

### 3. B. Rider Revisions and Additions Request

Agency Code:	Agency Name:	Prepared By:	Date:	Request Level:																																																				
530	Department of Family and Protective Services	Donna Krueger	09/15/04	Base																																																				
Current Rider Number	Page Number in 2004-05 GAA	Proposed Rider Language																																																						
1	II-105	<p><b>Capital Budget.</b> None of the funds appropriated above may be expended for capital budget items except as listed below. The amounts shown below shall be expended only for the purposes shown and are not available for expenditure for other purposes. Amounts appropriated above and identified in this provision as appropriations either for “Lease Payments to the Master Lease Purchase Program” or for items with an “(MLPP)” notation shall be expended only for the purpose of making lease-purchase payments to the Texas Public Finance Authority pursuant to the provisions of Government Code § 1232.103.2004 2005</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="width: 10%; text-align: center;">2006</th> <th style="width: 10%; text-align: center;">2007</th> <th style="width: 20%;"></th> </tr> </thead> <tbody> <tr> <td>a. Acquisition of Information Resource Technologies</td> <td></td> <td></td> <td></td> </tr> <tr> <td>    (1) Desktop Services Lease for Computer Hardware and Software</td> <td style="text-align: right;">\$ 4,454,901</td> <td style="text-align: right;">\$ 4,700,191</td> <td></td> </tr> <tr> <td>    (2) IMPACT Enhancements</td> <td style="text-align: right;">\$</td> <td style="text-align: right;">300,000</td> <td style="text-align: right;">\$300,000</td> </tr> <tr> <td>    Total, Acquisition of Information Resource Technologies</td> <td style="text-align: right;"><u>\$ 4,754,901</u></td> <td style="text-align: right;"><u>\$ 5,000,191</u></td> <td></td> </tr> <tr> <td>    Total, Capital Budget</td> <td style="text-align: right;"><u>\$ 4,754,901</u></td> <td style="text-align: right;"><u>\$ 5,000,191</u></td> <td></td> </tr> </tbody> </table> <p>Method of Financing (Capital Budget):</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="4" style="text-align: left;"><u>General Revenue Fund</u></th> </tr> </thead> <tbody> <tr> <td>General Revenue</td> <td style="text-align: right;">\$ 1,000,716</td> <td style="text-align: right;">\$ 1,052,340</td> <td></td> </tr> <tr> <td>General Revenue Match for Medicaid</td> <td style="text-align: right;">\$ 89,059</td> <td style="text-align: right;">\$ 93,754</td> <td></td> </tr> <tr> <td>GR Match for Title IV-E Foster Care/Adoption Payments</td> <td style="text-align: right;">0</td> <td style="text-align: right;">\$ 0</td> <td></td> </tr> <tr> <td>    Subtotal, General Revenue Fund</td> <td style="text-align: right;"><u>\$ 1,089,775</u></td> <td style="text-align: right;"><u>\$ 1,146,094</u></td> <td></td> </tr> <tr> <td>Federal Funds</td> <td style="text-align: right;">\$ 3,665,126</td> <td style="text-align: right;">\$ 3,854,097</td> <td></td> </tr> <tr> <td>    Total, Method of Financing</td> <td style="text-align: right;"><u>\$ 4,754,901</u></td> <td style="text-align: right;"><u>\$ 5,000,191</u></td> <td></td> </tr> </tbody> </table> <p><i>This rider has been changed to reflect the FY 2006-2007 Capital Budget contained in our baseline request. An explanation of the requested items and impact on agency operations is included in the Capital Budget Supporting Schedules.</i></p>				2006	2007		a. Acquisition of Information Resource Technologies				(1) Desktop Services Lease for Computer Hardware and Software	\$ 4,454,901	\$ 4,700,191		(2) IMPACT Enhancements	\$	300,000	\$300,000	Total, Acquisition of Information Resource Technologies	<u>\$ 4,754,901</u>	<u>\$ 5,000,191</u>		Total, Capital Budget	<u>\$ 4,754,901</u>	<u>\$ 5,000,191</u>		<u>General Revenue Fund</u>				General Revenue	\$ 1,000,716	\$ 1,052,340		General Revenue Match for Medicaid	\$ 89,059	\$ 93,754		GR Match for Title IV-E Foster Care/Adoption Payments	0	\$ 0		Subtotal, General Revenue Fund	<u>\$ 1,089,775</u>	<u>\$ 1,146,094</u>		Federal Funds	\$ 3,665,126	\$ 3,854,097		Total, Method of Financing	<u>\$ 4,754,901</u>	<u>\$ 5,000,191</u>	
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2	II-105	<p><b>Substitute Care Permanency Goal.</b> In order to comply with 45 CFR 1356.21, it is the intent of the Legislature that the Department of Family and Protective Services actively seek permanent homes for the children who are in</p>																																																						

