coursework before the beginning of the next school year, and for school districts to offer an intensive program which allows students in DFPS conservatorship an opportunity to complete requirements for graduation. If a student in foster care satisfies all graduation requirements from a high school the student previously attended, the bill allows that previous school to issue the student a high school diploma, even though the student does not meet all diploma requirements from the school the student is attending at the time of graduation. School staff would also have to inform students of dual credit college courses, and students are allowed excused absences to attend court-ordered activities, such as family and sibling visitations.
S.B. 1589	Zaffirini	This bill is designed to improve the independent living skills of youth in foster care by strengthening the financial literacy of transitioning youth and expanding the required experiential life-skills foster care providers must deliver. It also requires the contractor of transitional living services to assist the youth with obtaining a savings or checking account if the youth is 18 or older.
S.B. 1759*	Uresti	This bill requires attorneys on an appointment list to serve as an attorney ad litem (AAL) for a child or parent in a CPS suit to obtain at least three hours annually of relevant training. In addition, it requires appointment of an AAL for an indigent parent or an alleged father in all suits where DFPS is seeking to be appointed as conservator, not just when DFPS is seeking termination of parental rights. Courts are directed to address the



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***Legislation Enacted – 83<sup>rd</sup> Legislative Session***

<b>Bill Number</b>	<b>Author</b>	<b>Summary of Key Provisions</b>
		issue of appointment of the attorney ad litem prior to the commencement of a full adversary hearing and to postpone that hearing, if necessary, to give the AAL time to prepare for the hearing. The duties of an AAL appointed to represent an alleged father are clarified, and the court has an ongoing obligation to inform an indigent parent who is not already represented of their right to an AAL at the status hearing and at each permanency hearing.
S.B. 1769	Rodriguez	The bill directs the Texas Juvenile Justice Board to appoint an advisory committee to develop a plan to end the practice of fingerprinting children committed to the Juvenile Justice Department for delinquent conduct, other than felony conduct. DFPS is one of named participants on the advisory committee.
S.B. 1892	Garcia	The bill adds to the Texas Coordinating Council for Veteran Services an additional 17 members to include all of the HHS enterprise agencies. The council coordinates activities to assist veterans, service members, and their families by facilitating collaborative relationships among state, federal, and local agencies and private organizations.

***Legislation Not Passed – 83<sup>rd</sup> Legislative Session***

<b>Bill Number</b>	<b>Author</b>	<b>Summary of Key Provisions/Reason the Bill Did Not Pass</b>
H.B. 165*	Flynn	This bill proposed shortening the time frame until a foster parent has standing to file an original suit (or intervention in a pending suit) to six months for any child placed by DFPS with the foster parent, and to only three months for a child who was placed with the foster parent when the child was less than two months of age. Last Action: 04/29/2013 House Committee report sent to Calendars
H.B. 304*	Walle	This bill proposed caseload and call processing standards that DFPS shall work towards ensuring to the extent appropriated money is available. This bill relates to employee caseload standards for child and adult protective services and Child Care Licensing services and call processing standards for certain of those services.  Identical to S.B. 1748 by Senator Uresti, which did not pass and is included in this list.

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**Exhibit 13: 83<sup>rd</sup> Legislative Session Chart**

