



85<sup>th</sup> Legislative Session:  
Child Protection at the Forefront –  
Responding to a Crisis

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## Summary of the 2017 Session

The 85th Texas Legislature ended the Regular Session on May 29th after 140 days. This legislative session, legislators faced many challenges impacting Child Protective Services (CPS), the foster care system and children being harmed. As a result, they filed hundreds of bills related to child protection, a far greater number than in previous sessions. Legislation finally approved by the 85<sup>th</sup> Legislature addresses some of the issues.

Leading up to session, problems plagued CPS. In December 2015, U.S. District Judge Janis Graham Jack ruled that Texas violated foster children’s constitutional rights to be free from an unreasonable risk of harm, saying that children “often age out of care more damaged than when they entered.” Judge Jack stated children not only have the right to be safe while in state custody, but the right to familial association. Key problems with permanent managing conservatorship identified in the case include: 1) children placed in homes classified as a foster group home without 24 hour awake supervision; 2) too few CPS workers available for foster children and caseloads are too high; 3) limited types of foster homes and inadequate geographic distribution; 4) sibling groups frequently separated; 5) lack of supervision in group homes and children being sexually abused; 6) children experience too many placement disruptions; 7) the Department of Family and Protective Services (DFPS) fails to enforce compliance with licensing standards; and 8) insufficient number of workers to regulate foster homes and workloads are too high. A final order is anticipated later this year.

In addition to the court case, low pay and morale among front-line workers led to an unprecedented high turnover and a shortage of caseworkers. Subsequently, children were placed in harm’s way by not being seen in a timely manner within statutory guidelines. The state also struggled to find foster care homes for high-needs youth, resulting in many foster children sleeping in CPS offices and in hotels while they await permanent placement. Finally, the recurrence rate of abuse and/or neglect remains high where children with a confirmed case of maltreatment experience a subsequent incident of abuse and/or neglect within five years.

This session, child protection and the foster care systems were made a priority by leadership and lawmakers. Governor Greg Abbott declared child protection an emergency. In January, the governor called attention to CPS in his State of the State address, asking lawmakers to approve structural reforms and increase funding.

Staff of TexProtects closely monitored the numerous bills over the course of the session and testified more than 20 times before legislative committees. All our priority bills passed the legislature (although one was vetoed by the governor) and most of our funding initiatives were included in the General Appropriations Act. These advancements will improve the lives of countless families and their children across the state. Below is a summary of key bills and budget items that passed, most of which **become effective September 1, 2017 unless otherwise noted.**

## The Budget: Investing in Texas Children

Governor Abbott signed a budget of \$216.7 billion for the 2018-2019 biennium, a 0.2% increase from the 2016-2017 biennial level. However, when factoring in population growth and inflation there is a 7.6% decrease from the previous session's budget. Tax cuts and revenue diversions in 2013 and 2015 reduced available state revenue by more than \$10 billion, independent of the decrease in oil and natural gas prices, creating a very difficult and tight budget-writing year.

### Senate Bill 1 – The General Appropriations Act (Budget Bill)

**Author: Sen. Jane Nelson; House sponsor: Rep. John Zerwas**

The legislature increased funding to expand prevention programs across the state under the [Prevention and Early Intervention \(PEI\)](#) division of DFPS. The funding to serve additional children and families includes:

- \$1.3 million for the Services to At-Risk Youth (STAR) program that serves youth and their families needing crisis intervention to assist with family conflict, concerns involving school performance and attendance, and building parent and youth skills. The program's highest priority is to support youth remaining in their homes. STAR services are available in all 254 Texas counties.
- \$1.6 million for the Project Helping through Intervention and Prevention (HIP) program that serves eligible families who have a past involvement with CPS and who are at risk. It is designed to build a positive, nurturing home environment and prevent child abuse. The program provides in-home parenting education and basic needs support through community-based organizations using an evidence-based or promising practice program.
- \$800,000 for the Texas Home Visiting Programs (THV) to enhance maternal and child outcomes and to increase school readiness for children. THV programs provide evidence-based services for at-risk pregnant women and parents/caregivers of children birth to age five.
- \$7 million for the Nurse Family Partnership Program that provides evidence-based services to first-time, low-income mothers to improve pregnancy outcomes, improve child health and development, improve family economic self-sufficiency and stability, and reduce the incidence of child abuse and neglect.

Below is a full illustration of funding in the budgets for the current and upcoming biennia for Prevention and Early Intervention programs and services at the Department of Family and Protective Services.

DFPS Prevention Budget Strategies	HB 1 FY 2016-2017	SB 1 FY 2018-2019	Nominal Change from FY 2016-2017	% Increase from FY 2016-2017
<b>STAR</b>	\$42,004,158	\$48,624,721	\$6,620,563	15.8%
<b>CYD</b>	\$14,537,665	\$16,845,118	\$2,307,453	15.95
<b>Texas Families Program</b>	\$5,220,565	-	-	(100)%
<b>Child Abuse Prevention Grants</b>	\$6,311,115	\$7,214,315	\$903,200	14.3%
<b>Other at Risk</b>	\$49,482,189	\$59,179,394	\$9,697,205	19.6%
<b>HV and NFP Programs<sup>1</sup></b>	\$67,065,960	\$62,980,670	(4,085,290)	(6%)
<b>At Risk Support</b>	\$3,805,651	\$15,050,279	\$11,244,628	33.8%
<b>TOTAL</b>	\$188,427,303	\$209,894,497	\$21,467,194	11.4%

In the fiscally constrained budget, many important state programs and services received cuts. *CPS has fortunately been one of the few areas to avoid budget reductions and includes increased funding.* Below is a summary of some of the budget increases the legislature approved to improve the child welfare system of Texas.