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		<p>the department's substitute care program for long periods. To this end, the department shall seek to limit the number of children under the department's responsibility who are in substitute care for a period longer than 24 months. The department shall strive to assure that no more than 45 percent of the children in paid placements are in substitute care for more than 24 months for fiscal years 2006 and 2007.</p> <p>Further, it is the intent of the Legislature that whenever possible, the department shall utilize state and/or federal funds currently being expended for substitute care to cover the cost of assuring permanent homes where appropriate for foster children.</p> <p><i>This rider has been changed to reflect the correct fiscal years of 2006-2007 and the new agency name.</i></p>
4	II-106	<p><b>Appropriation of Funds.</b> All funds received by the department from counties, cities, and other local sources and all balances from such sources as of August 31, 2005, are hereby appropriated for the biennium ending August 31, 2007, for the purpose of carrying out the provisions of this Act. (Estimated to be \$0)</p> <p><i>This rider has been changed to reflect the correct fiscal years of 2005 and 2007</i></p>
5	II-106	<p><b>Accounting of Support Costs.</b> The State Comptroller shall establish separate accounts from which certain support costs shall be paid. The Department of Family and Protective Services is hereby authorized to make transfers into separate accounts from line item strategies in order to pay for these expenses in an efficient and effective manner. Only costs not directly attributable to a single program may be budgeted in or paid from these accounts. Items to be budgeted in and paid from these accounts include but are not limited to: postage, occupancy costs, equipment repair, telephones, office printing costs, supplies, freight and transport costs, telephone system costs, and salary and travel costs of staff whose function supports several programs. The department shall be responsible for monthly allocations of these costs to the original strategies.</p> <p><i>This rider has been changed to reflect the new agency name.</i></p>
6	II-106	<p><b>Tertiary Prevention of Child Abuse Programs.</b> From the amounts appropriated above, the Department of Family and Protective Services shall allocate up to \$120,000 each fiscal year of the biennium for continuation of a statewide network of community-based, volunteer-driven programs for prevention, intervention, and aftercare services of abused children.</p> <p><i>This rider has been changed to reflect the new agency name.</i></p>