***Legislation Enacted – 83<sup>rd</sup> Legislative Session***

<b>Bill Number</b>	<b>Author</b>	<b>Summary of Key Provisions</b>
		Last Action: 02/19/2013 House Left pending in Human Services Committee
H.B. 445	Dukes	This bill requires HHSC and DFPS to implement the federal Assets for Independence (AFI) Act, which targets foster youth and young adults ages 15 to 23. DFPS and HHSC would develop a matched savings account or IDA program for interested employed youth and young adults for expenses related to post-secondary education, buying a first home, or to start a business.  Identical to S.B. 980 by Senator Davis, which did not pass and is included in this list.  Last Action: 05/04/2013 House Considered in Calendars Committee
H.B. 486	Dukes	This bill proposed requiring each health and human services agency, except HHSC, to perform a cost analysis comparing the agency's costs of performing a service to the costs of outsourcing the service before awarding, amending, or extending a contract that would reduce state employees by 100 full-time equivalents or would cost \$10 million or more.  Last Action: 04/23/2013 House Left pending in Human Services Committee
H.B. 604	Lozano	This bill proposed requiring DFPS and/or licensed child placing agencies to submit potential foster and adoptive parents (including foster parents of group homes) to a psychological evaluation before a child is placed under their care. It both requires a psychological evaluation prior to placement and prohibits placement without one.  Last Action: 04/09/2013 House No action taken in Human Services Committee
H.B. 743*	Miller of Fort Bend	This bill amended HRC 42 to remove the current licensing exemption for a before-school or after-school program operated directly by an accredited education facility or operated by another entity under a contract with the educational facility. It then added a new exemption for a before-school or after-school program, childcare, or other extended day activity that is provided directly by a public school without charging tuition or an enrollment fee. In addition the annual licensing fee for a licensed childcare facility increased from \$1 to \$2 per child.  Last Action: Postponed on second reading until June 3, 2013,

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***Legislation Enacted – 83<sup>rd</sup> Legislative Session***

<b>Bill Number</b>	<b>Author</b>	<b>Summary of Key Provisions</b>
		dead by procedural action
H.B. 831*	N. Gonzalez of El Paso	This bill amended Family Code 266 to create new requirements and new documentation of information, consent, and informed consent for the administration of psychotropic drugs to foster children. Last Action: Introduced and referred to committee on House Human Services
H.B. 838	Zerwas	This bill amended Family Code 266 to require that the person authorized to consent to medical treatment for a foster child prescribed a psychotropic drug shall ensure that the child has an office visit with the prescribing physician at least once every 90 days to monitor the side effects and determine whether to continue use of the drug. Similar or same provisions were included in H.B. 915 which reached enrollment. Last Action: Referred to Senate Committee on Health and Human Services
H.B. 932	Turner of Harris	This bill amended Family Code 264 to require notification of legislators of the death of a foster child not later than 48 hours after the Department learns of the death.  Identical to S.B. 728 by Senator Davis, which did not pass and is included in this list. Last Action: 05/14/2013 Committee action pending Senate Health and Human Services
H.B. 1058*	Turner of Harris	This bill amended Family Code 266 by adding a new section entitled Complaints Regarding Medical Care. Under this section, a parent, foster parent, managing conservator, possessory conservator, guardian, caretaker, custodian, court-appointed special advocate, or other person with knowledge of medical care, including medications, provided to a foster child could file a complaint with the Department outlining the individual's concerns about the medical care of the child. Last Action: Committee action pending House Human Services
H.B. 1143*	Strama	This bill proposed that every child entering DFPS conservatorship to receive a developmentally appropriate, comprehensive psychosocial assessment within 45 days. The assessment would include a trauma screening and interviews with individuals who have knowledge of the child's needs. DFPS would develop a schedule of approved assessment tools that can be used, and

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**Exhibit 13: 83<sup>rd</sup> Legislative Session Chart**

***Legislation Enacted – 83<sup>rd</sup> Legislative Session***

<b>Bill Number</b>	<b>Author</b>	<b>Summary of Key Provisions</b>
		guidelines regarding the contents of an assessment report. Last Action: Referred to Senate Health and Human Services Committee
H.B. 1180	Cortez	This bill proposed that DFPS consult with certain entities in a child’s case in making placement decisions. Specifically, the bill would amend section 264.107(e) of the Texas Family Code (TFC) to require that DFPS consult with the child’s caseworker in any placement decision, regardless of whether the placement is an emergency. DFPS would also be required to consult with the child’s attorney ad litem (AAL), guardian ad litem (GAL) and court-appointed volunteer advocate (CASA) in making placement decisions, unless the placement is an emergency that does not allow time for the required consultations. If DFPS is unable to consult with the AAL, GAL or CASA prior to the placement change, DFPS is required to notify and consult with each entity no later than one business day following the placement change.  Similar, but not identical to S.B. 425 by Senator Nelson, which did pass. Last Action: Referred to Senate Health and Human Services Committee
H.B. 1323*	Zerwas	This bill mandates due process prior to placement of an individual’s name in the DFPS Central Registry for abuse or neglect. It also contains a variety of provisions relating to CPS investigations, internal administrative review procedures, and retention of records. Last Action: Referred to House Human Services Committee
H.B. 1452	N. Gonzalez of El Paso	This bill proposed an exemption for certain emergency shelters that provide shelter, care, or services for up to 15 days for children who are 13-17 years old and are alleged victims of human trafficking as defined in Penal Code 20A.02. Last Action: Referred to Senate Health and Human Services
H.B. 1502	Raymond	This bill proposed creating a criminal, misdemeanor penalty for using a stun gun, Taser, handcuffs or similar restraints on a child for disciplinary purposes. Last Action: The bill was heard and voted out of the House Criminal Jurisprudence Committee, but was never set on the House Calendar.