- Total agency funded at \$3.5 billion – this is an increase of \$508.5 million over 2016-2017 levels.
- To address concerns of children being placed in harm’s way by not being seen timely by overburdened caseworkers, the legislature also approved additional funds to reduce CPS caseloads and retain caseworkers, as well as maintain a \$12,000 salary increase for CPS caseworkers.
- An increase of \$32.5 million in all funds to expand relative caregiver payments for the 2018–2019 biennium which provides support for kin and fictive kin caregivers while children are in temporary managing conservatorship of the state.
- An increase of \$94.9 million in all funds and \$28.0 million in general revenue funds to further support foster care payments for the legacy and the foster care redesign systems, and to expand [Community Based Care](#) to three additional regions by the end of fiscal year 2019.
- An increase of \$6.4 million in all funds to continue the [Permanency Care Assistance](#) (PCA) program payments in the 2018–19 biennium which provides support to relative caregivers who become verified and permanent homes for their loved ones.
- An increase of \$1.2 million in general revenue funds for purchased services within the [Preparation for Adult Living](#) (PAL) program to expand supports and education provided to foster care youth transitioning into independent living.
- An additional \$1.5 million in all funds to increase statewide intake staff positions in fiscal years 2018 and 2019. The Statewide Intake division is the front door for all DFPS programs where staff review reports from the public regarding allegations of abuse, neglect or exploitation of children, the elderly and Texans with disabilities.

<sup>1</sup> In transferring home visiting and nurse-family partnership programs from HHSC and DFPS, certain agency support costs are reflected in a separate budget line item. There is an increase in state funding for grants for home visiting at \$800,000 and increase in funding for nurse-family partnership at \$7 million.

Additional details related to the budget passed by the 85<sup>th</sup> Legislature compared to the appropriations in the 84<sup>th</sup> session may be found in the following chart.

DFPS CPS Budget Strategies	HB 1 FY 2016-17	SB 1 FY 2018-19	Nominal Change from FY 2016-17	% Increase from FY 2016-17
<b>Statewide Intake</b>	\$42,342,068	\$45,109,633	\$2,767,565	6.5%
<b>CPS Direct Delivery Staff</b>	\$1,099,834,984	\$1,505,061,270	\$405,226,286	36.8%
<b>CPS Program Support</b>	\$95,732,850	\$96,934,567	\$1,201,717	1.3%
<b>Contracted Daycare</b>	\$107,808,584	\$142,738,633	\$34,930,049	32.4%
<b>Adoption Purchased Services</b>	\$20,130,624	\$20,130,624	\$0	0%
<b>Post-Adoption Purchased Services</b>	\$6,976,443	\$6,976,442	\$ (1)	0%
<b>PAL Purchased Services</b>	\$19,486,792	\$19,579,027	\$92,235	0.4%
<b>Substance Abuse Purchased Services</b>	\$17,226,714	\$17,136,828	\$ (89,886)	(0.5)%
<b>Other CPS Purchased Services</b>	\$91,359,708	\$78,305,102	\$ (13,054,606)	(14.3)%
<b>Foster Care Payments</b>	\$837,733,426	\$936,172,243	\$98,438,817	11.8%
<b>Adoption and PCA Payments</b>	\$523,580,126	\$568,372,137	\$44,792,011	8.6%
<b>Relative Caregiver Payments</b>	\$24,633,815	\$77,635,479	\$53,001,664	215.2%
<b>TOTAL</b>	\$2,886,846,134	\$3,514,151,985	\$627,305,851	21.7%

## Priority Bills

### Senate Bill 11 – Community Based Foster Care

**Author: Sen. Charles Schwertner; House Sponsor: Rep. James Frank**

SB 11 is a significant child protective services bill that is intended to increase foster care capacity, strengthen accountability and transparency, and galvanize collaboration among child welfare stakeholders to promote a foster child's best interests within local communities. The bill renames Foster Care Redesign as Community Based Care, which is a new way of delivering foster care and case management services. Provisions provide for the gradual transfer of foster care services in certain regions of Texas from the state to private nonprofit contractors. Within a geographic service area, a single contractor, officially a Single Source Continuum Contractor (SSCC), is responsible for finding foster homes or other living arrangements for children in state care and providing them a full continuum of services. Transferring case management services to a SSCC and expanding Community Based Care to other regions will allow more children to be placed within their home communities where research shows they experience better outcomes.

Here are the major highlights of the bill:

Transfers case management from Child Protective Services to a SSCC in geographic areas where Community Based Care is already underway. Case management services may include: caseworker visits; family and caregiver visits; permanency planning meetings; development and revision of child and family plans of service, including a permanency plan and goals for a child; coordination and monitoring of services required by the child and the child's family; court-related duties, including ensuring the child is progressing toward the goal of permanency within state and federally mandated guidelines; and other services for which DFPS deems necessary for a SSCC to assume responsibility. It creates oversight by DFPS, including the review of permanency goals. It also allows for expansion of Community Based Care in up to eight areas of the state;

- In two regions of the state, the bill allows for the transfer of [Family Based Safety Services](#) (FBSS) case management to a private entity, with a performance-based contract focused on reducing recurrence of child maltreatment. FBSS build protective factors and strengthen families to better ensure they can remain together whenever possible;
- Improves the quality and standards of abuse and neglect investigations in foster care;
- Requires DFPS to track recurrence of abuse and neglect more comprehensively to employ effective services and interventions across the state where they are needed;
- Allows DFPS to partner with institutions of higher learning to evaluate the efficacy of prevention programs;
- Requires DFPS to evaluate FBSS and post-adoptive service contracts across the state related to recurrence;
- Requires medical assessments within three days for children coming into foster care who were removed due to sexual or physical abuse or have a chronic medical condition, medically complex condition or diagnosed mental illness.
- Requires medical providers to be notified of placement changes in foster care to better ensure continuity of care.

#### [Senate Bill 497 – DFPS Office of Data Analytics](#)

**Author: Sen. Carlos Uresti; House Sponsor: Rep. Gene Wu**

This bill requires DFPS to create an office of data analytics. The office will report to the DFPS deputy commissioner. The purpose of the office of data analytics includes evaluation of data to improve performance, meet business needs, and to fulfill the powers and duties of the department. The office will focus its analytics on areas such as workforce shortage predictions, agency performance, retention efforts, and management system creation.