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7	II-106	<p><b>Foster Care Rates.</b>a. It is the intent of the Legislature that the Department of Family and Protective Services reimburse foster families at least \$17.12 per day for children under 12 years old and \$17.50 per day for children age 12 and older during the 2006–07 biennium. The department may transfer funds into Strategy A.2.9, Foster Care Payments, for the purpose of maintaining these rates. The department may not transfer funds out of Strategy A.2.9, Foster Care Payments except to address appropriation shortfalls in Strategy A.2.10, Adoption Subsidy Payments, and only under the conditions that surplus funds are available.</p> <p>b. The department may also use funds in Strategy A.2.9, Foster Care Payments, to recommend alternate service provision intake and investigation that will consider expansion of contract services, regional planning, service outcomes, and appropriate funding mechanisms to be tested in pilot projects. Such pilot approaches to innovative service delivery shall be designed in conjunction with providers, approved by the Health and Human Services Commission, and funded at no increased cost to the State. The department may include a modification of rates for existing and new pilot approaches implemented in this manner.</p> <p>c. The department may utilize up to \$250,000 from funds appropriated above in Strategy A.2.9, Foster Care Payments, to continue <u>and expand</u> the <del>develop and implement</del> relative placement reimbursement program across the state. <del>The department shall conduct an evaluation of the pilot.</del></p> <p><i>This rider has been changed to address the new agency name, new Strategy numbers, and to reflect the correct fiscal years of 2006-2007. Item “a” has been revised to allow the transfer of appropriations to Strategy A.2.10, Adoption Subsidy Payments to address any funding shortfall that may occur. Item “c” has been revised to reflect the continuance and expansion of the relative placement program established during the FY 2004-2005 biennium.</i></p>
8	II-107	<p><b>Fund Transfers for Funds Consolidation.</b> For the purpose of funds consolidation, federal and other funds may be transferred into the General Revenue Fund from the Department of Family and Protective Services Fund 37. The initial deposit of federal funds shall be made into Fund 37 and no direct expenditures shall be made from this fund.</p> <p><i>This rider has been changed to reflect the new agency name.</i></p>
9	II-107	<p><b>Reimbursement of Advisory Committees.</b> Pursuant to Government Code § 2110.004, reimbursement of expenses for advisory committee members, out of funds appropriated above not to exceed \$ 14,200 per year, is limited to <u>the following groups:</u></p> <p style="text-align: center;">Texas Multidisciplinary Task Force on Children's Justice &amp; <u>Texas Department of Family and Protective Services Advisory Counsel</u></p> <p>To the maximum extent possible, the department shall encourage the use of videoconferencing and teleconferencing and shall schedule meetings and locations to facilitate the travel of participants so that they may return the same day and reduce the need to reimburse members for overnight stays</p> <p><i>This rider has been changed to reflect the addition of the agency’s new advisory counsel and to increase the reimbursement limit.</i></p>
10	II-107	<p><b>Earned Federal Funds.</b></p>

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		<p>a. The Department of Family and Protective Services shall submit a monthly report to the Legislative Budget Board and the Governor which details revenues, expenditures, and balances for earned federal funds as of the last day of the prior month. The report shall be prepared in a format approved by the Legislative Budget Board.</p> <p>b. The authority to receive and expend earned federal funds in excess of those appropriated above is subject to the following limitations:</p> <p>(1) At least 14 days prior to any expenditure of earned federal funds in excess of those appropriated, the department shall report the earned federal funds received and provide documentation of the proposed use of these funds to the Legislative Budget Board, Governor, and Health and Human Services Commission. <del>At least 14 days prior to considering a budget adjustment of any use of earned federal funds above levels indicated in the appropriation above or to consider any program expansion, the department shall report the earned federal funds received and provide documentation of the proposed use of these funds to the Legislative Budget Board, Governor, and Health and Human Services Commission.</del></p> <p>(2) Notifications shall include information regarding the need which will be served with the additional revenue. In the event program expansions are under consideration, information shall be forwarded regarding the population to be served; criteria for eligibility; and impact upon existing programs.</p> <p>(3) The report shall include the information detailed in "b" and identify the impact on established performance targets, measures, and full-time equivalent positions.</p> <p>c. The method of financing item, Earned Federal Funds, for appropriations made above includes unexpended and unobligated balances of earned federal funds remaining as of August 31, 2005 (estimated to be \$0), and receipts earned in fiscal years 2006 and 2007.</p> <p><i>This rider has been changed to address the new agency name and to reflect the correct fiscal years of 2005, 2006 and 2007. Changes have also been to delete references to the Department's Board since it no longer exists.</i></p>
11	II-107 / 108	<p><b>Medicaid and Other Reporting Requirements.</b></p> <p>a. None of the funds appropriated by this Act to the Department of Family and Protective Services may be expended or distributed by the department unless:</p> <p>(1) the department submits to the Legislative Budget Board and the Governor a copy of each report submitted to the federal government relating to the Medicaid program, the Foster Care and Adoption Assistance program, Temporary Assistance for Needy Families, and the Child Welfare Services program. This shall include, but is not limited to:</p>