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**Exhibit 13: 83<sup>rd</sup> Legislative Session Chart**

***Legislation Enacted – 83<sup>rd</sup> Legislative Session***

Bill Number	Author	Summary of Key Provisions
H.B. 1633	Dukes	<p>This bill proposed creation of the Commission to Eliminate Child Abuse and Neglect Fatalities. The commission would consist of 12 members (six appointed by Governor, three by Lieutenant Governor, and three by the Speaker of the House) to study:</p> <ul style="list-style-type: none"> <li>• the relationship between child protective services and child welfare services and the rate of child abuse and neglect fatalities;</li> <li>• the effectiveness of the Department’s policies and systems aimed at collecting accurate uniform data on child fatalities; and</li> <li>• any existing barriers to preventing fatalities from child abuse and neglect.</li> </ul> <p>H.B. 1633 would have duplicated some efforts of the Statewide Blue Ribbon Task Force, enacted by S.B. 2080 in the 81<sup>st</sup> Legislature, to create a strategic plan to combat child abuse and improve child welfare. S.B. 2080 was authored by Sen. Uresti.</p> <p>Please note that while H.B. 1633 did not pass, similar language was added to S.B. 66 as a House floor amendment, and S.B. 66 did pass. The name of the new entity is the Protect Our Kids Commission. The charge to the new Commission is not exactly what was in H.B. 1633 but very similar. Rep. Dukes was the author of both the bill and the amendment.</p> <p>Last Action: 05-10-13 Senate Referred to Senate Committee on Senate Health and Human Services</p>
H.B. 1661	Thompson of Harris	<p>This bill proposed repealing all of Family Code 107, Subchapter D, titled Social Studies, and creating a new Subchapter E, titled Child Custody Evaluation, and a new Subchapter F, titled Adoption Evaluation. “Child Custody Evaluation” is a process ordered by a court. Evaluator would not be DFPS and would have access to all relevant records held by DFPS, including information confidential under HRC 40. “Adoption Evaluation” may be conducted by DFPS, depending on court’s order. Adoption evaluator also entitled to obtain confidential information under HRC 40.</p>

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**Exhibit 13: 83<sup>rd</sup> Legislative Session Chart**

***Legislation Enacted – 83<sup>rd</sup> Legislative Session***

<b>Bill Number</b>	<b>Author</b>	<b>Summary of Key Provisions</b>
		Identical to S.B. 1245 by Senator West, which did not pass and is included in this list. Last Action: 05/04/2013 House Considered in Calendars
H.B. 1673	Perry	This bill proposed amending Family Code Chapter 2, the chapter regarding marriages, and adding a new subsection 2.0105 that would require DFPS to prepare and provide family violence informational materials for marriage license applicants via all county clerks across the state. HHSC, rather than DFPS, has oversight of family violence programs. Last Action: 04-22-13 House Committee action pending House Judiciary and Civil Jurisprudence
H.B. 1686	Farney	This bill proposed amending Family Code 264 to require consultation between the child’s caseworker, attorney ad litem, guardian ad litem, and any court-appointed volunteer advocate for the child prior to change in placement (except when making an emergency placement that does not allow time for consultation).  Similar to S.B. 425 (Nelson), H.B. 1681 (Raymond) and Section 1 of H.B. 1180 (Cortez). Last Action: 03-04-13 House Introduced and referred to Committee on House Human Services
H.B. 2218*	Wu	This bill proposed creating the Office of Independent Ombudsman to assist persons with complaints against DFPS regarding case-specific activities of the agency’s programs. The Governor would appoint the independent ombudsman and the office would be administratively independent from DFPS. Last Action: 04/23/2013 House Left pending in committee
H.B. 2321	Parker	This bill proposed amending the Family Code by adding a provision which would confer standing on a foster parent to file an original suit or to intervene in a suit affecting the parent child relationship (SAPCR) filed by the Department in six months if the Department has removed the child from the child’s home more than once. Last Action: 04/23/2013 House Committee report sent to Calendars
H.B. 2374	Cortez	This bill proposed bill amending the Health and Safety Code defining the abuse, neglect, and exploitation of recipients of