#### [Senate Bill 1758 – Youth Aging Out of Care](#)

**Author: Sen. Judith Zaffirini; House Sponsor: Rep. Chris Turner**

SB 1758 directs DFPS to work with outside stakeholders to develop a plan to standardize and improve the curriculum for the Preparation for Adult Living program and to ensure that youth who are 14 or older in the program receive relevant and age-appropriate training. This legislation also expands the role of guardians ad litem to include inquiries into whether youth they represent have their birth certificate, school records and identification before they age out of care. Finally, the bill ensures these vital documents are discussed at each permanency hearing as a youth prepares to age out of care.

### House Bill 4 – Monthly Monetary Assistance for Kinship Caregivers

**Author: Rep. Cindy Burkett et al; Senate Sponsor: Sen. Charles Schwertner**

This bill increases financial assistance for qualified kinship caregivers. These caregivers are relatives or fictive kin who step up to care for children who are removed from their homes.

Research shows better social, health and educational outcomes for children in kinship care than those in the foster care system. However, currently these caregivers, many of whom live below poverty level, receive only a \$1,000 one-time payment when they take on this role, plus a small annual reimbursement for purchasing items, such as clothing or a bed for the child. HB 4 will allow kinship caregivers with incomes at 300% of the federal poverty level (\$73,800 for family of four) or less to receive up to 50% of the basic rate paid for foster care, paid monthly (approximately \$350 per month).

The Senate amended HB 4 to require a cap on the amount of time a kinship caregiver may receive the monthly payment, at 12 months with an opportunity for an extension of six months. We are concerned at how this time limit may impact placement stability for a child with a relative caregiver beyond the period. Overall, we view HB 4 as a significant step forward in preserving families and improving outcomes for children.

### House Bill 5 – DFPS as a Standalone Agency

**Author: Rep. James Frank et al; Senate Sponsor: Sen. Charles Schwertner**

This bill will establish DFPS as a standalone agency under the governor and independent of the Texas Health & Human Services Commission (HHSC). The DFPS commissioner will oversee the agency rather than coordinate with the HHSC executive commissioner in developing policies, guidelines, and rulemaking related to DFPS. However, HHSC will continue to be responsible for the administration of managed care contracts, including Medicaid, to deliver medical care to children in foster care. Collaboration between the agencies will continue. Proponents of the bill believe it will allow the agency to make decisions more quickly and efficiently, as well as show the commitment of Texas to protecting at-risk children and to DFPS and its employees.

### House Bill 7 – Parent-Child Relationship Lawsuits and Family Law Proceedings

**Author: Rep. Gene Wu et al; Senate Sponsor: Sen. Carlos Uresti et al**

HB 7 is an omnibus bill that comprehensively impacts a suit involving a parent-child relationship. Broadly, the bill requires DFPS and the courts to spend more time evaluating risk and weighing the best interest of the child. To accomplish this, it provides additional opportunities for families and caregivers to testify regarding placements. HB 7 also requires DFPS and the court to seek kinship placements throughout the child's time in custody of the state. The bill encourages courts to continue the appointment of guardians and attorneys ad litem for children, and asks that those representatives periodically engage with the children they represent. Caregivers and parents are invited to converse with the guardians and attorneys ad litem and are provided the opportunity to testify during permanency reviews.

### House Bill 1342 – Sexual Abuse Prevention Training for Public School Students

**Author: Rep. Tan Parker et al; Senate Sponsor: Sen. Bryan Hughes**

HB 1342 would have amended the Education Code to require that child abuse anti-victimization programs provided by school districts in public elementary and secondary schools include annual, age-appropriate, research-based child sexual abuse prevention

training. It required enrolled students to attend the training each year to help promote self-protection, prevent sexual abuse and trafficking of children, and reduce child pregnancy. While both the House and Senate passed the bill at the end of May, Governor Abbott vetoed the legislation on June 15, 2017, citing the lack of a parental opt-out provision<sup>2</sup>.

### House Bill 1549 – The Child Protection Act

**Author: Rep. Cindy Burkett; Senate Sponsor: Sen. Lois Kolkhorst**

This omnibus bill contains the [Protect Our Kids Commission](#) recommendations, efforts from the [Child Protection Roundtable](#) (which includes 70+ child welfare organizations across Texas), and provisions for which TexProtects has advocated over the past decade.

The Child Protection Act improves prevention efforts through the following initiatives:

- Requires the Department of State Health Services to evaluate the available child fatality data and use the data to create public health strategies for the prevention of child fatalities;
- Requires DFPS to identify strategies and goals to increase the number of families in high-risk geographic communities receiving parent education, family support prevention and early intervention services each year;
- Promotes evaluation of prevention programs through partnerships with higher educational institutions to include analysis of efficacy and cost benefit to the state; and
- Codifies the Prevention Task Force to make recommendations to DFPS for certain changes to law, policy, and practices related to prevention of child abuse and neglect. The task force will include a variety of members with established child-protection expertise.

The Child Protection Act improves the workforce and its operations by addressing the massive turnover of CPS through retention and staffing strategies and it strengthens foster care through provider capacity building. Specifically, the bill:

- Requires DFPS to improve the management of caseloads for caseworkers and managers through equity in workload based on complexity of cases, caseloads based on individual caseworkers available to handle cases, geographic case assignment for areas with concentrated high-risk populations to ensure adequate number of caseworkers, expedient deployment of master investigators for emergency shortage of personnel, and timely hiring of caseworkers in high turnover areas;
- In geographic areas with demonstrated need, DFPS will designate employees to serve specifically as investigators and responders for after-hours reports of child abuse or neglect;
- Requires DFPS to provide ongoing support to caseworkers who experience secondary trauma resulting from exposure to trauma during the caseworker's employment; and
- Requires DFPS – in collaboration with foster care providers, faith-based entities, and child advocates in regions across the state – to use data to create a foster care capacity needs plan to address the capacity needs in each individual region. It will include both short and long-term goals and strategies for addressing those capacity needs.