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		<ul style="list-style-type: none"> <li>i. expenditure data;</li> <li>ii. caseload data;</li> <li>iii. cost allocation revisions;</li> <li>iv. State plan amendments; and</li> <li>v. State plan waivers, including, but not limited to applications for new waivers and changes to existing waiver services, costs or authorized number of clients. Such reports shall be submitted to the Legislative Budget Board and the Governor no later than the date the respective report is submitted to the federal government.</li> </ul> <p>(2) the department submits to the Legislative Budget Board and the Governor quarterly:</p> <ul style="list-style-type: none"> <li>i. a report detailing the foster care caseload figures and related expenditure amounts, by service level , for the preceding months;</li> <li>ii. a report detailing the adoption assistance caseload figures and related expenditure amounts for the preceding months; and</li> <li>iii. a report projecting the anticipated foster care and adoption assistance caseloads for the 36 month period beginning with the first month after the report is due.</li> </ul> <p>(3) the department submits data to the Legislative Budget Board and the Governor by the end of each month pertaining to forecasts of caseloads and costs for the programs identified in subsection a(2). The data shall be sent in a manner to be specified by the Legislative Budget Board and the Governor.</p> <p>b. Each report submitted to the Legislative Budget Board and the Governor pursuant to this provision must be accompanied by supporting documentation detailing the sources and methodologies utilized to develop any caseload or cost projections contained in each respective report and any other supporting materials as specified by the Legislative Budget Board and the Governor.</p> <p>c. Each report submitted pursuant to this provision must contain a certification by the person submitting the report, that the information provided is true and correct based upon information and belief together with supporting documentation.</p> <p>d. The Comptroller of Public Accounts shall not allow the expenditure of funds appropriated by this Act to the Department of Family and Protective Services if the Legislative Budget Board and the Governor certify to the Comptroller of Public Accounts that the Department of Family and Protective Services is not in compliance with this provision.</p> <p><i>This rider has been changed to address the new agency name and to reflect the correct terminology related to the new foster care rate structure.</i></p>
12	II-108 / 109	<p><b>Appropriation Transfer Between Fiscal Years.</b> In addition to the transfer authority provided elsewhere in this Act, the Department of Family and Protective Services may transfer appropriations made above for Strategy <del>A.1.5</del> <u>A.2.9</u>, Foster Care Payments and Strategy <del>A.1.6</del> <u>A.2.10</u>, Adoption Subsidy Payments, for fiscal year 2007 to fiscal year 2006, subject to the following conditions provided by this section:</p>

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		<p>a. Transfers under this section may be made only if costs associated with providing foster care or adoption subsidy payments exceed the funds appropriated for these payments for fiscal year 2006;</p> <p>b. Transfers may not exceed \$10,000,000 in general revenue;</p> <p>c. A transfer authorized by this section must receive the prior approval of the Legislative Budget Board and the Governor; and</p> <p>d. The Comptroller of Public Accounts shall cooperate as necessary to assist the completion of a transfer and spending made under this section.</p> <p><i>This rider has been changed to address the new agency name, new strategy numbers, and to reflect the correct fiscal years of 2006-2007.</i></p>
13	II-109	<p><i>This rider is being recommended for deletion since the new agency structure reflects appropriations specifically for Services to At-Risk Youth (STAR) in Strategy A.2.11 and Community Youth Development in Strategy A.2.12.</i></p>
14	II-109	<p><b>Limitation on Expenditures for Administrative Overhead.</b></p> <p>The Department of Family and Protective Services' expenditures for administrative overhead payments to the Texas Workforce Commission and local workforce boards in connection with any agreement to provide child day care services out of funds appropriated above <u>in Strategy A.2.2, TWC Foster Day Care Purchased Services, and Strategy A.2.3, TWC Protective Day Care Purchased Services</u> shall be limited to no more than 5 percent of all amounts paid for child day care services out of funds appropriated <u>above in those strategies</u>.</p> <p><i>This rider has been changed to address the new agency name. The first paragraph is being recommended for deletion since the new agency structure reflects appropriations for Day Care services in specific strategies (A.2.2 and A.2.3) and are no longer grouped with other CPS services. Therefore, it will not be necessary to specify the day care appropriation since it will be readily identifiable in the day care strategies.</i></p>
15	II-109	<p><i>This rider is being recommended for deletion since the Communities In Schools Program transferred to the Texas Education Agency during the FY 2004-2005 biennium.</i></p>