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**Exhibit 13: 83<sup>rd</sup> Legislative Session Chart**

***Legislation Enacted – 83<sup>rd</sup> Legislative Session***

<b>Bill Number</b>	<b>Author</b>	<b>Summary of Key Provisions</b>
		home health services; creating an offense; providing penalties. Last Action: 03/11/2013 House Referred to Human Services
H.B. 2773	Rodriguez of Bexar	This bill proposed amending Section 102 of the Texas Family Code to require that a child be in a foster parent’s home for 12 months before a foster parent may intervene. It also proposed amending the section to require the continuation of the requirement that the court must determine that naming a parent as a managing conservator to the child would significantly impair the child’s physical health or emotional development. Last Action: Introduced and referred to Committee on House Judiciary and Civil Jurisprudence.
H.B. 2774	Rodriguez of Bexar	This bill proposed amending Section 102 of the Texas Family Code to add 102.0031 which states that a court may not permit a foster parent to intervene in a pending suit that involves the child unless the child has been in the foster parent’s home for at least 12 months. The committee substitute was vastly different in that it did not permit foster parents to intervene in a suit until 90 days after termination of parental rights. The timeframe means that all parental rights will be terminated AND any interested relatives will have an opportunity to intervene after termination before the foster parents are permitted to intervene. Last Action: Reported from Committee as substituted House Judiciary and Civil Jurisprudence.
H.B. 2776	Rodriguez of Bexar	This bill proposed amending Sec. 102.006(c) of the Texas Family Code so that for 90 days after a termination of parental rights in a suit filed by DFPS a person related to the child within the 4th degree by consanguinity (blood relative) may file an original suit or suit for modification requesting managing conservatorship or adoption. DFPS would have to make efforts to locate and notify the relatives of the removal at removal and early in the case. Last Action: Committee action pending House Judiciary and Civil Jurisprudence.
H.B. 2844	Hernandez Luna	This bill proposed amending Section 162.302, Adoption Assistance Program (Texas Family Code), which currently states that it is the intent of the legislature that DFPS, in providing adoption services, when it is in the children’s best interest, keep

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**Exhibit 13: 83<sup>rd</sup> Legislative Session Chart**

***Legislation Enacted – 83<sup>rd</sup> Legislative Session***

<b>Bill Number</b>	<b>Author</b>	<b>Summary of Key Provisions</b>
		<p>siblings together and whenever possible place siblings in the same adoptive home by adding that there is a rebuttable presumption that removing a child from a home to place the child in another home with a sibling is not in the child’s best interest if the child has never resided or had significant prior contact with the sibling.</p> <p>Last Action: Introduced and referred to committee on House Judiciary and Civil Jurisprudence.</p>
H.B. 2845	Hernandez Luna	<p>This bill proposed amending Section 102.005 of the Family Code to state that a court shall grant a person who has standing leave to intervene in a suit affecting the parent-child relationship (SAPCR) filed by an authorized agency if the person’s motion to intervene includes a petition for adoption of the child.</p> <p>Last Action: 03/18/2013 House Referred to Judiciary &amp; Civil Jurisprudence</p>
H.B. 3399	Raymond	<p>This bill focused on placement stability for children in DFPS conservatorship. The bill proposed an amendment to the Family Code to require contracted substitute care providers to notify DFPS of a placement change. It required a placement tracking system to monitor placement changes with a focus on children with two or more placement changes during the preceding 12 months. There was no significant fiscal impact, as the data required for a monthly report is available through existing IT systems.</p> <p>Please note that a modified similar version of H.B. 3399 by Representative Raymond was amended to S.B. 534 by Senator West, which ultimately did passed.</p> <p>Identical to S.B. 1789 by Senator Uresti, which did not pass and is included in this list.</p> <p>Last Action: 05/13/2013 Senate Referred to Health &amp; Human Services</p>
H.B. 3400	Raymond	<p>The bill would have amended the Family Code to require each entity to which reports of child abuse and neglect can be made to develop an anonymous reporting system. Reporters would receive a unique number or other identifier. The bill had a significant cost impact, as substantive changes to IMPACT are required.</p>