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<sup>2</sup> Texas Education Code § 28.004(i.)

### House Bill 2466 – Post-Partum Depression Screening and Maternal Services

**Author:** Rep. Sarah Davis et al; **Senate Sponsor:** Sen. Joan Huffman et al

HB 2466 requires the Health and Human Services Commission (HSSC) to include maternal depression screening as a covered service provided to the mothers of enrollees in Medicaid or the Children’s Health Insurance Program (CHIP), up to the enrollee’s first birthday. It also requires changing the application for Medicaid benefits to incorporate certain information for pregnant applicants, including first time pregnancy. This designation will better assist health plans in offering prospective mothers with beneficial services, such as the Nurse-Family Partnership program.

## Other Child Protection Bills

### Child Protective Services

#### Senate Bill 190 – Closing Investigations in DFPS

**Author:** Sen. Carlos Uresti; **House Sponsor:** Rep. Gene Wu

SB 190 allows a DFPS caseworker to refer a reported case of child abuse or neglect to a DFPS supervisor for an abbreviated investigation or administrative closure. Cases eligible will include those with no prior report of abuse or neglect for the child subject of the report, DFPS not receiving an additional report following the first report, or if the caseworker determines no abuse or neglect has occurred and the child’s safety can be assured. This will allow DFPS and CPS personnel to focus their time on higher-risk cases rather than subjecting children and families to unnecessary investigations. Governor Abbott signed HB 190 on June 9, 2017, and it went into effect immediately.

#### Senate Bill 738 – Same Child, Same Court

**Author:** Sen. Lois Kolkhorst; **House Sponsor:** Rep. Mike Schofield

This bill requires that all cases regarding the same children and same CPS incident be heard by the same judge/court. HB 738 also requires the DFPS to file a suit affecting the parent-child relationship in a court of continuing and exclusive jurisdiction of a child named in the petition.

#### Senate Bill 999 – Addressing State Removal of a Child from Home

**Author:** Sen. Royce West et al; **House Sponsor:** Rep. Helen Giddings

This bill addresses discrepancies in the requirements affecting the many ways in which the state may remove a child from the child’s parent or caregiver. By revising the procedures by which the state takes possession of a child, it is ensured that non-emergency hearings in these matters provide the same level of due process safeguards as those afforded in emergency hearings. This leaves important decisions such as child placement to the discretion of judges, who can look at each case individually.

#### Senate Bill 1063 – Exempting home visits on CPS investigations in certain circumstances

**Author:** Sen. Charles Perry et al; **House Sponsor:** Rep. Stephanie Klick

SB 1063 amends the Family Code to authorize investigations to include a visit to the child’s home, unless the alleged abuse or neglect can be confirmed without such a visit. The investigation can also include an interview and examination of the child, as well as an interview with the child’s parents. By doing so, authorization of a visit to include an interview with the child and parent is included, saving time that can be used for the actual investigation.

### Senate Bill 1806 – Multidisciplinary Team Referrals and Forensic Interviews

**Author:** Sen. Joan Huffman et al; **House Sponsor:** Rep. Rick Miller

SB 1806 requires DFPS to refer cases directly to a multidisciplinary team of a [children's advocacy center](#) for investigations of sexual abuse or other cases appropriate to that center. This bill also applies to child fatality cases in which there are surviving children in the deceased child's household or under the supervision of the caregiver involved in the child's fatality. The bill requires a forensic interview be conducted by the center in accordance with its working protocol, unless such an interview is not appropriate based on the child's age or the center's procedures.

### House Bill 249 – Transferring Investigations to Child Protective Services

**Author:** Rep. Ana Hernandez et al; **Senate Sponsor:** Sen. Van Taylor

HB 249 pertains to the transfer of responsibility in conducting investigations of alleged abuse, neglect, or exploitation at certain child-care facilities from DFPS to its CPS division. These investigations will be at facilities that are operated, licensed, certified, registered, or regulated by DFPS. To do this, DFPS is required to create standardized policies to use during these investigations. The HHSC commissioner may adopt rules to implement provisions on CPS investigations in these matters. The bill also adopts the definition of exploitation under [Family Code, sec. 261.001](#), making it uniform across DFPS. The bill will help streamline investigations in CPS and ensure that each child will receive the same level of quality in their investigation.

### House Bill 2124 – DFPS Investigation Notices for Active Military

**Author:** Rep. Ina Minjarez et al; **Senate Sponsor:** Sen. Lois Kolkhorst

This bill requires DFPS to determine whether a caregiver who is the subject of an investigation is an active member of the U.S. armed forces, or is the spouse of a person on active duty. If so, DFPS is required to notify the Department of Defense family advocacy program of the allegation and investigation.

### House Bill 2537 – Higher Educational Opportunities

**Author:** Rep. Bobby Guerra; **Senate Sponsor:** Sen. Royce West

HB 2537 amends the Texas Education Code to include the availability of education and training vouchers as well as tuition and fee waivers to attend an institution of higher education, in the information that a school counselor shall provide to a student who is or was in the conservatorship of the DFPS, and the student's parent or guardian. Governor Abbott signed the bill on June 9, 2017, and it went into effect immediately.

### House Bill 2848 – Specialty Consultations for Abuse Investigations

**Author:** Rep. Cindy Burkett et al; **Senate Sponsor:** Sen. Charles Perry

This bill requires that future agreements to assist in abuse and neglect investigations between DFPS and the Forensic Assessment Center Network (FACN) or Texas Medical Child Abuse Resources and Education System (MEDCARES) allow the network or system to obtain consultations with physicians specializing in identifying unique health conditions. HB 2848 helps ensure abuse and neglect investigators have the best information available and allows physicians to inform DFPS and these entities of uncommon disease, preventing them from subjecting families to unwarranted state intervention.

**House Bill 2849 – Removal of Names from DFPS Central Registry****Author: Rep. Cindy Burkett et al; Senate Sponsor: Sen. Charles Perry**

HB 2849 amends the Family Code to include in the rules for the executive commissioner of HHSC that removal of a person's name who abused or neglected a child from the central registry of DFPS shall take place no later than the 10<sup>th</sup> business day after DFPS receives notice the finding has been overturned by administrative review or appeal.