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(continued)

16	II-109	<p><b>Human Resources Management Plan.</b> From funds appropriated above, the Texas Department of Family and Protective Services shall develop a Human Resources Management Plan designed to improve employee morale and retention. The plan must focus on reducing employee turnover through better management. The Texas Department of Family and Protective Services shall report, by October 1 of each year of the biennium, to the Senate Finance Committee, the House Committee on Appropriations, the Legislative Budget Board, and the Governor the employee turnover rate, by job category, at the agency during the preceding fiscal year. The effectiveness of the agency's plan shall be measured by whether or not there is a reduction in annual employee turnover rates at the agency, specifically by the reduction in the turnover rates for caseworkers.</p> <p><i>This rider is being changed to reflect the new agency name.</i></p>
17	II-109	<p><b>Use of Personal Cellular Telephones.</b> Out of funds appropriated above, the Department of Family and Protective Services shall pay child and adult protective services program caseworkers, supervisors, and directors an amount not to exceed \$50 per month for work-related use of their personal cellular telephones.</p> <p><i>This rider is being changed to reflect the new agency name.</i></p>
18	II-109 / 110	<p><i>Under the new HHSC enterprise structure (HB 2292), the rate setting function was transferred to HHSC. This rider is being recommended to be included as an HHSC rider.</i></p>
20	II-110	<p><b>Unexpended Balances.</b> All unexpended Children's Trust Fund balances appropriated above to Strategy A.2.11 Services to At-Risk Youth (STAR) Program, for the fiscal year ending August 31, 2006, are hereby appropriated for the same purposes for the fiscal year beginning September 1, 2006.</p> <p><i>This rider is being changed to reflect the appropriate strategy that utilizes Children's Trust Fund (CTF) Funding as part of the method of financing and to clarify that only the CTF Funds will have the authority to be carried forward to the following fiscal year. The rider is also being changed to reflect the correct fiscal years.</i></p>
21	II-110	<p><i>The Foster Care Level of Care system was restructured and new rates were established effective September 1, 2003; therefore, it is recommended this rider be deleted since it is no longer applicable.</i></p>
22	II-110	<p><b>Adult Protective Services and MHMR Investigations.</b> Out of the funds appropriated above for Strategy A.3.1, Adult Protective Services, and Strategy A.3.2, MHMR Investigations, the Department of Family and Protective Services shall maximize the use of federal Medicaid funding.</p> <p><i>This rider is being changed to reflect the appropriate strategy numbers for the APS and MHMR programs and to reflect the new agency name.</i></p>

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23	II-111	<i>This rider has been implemented and is now a part of the CPS training curriculum. Therefore, it is recommended the rider be deleted since it is no longer applicable.</i>
24	II-111	<i><b>This rider is being recommended for deletion since the initiative has been implemented.</b></i>
25	II-111	<i>Funding is included specifically for this program in the agency's base LAR request in Strategy A.2.14, Buffalo Soldiers Heritage Program; therefore, this rider is being recommended for deletion.</i>
26	II-111	<i>A two-tiered payment schedule for adoption subsidies was implemented effective September 1, 2003; therefore, it is recommended this rider be deleted since it is no longer applicable.</i>