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**Exhibit 13: 83<sup>rd</sup> Legislative Session Chart**

***Legislation Enacted – 83<sup>rd</sup> Legislative Session***

<b>Bill Number</b>	<b>Author</b>	<b>Summary of Key Provisions</b>
		Last Action: Committee action pending House Human Services
H.B. 3405	Raymond	This bill proposed to exempt an emergency shelter providing services for children in the custody of the federal Office of Refugee Resettlement (ORR) to the list of childcare operations that are not subject to the mandatory license requirements generally applicable to persons operating a childcare facility of child-placing agency in Texas Human Resources Code Sec. 42.041(b). There was no fiscal impact on the agency. Last Action: Introduced and referred to Committee on House Human Services
H.B. 3431	Dukes	This bill proposed amendments to the Family Code for guardians ad litem and court ordered services to address Foster Care Redesign. The bill attempted to define a Single Source Continuum Contractor (SSCC), as well as set contracting, monitoring, and auditing guidelines. Significant fiscal impact. Last Action: Introduced and 03/25/2013 referred to Committee on House Human Services
S.B. 419*	Zaffirini	This bill related to the creation of a reportable conduct central database for and health and human services agency investigations of alleged abuse, neglect, and exploitation violations and rights violations at certain facilities operated in this state, removed the exemption of licensed professionals to be listed on the Employee Misconduct Registry (EMR), required professional board reporting, and required DFPS to review personnel files in the course of an APS facility investigation. Last Action: 02/13/2013 Senate Referred to Health & Human Services
S.B. 424*	Nelson	This bill proposed amending sections of the Texas Family Code regarding the administration and monitoring of psychotropic medications to children in DFPS conservatorship. Some of the provisions outlined in the bill include the following: <ul style="list-style-type: none"> <li>• ensuring that a youth’s transition plan includes provisions to assist the youth in managing medication usage after exiting foster care, including information that educates the youth about the use of the medication and information about the resources available to assist the youth in managing the medication,</li> </ul>

**Department of Family and Protective Services**

**Exhibit 13: 83<sup>rd</sup> Legislative Session Chart**

***Legislation Enacted – 83<sup>rd</sup> Legislative Session***

Bill Number	Author	Summary of Key Provisions
		<ul style="list-style-type: none"> <li>• requiring DFPS to notify the child’s parents of the initial prescription of a psychotropic drug or of any change in dosage of the drug at the first scheduled meeting between the parents and the child’s caseworker after the date the psychotropic drug is prescribed or the dosage is changed, and</li> <li>• requiring additional information added to Court Reports related to the non-pharmacological interventions that were tried before the child was prescribed a psychotropic medication, plans for discontinuing the medication, and the child’s prognosis with and without the medication.</li> </ul> <p>Last Action: Introduced and referred to committee on Senate Health and Human Services.</p>
S.B. 429*	Nelson	<p>This bill proposed that before approving a dismissal or nonsuit of a suit to terminate the parent-child relationship filed by DFPS, the court must consider (1) whether the dismissal or nonsuit is in the child’s best interest, and (2) whether any orders for conservatorship, possession of or access to, or support of each child affected by the suit continue in effect after the dismissal or nonsuit. The bill also provides that before approving a dismissal or nonsuit the court may render an order for the conservatorship, possession of, or access to, or support of each child that will continue in effect after the dismissal or nonsuit.</p> <p>Identical to H.B. 1684 by Representative Raymond, which did not pass.</p> <p>Last Action: 06/14/2013 The bill was enrolled but vetoed by the Governor</p>
S.B. 728	Davis	<p>This bill related to the notification of certain legislators of the death of a child in foster care.</p> <p>Identical to H.B. 932 by Representative Turner, which did not pass and is included in this list.</p> <p>Last Action: 02/25/2013 Senate Referred to Health &amp; Human Services</p>
S.B. 768	Uresti	<p>This bill proposed amendments to the Family Code relating to suits affecting the parent-child relationship. The bill would have changed procedures by which appointments of guardians and</p>