**House Bill 4094– DFPS Compliance to Use FBI Database****Author: Rep. Stephanie Klick; Senate Sponsor: Sen. Carlos Uresti**

HB 4094 ensures compliance with FBI policies and allows DFPS to continue to access the FBI database. The removal of DFPS' authority to disseminate FBI criminal history record information to a private entity was the key concern. The bill also makes changes so that DFPS complies with the Childcare Development Block Grant Act (CCDBG), restricting background checks to every five years for certain populations. In addition, HB 4094 removes two-year background checks, as this information will be duplicative with information available to DFPS from the FBI starting in February 2018.

**Kinship****House Bill 1043 – Court Orders for Temporary Child Care****Author: Rep. César Blanco; Senate Sponsor: Sen. Judith Zaffirini**

HB 1043 amends the Family Code to allow certain relatives of a child to seek a court order for temporary authorization to care for the child. The relative shall file the petition in the district court of the county in which he or she resides. The court will award temporary care if the court considers it necessary to the child's welfare and no objection is made by the child's parent, conservator, or guardian. The order of temporary care will expire one year after the issuance, or at an earlier date determined by the court. This order does not affect the rights of the child's parent, conservator, or guardian regarding care, custody, and control of the child, and does not establish legal custody. The bill was signed by the governor on June 1, 2017 and became effective immediately.

**House Bill 3052 – Identification Documents Released to Authorized Relative****Author: Rep. Abel Herrero; Senate Sponsor: Sen. Kirk Watson**

HB 3052 allows for the authorized relative of a child to obtain copies or originals of the child's identification documents. If one parent is absent when the agreement to release the documents is authorized, the absent parent must be notified of the agreement.

**Foster Care****Senate Bill 203 – Continuation of Permanency Care Assistance Agreements****Author: Sen. Royce West et al; House Sponsor: Rep. Sarah Davis**

SB 203 continues the state's Permanency Care Assistance program that has resulted in significant cost savings to the state and proven positive outcomes for foster care youth. The PCA program provides monthly financial assistance to relatives and fictive kin who become verified and permanent homes for their relative children. Governor Abbott signed the bill on May 29, 2017, and it went into effect immediately.

**Senate Bill 948 – Information to Prospective Adoptive Parents****Author: Sen. Lois Kolkhorst; House Sponsor: Rep. Geanie Morrison**

SB 948 requires DFPS to notify each person seeking to adopt a child through the department of the right of a child's sibling to file a suit for access to the child.

**House Bill 88 – Employee Leave to Care for Foster Child****Author: Rep. Mando Martinez et al; Senate Sponsor: Sen. Juan Hinojosa et al**

HB 88 addresses the unequal treatment of employees who wish to use their leave policy to care for their foster child, even though they have the same obligations as a biological or adoptive parent. This bill makes the denial of leave to care for a foster child unlawful, correcting this inequality.

**House Bill 871 – Faith Based Collaboration for Foster Care Diversion****Author: Rep. Kevin Roberts et al; Senate Sponsor: Sen. Charles Perry**

HB 871 requires DFPS to work with nonprofit organizations, including faith-based organizations, in providing information to families in crisis regarding child and family services available in the child's community.

**House Bill 1410 – Foster Parent Intervention****Author: Rep. Evelina Ortega et al; Senate Sponsor: Sen. José Rodríguez**

HB 1410 allows foster parents to intervene in suits affecting the parent-child relationship if the child was placed in their home by DFPS for at least 12 months, and if it has not been more than 90 days since the placement ended when an intervention is filed. Effective on September 1, 2017, the bill will only apply to original lawsuits filed on or after that date.

**House Bill 1542 – Least Restrictive Environment Placements****Author: Rep. Four Price et al; Senate Sponsor: Sen. Brian Birdwell et al**

This bill defines the factors DFPS must consider when locating a placement for a child who has been removed from his or her home. It requires DFPS to place a child in the least restrictive setting. Least restrictive has been defined in federal law as the most family like placement which has historically been interpreted to mean kinship or foster family homes in Texas. HB 1542 alters this definition to include congregate care operations labeled as cottage homes as a least restrictive setting. Each cottage home on a campus provides 12 or fewer kids with adult caregivers who are on duty at all times. Proponents of HB 1542 believe more children should be placed in cottage homes, while concerns have arisen regarding whether congregate care provided in the cottage setting is similar to care provided in a foster family home.

**House Bill 1556 – Designating Foster Parents as Special Education Decision-Makers****Author: Rep. Mary González; Senate Sponsor: Sen. José Menéndez**

HB 1556 allows the appointment of foster parents and other qualified persons to serve as educational decision-makers for children with disabilities who are in the conservatorship of DFPS. The foster parents or other qualified persons will be required to complete a specialized training program, or a surrogate parent may be appointed to complete the training. The bill also places limits on who may serve as a surrogate parent, better ensuring the child's best interest is at the forefront.

**House Bill 3859– Rights of Conscience for Child Welfare Services Providers****Author: Rep. James Frank et al; Senate Sponsor: Sen. Charles Perry et al**

HB 3859 adds a new chapter to the Human Resources Code, the Protection of Rights of Conscience for Child Welfare Services Providers. The bill prohibits a child welfare services provider from being required to deliver any service that conflicts with the provider’s religious faith. The bill prohibits a governmental agency or any person who contracts with the state to refer or place children for child welfare services to discriminate or take any adverse action against a child welfare services provider due to the provider’s sincerely held religious beliefs. In addition, the bill requires a governmental entity or a person who operates under governmental authority that refers or places children for child welfare services to ensure a secondary provider is available in the geographic area.

**Youth Aging Out of Care****Senate Bill 78 – Old State Computers to CASA****Author: Sen. Jane Nelson et al; House Sponsor: Rep. Four Price**

SB 78 adds Court Appointed Special Advocates (CASAs) to the list of state entities eligible to receive used computers from the State of Texas, which will be available as a resource at CASA foster and group homes.