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**Exhibit 13: 83<sup>rd</sup> Legislative Session Chart**

***Legislation Enacted – 83<sup>rd</sup> Legislative Session***

<b>Bill Number</b>	<b>Author</b>	<b>Summary of Key Provisions</b>
		attorneys ad litem are made. The bill would have expended the grounds for the involuntary termination of parent-child relationships. The bill attempted to make technical corrections to sections of the Family Code dealing with case dismissals dates, as well as identification and notification of family members when a child is removed. No fiscal impact. Last Action: 05/22/2013 House Returned to Local & Consent Calendars Comm.
S.B. 980	Davis	This bill related to the creation of the individual development account program to provide savings incentives and opportunities for certain foster children to pursue home ownership, postsecondary education, and business development.  Identical to H.B. 445 by Representative Dukes, which did not pass and is included in this list. 03/12/2013 Senate Referred to Health & Human Services
S.B. 1119*	West	This bill proposed amending Human Resources Code 42 to change minimum standards for staff-to-child ratios for nonresidential, lowering the ratios to: <ul style="list-style-type: none"> <li>• one staff member per nine children who are 2 years of age; and</li> <li>• one staff member per 14 children who are 3 years of age.</li> </ul> Last Action: 03-12-13 Senate Introduced and referred to Committee on Senate Health and Human Services
S.B. 1245	West	This bill related to child custody evaluations and adoption evaluations conducted and testimony provided in certain suits affecting the parent-child relationship; providing penalties; authorizing fees.  Identical to H.B. 1661 by Representative Raymond, which did not pass and is included in this list. Last Action: 03/13/2013 Senate Referred to Jurisprudence
S.B. 1402	Carona	This bill proposed amending the Family Code to provide that the records a prospective adoptive parent would have the right to examine include any records in which the child was “an alleged or confirmed” victim of sexual abuse while residing in a foster home or other residential childcare facility.

**Department of Family and Protective Services**

**Exhibit 13: 83<sup>rd</sup> Legislative Session Chart**

***Legislation Enacted – 83<sup>rd</sup> Legislative Session***

<b>Bill Number</b>	<b>Author</b>	<b>Summary of Key Provisions</b>
		Last Action: 05/21/2013 House Placed on General State Calendar
S.B. 1748	Uresti	<p>This bill related to employee caseload standards for child and adult protective services and Child Care Licensing services and call processing standards for certain of those services.</p> <p>Identical to H.B. 304 by Representative Walle, which did not pass and is included in this list.</p> <p>Last Action: 03/25/2013 Senate Referred to Health &amp; Human Services</p>
S.B. 1758*	Uresti	<p>This bill amended Government Code 531 by creating a new Subchapter X entitled “Task Force to Examine Child Protective Services Hiring and Management Practices”. The task force was to examine hiring and management practices, develop policy recommendations, and to design a comprehensive performance-based compensation and recognition system with the goal of increasing retention and reducing turnover of caseworkers.</p> <p>Last Action: Set on the House Calendar</p>
S.B. 1788	Uresti	<p>This bill proposed adding new duties to the Council on Children and Families and creates a new committee to advise the Council on child abuse prevention.</p> <p>Last Action: 03/25/2013 Senate Referred to Health &amp; Human Services</p>
S.B. 1789	Uresti	<p>This bill related to the stability of placements for children in the conservatorship of the Department of Family and Protective Services.</p> <p>Identical to H.B. 3399 by Representative Raymond, which did not pass and is included in this list.</p> <p>Last Action: 03/25/2013 Senate Referred to Health &amp; Human Services</p>