**Senate Bill 1123 – Tuition Exemptions and Fee Waivers for Former Foster Youth****Author: Sen. Judith Zaffirini et al; House Sponsor: Rep. Travis Clardy**

SB 1123 ensures children adopted out from the foster care system prior to 2009 are excluded from the satisfactory academic progress requirements required for most students who receive tuition and fee exemptions and waivers. The governor signed the bill on June 12, 2017, and it went into effect immediately.

**Senate Bill 1220 – Higher Education Access for Foster Care Youth****Author: Sen. Borris Miles et al; House Sponsor: Rep. Hubert Vo**

SB 1220 requires the continuity of educational programs for homeless students or students in foster care who transfer schools. DFPS shall collaborate with state and community resources to create a program that assists foster youth in obtaining their high school diplomas and/or industry/trade certifications, and provides career counseling and information regarding tuition and fee waivers available to the students. The bill was signed by the governor and became effective on June 1, 2017.

**House Bill 928 – Foster Youth Higher Education Opportunities Outreach****Author: Rep. James White et al; Senate Sponsor: Sen. Carlos Uresti**

HB 928 requires a DFPS employee who is a member of a community resource coordination group, established under a memorandum of understanding for coordinated services to individuals needing multiagency services, to inform the group about certain tuition and fee waivers for institutions of higher education that are available to eligible children in foster care. Specifically, these employees will be responsible for providing information regarding tuition and fee waivers, helping school superintendents identify foster children in their districts eligible for college tuition and fee waivers, assisting in applying for financial aid and scholarships, arranging college visits, and paying for college entrance exams. The bill outlines how each school district, in coordination with the department, shall facilitate the transition of each child enrolled in the district who is eligible for such a tuition and fee waiver and who is likely to be in DFPS conservatorship on the day preceding the child’s 18th

birthday to an institution of higher education. This legislation will bring more awareness to the currently underutilized tuition and fee waiver program, help guide more foster youth into higher education, and prevent vulnerable foster youth from falling through the cracks. This bill was signed by the governor on June 1, 2017, and became effective immediately.

### House Bill 932 – Foster Care Placements in Texas Juvenile Justice Department (TJJD) Investigations

**Author: Rep. Jarvis Johnson et al; Senate Sponsor: Sen. Royce West**

HB 932 requires TJJD to inquire from DFPS whether a juvenile offender is currently in foster care and, if applicable, how many times the child was previously in foster care. The bill also requires TJJD to compile an annual report that will be given to state leadership with statistics regarding information about foster care children in TJJD over the past two years.

### House Bill 1608 – Summer Internships for Foster Youth

**Author: Rep. Ina Minjarez; Senate Sponsor: Sen. Carlos Uresti**

HB 1608 requires DFPS to establish a summer internship pilot program that will provide foster youth aged 15 and older the opportunity to develop marketable job skills, as well as obtain professional work experience with a business, nonprofit, or government entity. The bill for the pilot program was signed by the governor on June 15, 2017, and became effective immediately.

### House Bill 3338 – Personal Identification Cards for Foster Youth Aging Out of Care

**Author: Rep. James White et al; Senate Sponsor: Sen. Borris Miles**

This bill requires DFPS, in cooperation with certain charitable volunteer advocates and the Department of Public Safety, to develop procedures to ensure that a foster child obtains a driver's license or personal identification card before leaving the conservatorship of DFPS. Governor Abbott signed this legislation on June 15, 2017, and it went into effect immediately.

## Prevention

### Senate Bill 966 – Underage Alcohol Consumption in Sexual Assault Case

**Author: Sen. Kirk Watson et al; House Sponsor: Rep. Victoria Neave**

SB 966 establishes that the offenses of consumption or possession of alcohol by a minor does not apply to a minor under certain circumstances involving the reporting of sexual assault. The minor will need to raise the defense to a health care provider treating the child, a law enforcement employee (including higher education campus police), or a [Title IX](#) coordinator. This bill provides a safe harbor to victims who may be afraid to report an assault due to the criminal penalties of underage alcohol use.

### Senate Bill 1599 –Pregnancy Related Fatalities Information

**Author: Sen. Borris Miles et al; House Sponsor: Rep. Armando Walle**

SB 1599 requires the Department of State Health Services to post information regarding systematic protocol for pregnancy-related death investigations on its website, as well as the best practices for reporting such deaths to the medical examiner or justice of the peace of each county.

**House Bill 822– Sexual Assault Awareness Month****Author: Rep. Terry Canales et al; Senate Sponsor: Sen. Juan Hinojosa et al**

HB 822 designates April as Sexual Assault Awareness Month, and will go into effect September 1, 2017, making the first official Sexual Assault Awareness Month April 2018. With a month now designated, heightened visibility can be brought to awareness of sexual assault and to prevention efforts to help in preventing future victims and to work with survivors.

**Juvenile Justice****Senate Bill 1304 – Juvenile Records Advisory Committee Recommendations****Author: Sen. Charles Perry et al; House Sponsor: Rep. James White**

SB 1304 amends the Code of Criminal Procedure, Family Code, and Government Code to clarify the circumstances under which law enforcement may photograph or fingerprint a child. The bill sets out provisions relating to the creation, storage, and confidentiality and disclosure of juvenile records. It establishes a new process by which a person referred for delinquent conduct is entitled to the automatic sealing of the person’s juvenile records and requires the Department of Public Safety to certify the person’s eligibility for the automatic sealing of the records. SB 1304 establishes separate procedures by which a person not eligible for such automatic sealing may have the person’s juvenile records sealed and the steps to be taken by the Texas Juvenile Justice Department and the juvenile courts once the order to seal the records is obtained. The bill requires a child referred to the juvenile probation department and the child’s parent, guardian, or custodian to be given a written explanation regarding sealing of records. The bill sets out the persons who may authorize the destruction of records in a closed juvenile matter and the conditions under which records must or may be destroyed, as applicable. Finally, the bill establishes that records contained in the juvenile justice information system are not subject to an order of expunction issued by any court.

**Senate Bill 1314 – Drug Treatment in Juvenile Probation****Author: Sen. José Rodríguez; House Sponsor: Rep. Joe Moody et al**

SB 1314 grants the El Paso County Juvenile Probation Department (JPD), which also serves as a drug treatment facility, an exemption similar to the Texas Department of Criminal Justice, where they may provide drug treatment to adults under its own regulations without following additional regulations set forth by the Department of State Health Services. El Paso JPD, as well as similar facilities, will be able to provide drug treatment to youth involved in the justice system, while still being governed by TJJD regulations.

**Senate Bill 1548 – Post-Discharge Services to Youth after Completing Probation****Author: Sen. José Menéndez; House Sponsor: Rep. Ina Minjarez**

SB 1548 gives Texas counties the ability to offer post-discharge services to a child who has completed probation, seeking to solve the high-risk period post discharge of recidivism a child of any age will encounter in the first six months. This bill works to solve the issue by allowing juvenile probation departments to offer voluntary aftercare services that include behavioral and mental health, substance abuse, education, mentoring, and job training. This bill will go into effect on September 1, 2017.

**House Bill 156 – Junior Reserve Officers’ Training Corps Pilot Program as an Alternative to Disciplinary Programs****Author: Rep. Richard Raymond; Senate Sponsor: Sen. Judith Zaffirini**

HB 156 establishes a pilot program that offers the alternative placement of a high school student in a Junior Reserve Officers’ Training Corps (JROTC) program, rather than being placed in disciplinary alternative education programs (DAEP) or juvenile justice alternative education programs (JJAEP). This program will be piloted in Webb County. The bill was signed by the governor on June 12, 2017, and went into effect immediately.

**House Bill 678 – Allowing Associate Judges, Referees to Hear Pleas in Juvenile Cases****Author: Rep. Gene Wu; Senate Sponsor: Sen. Borris Miles**

HB 678 allows associate judges or referees appointed by a juvenile board to report written findings and recommendations in cases dealing with juveniles subject to a determinate sentence. The associate judge or referee shall report their findings on the pleas and stipulation of evidence to the juvenile court judge, who then could accept or reject the plea or stipulation. The bill will protect due process and help increase efficiency in the juvenile court system, while also allowing associate judges and referees to make factual findings that will help juvenile court judges consider every plea or stipulation before ruling.

**House Bill 1204 – Community Resources for Young Offenders****Author: Rep. James White et al; Senate Sponsor: Sen. Sylvia Garcia**

HB 1204 requires a person conducting a preliminary investigation under the [Family Code, sec. 53.01](#) to refer children under the age of 12 to a community resource coordination group, local-level interagency staffing group, or community juvenile service provider. This bill also provides instructions to juvenile boards to develop policies that prioritize the diversion of children under the age of 12 from referral to a prosecuting attorney, as well as limiting detention of such children to circumstances of last resort. This bill will help divert younger offenders from prosecution or detention and into community services that are tailored to their specific needs, offering early intervention that can help prevent these children from becoming repeat offenders.

**House Bill 1521– DFPS and TJJD Information Sharing****Author: Rep. James White; Senate Sponsor: Sen. John Whitmire**

HB 1521 requires a state or local juvenile justice agency and DFPS or certain foster care services contractors to, on request, exchange information that is necessary to improve and maintain community safety or that assists the applicable entity in the continuation of services for or providing services to youth who have received services from multiple juvenile service providers.

**Criminal Justice****Senate Bill 998 – Statute of Limitation for Financial Exploitation of Vulnerable Persons****Author: Sen. Royce West et al; House Sponsor: Rep. Terry Canales**

SB 998 extends the statute of limitation for criminal prosecution from three to seven years for offenses related to the financial exploitation of vulnerable populations, normally defined as elderly, disabled persons, and children. This bill addresses the issue of the statute of limitations expiring before a case involving financial abuse has been discovered or identified by family, legal advocates, or the courts. In preparing a case for prosecution, the process of

evidence collection and identifying and locating witnesses is often lengthy and time consuming.

### House Bill 1808– Criminal Offenses Against Children Regardless of Child’s Age

**Author: Rep. Morgan Meyer et al; Senate Sponsor: Sen. Sylvia Garcia et al**

HB 1808 establishes that continuous sexual abuse of a young child, indecency with a child, sexual assault of a child, aggravated sexual assault of a child, sexual performance by a child, and employment harmful to children are criminal offenses that occur regardless of whether the person committing the crime knew the age of the victim at the time of the offense.

### Trafficking

#### Senate Bill 1705– Marriages of Minors

**Author: Sen. Van Taylor; House Sponsor: Rep. Senfronia Thompson**

When a minor marries and is not emancipated, he or she lacks the legal rights of an adult, while often his or her spouse is an adult with full legal benefits. Since these minors lack full legal rights, such as the right to contract with an attorney, a situation of potential abuse arises. HB 1705 requires a minor to petition a court for the removal of the disabilities of a minor before applying for a marriage license, proving all necessary items to the court for said removal. The court will appoint an amicus attorney or attorney ad litem to represent the interest of the minor at the hearing. This bill will also end the practice of marriage under the age of 16 and ensure minors have access to an attorney and the same legal protections as the person they are marrying.

#### Senate Bill 2039 – Development of Sexual Abuse and Trafficking Instructional Modules

**Author: Sen. Judith Zaffirini; House Sponsor: Rep. Senfronia Thompson**

SB 2039 requires the commissioner of education, in cooperation with the Texas Human Trafficking Prevention Task Force, to develop one or more sexual abuse and sex trafficking instructional modules that Texas public school districts may use in the district’s health curriculum. The modules will include information regarding different forms of sexual abuse and assault, sex trafficking and risk factors of sex trafficking, and procedures for reporting. The school district will collaborate with local law enforcement and outside consultants with expertise in sexual abuse and trafficking prevention to create a referral protocol for high-risk students. In addition, SB 2039 extends the expiration date of the Texas Human Trafficking Prevention Task Force to September 1, 2019.

#### House Bill 29 – Human Trafficking, Prostitution, and Related Crimes

**Author: Rep. Senfronia Thompson et al; Senate Sponsor: Sen. Joan Huffman et al**

This bill revises laws on human trafficking, prostitution, and related crimes, while also modifying the Texas Human Trafficking Prevention Task Force and removing its expiration date, originally scheduled for September 1, 2017. HB 29 establishes that ignorance of a child’s age is irrelevant to whether an offense was committed in cases of sex crimes. The bill also raises the age from 13 to 14 under which health care professionals can report to appropriate agents certain information on minors, who tested positive for STDs that otherwise could not be released under communicable disease reporting laws, and specifies this does not affect a person’s duty to report child abuse or neglect.

**House Bill 1503 – Reporting Attempted Child Abductions****Author: Rep. John Frullo et al; Senate Sponsor: Sen. Joan Huffman**

HB 1503 amends the Code of Criminal Procedure to clarify the timeframe within which a local law enforcement agency, on receiving a report of an attempted child abduction, shall provide any relevant information regarding the attempted abduction to the Missing Children and Missing Persons Information Clearinghouse. The timeframe for local law enforcement is as soon as practicable, but not later than eight hours after receiving the report. The bill directs that information not immediately available be entered into the clearinghouse as a supplement to the original entry as soon as possible.

**Mental Health****Senate Bill 74 – Behavioral Health Services under Managed Care Organization****Author: Sen. Jane Nelson et al; House Sponsor: Rep. Four Price**

SB 74 pertains to Medicaid managed care organizations that provide targeted case management and psychiatric rehabilitation services to children and their families who are at risk of juvenile justice involvement; expulsion from school; displacement from the home, hospitalization, residential treatment; or serious injury to self, others, or animals. This bill will encourage more providers to enroll as Medicaid managed care organization behavioral health services providers by clarifying the HHSC contract requirements. By offering target case management and psychiatric rehabilitative services for children, adolescents, and their families, it can help address the state’s systemic gap in available care services for the foster care system. The governor signed the bill on June 9, 2017, and it was effective immediately.

**Senate Bill 1021 – HHSC Executive Council and Texas System of Care Framework****Author: Sen. Jane Nelson; House Sponsor: Rep. Four Price**

SB 1021 requires the commissioner of DFPS to be part of the HHSC Executive Council, regardless of whether DFPS continues as an agency separate from HHSC. The bill also moves up the date to July 31, 2018, by which the HHSC executive commissioner shall conduct a study and submit a report of recommendations to the Health and Human Services Transition Legislative Oversight Committee. In addition, SB 1021 will reinstate the Texas system of care framework as it had existed prior to being repealed during the 84<sup>th</sup> Legislature. Governor Abbott signed SB 1021 on May 29, 2017, and it went into effect immediately.

**House Bill 1600 – Mental Health Screenings with Texas Health Steps****Author: Rep. Senfronia Thompson et al; Senate Sponsor: Sen. Kirk Watson**

Effective on September 1, 2017, the Health and Human Services executive commissioner is required by the rules of the [Texas Health Steps program](#) to allow a provider to conduct, and be reimbursed for conducting, a mental health screening during the annual medical exam of a Medicaid recipient who is at least 12 years old, but younger than 19 years old. This bill helps Texas Health Steps to provide annual mental health screenings and improve access to these screenings for children enrolled in Medicaid, helping to detect and address issues of trauma or mental illness before it worsens.

## Family Law

### Senate Bill 495 – Child Abuse Suits

**Author: Sen. Carlos Uresti; Senate Sponsor: Rep. Senfronia Thompson**

SB 495 seeks to protect children from the potential dangers of unsupervised visitation with a parent who has a history of committing certain acts of violence. This bill places limits on individuals who can live or have unsupervised visitation with a child who is being monitored or in the care of DFPS, based on their history of child abuse or neglect. This allows the court greater latitude to consider what is in the best interest of the child during a custody dispute.

### House Bill 834 – Unregulated Custody Transfer of Adopted Children

**Author: Rep. Tan Parker; Senate Sponsor: Sen. Brian Birdwell**

HB 834 will create an offense under the Family Code for the unregulated custody transfer of an adopted child, which will be defined as a “transfer of permanent physical custody of an adopted child to someone other than a relative, stepparent, or other adult with whom the child had a significant and long-standing relationship without first obtaining court approval.” This offense will be a third-degree felony and will also apply to any individual who helped facilitate or participated in the unregulated transfer. In addition to the offense, HB 834 will require licensed child-placing agencies to provide information to adoptive parents about community services and supportive resources available to adoptive parents if they are unable to care for their adoptive child.

### House Bill 2048 – Procedures for Child Support Cases

**Author: Rep. Harold Dutton; Senate Sponsor: Sen. Brandon Creighton**

HB 2048 addresses ambiguity in statutes regarding Title IV-D cases, which are cases that deal with child support. The bill clarifies the legislative intent of Title IV-D associate judges to hear and render orders on all legal issues related to Title IV-D cases. It also aligns state law with the current Child Support division practice of requesting process servers to not include addresses in service returns for customers whose child support case includes a nondisclosure order or a pending request for said order. Finally, it allows agreed child support review process orders to be confirmed by the court three days after the filing.

## Education

### Senate Bill 179 – Cyberbullying in Schools

**Author: Sen. José Menéndez et al; House Sponsor: Rep. Ina Minjarez et al**

This bill requires that Texas school districts include cyberbullying in their district policies on bullying, and will notify parents if their child has been the victim or is the alleged aggressor in these instances. SB 179 also provides schools the ability to investigate bullying off campus if it materially affects the school environment. This provision gives schools greater latitude to place students in alternative disciplinary education programs or to expel students for certain serious bullying behavior, such as coercing another child into attempting or committing suicide.

### House Bill 2039 – Pre-kindergarten through Grade 3 Teacher Certification

**Author: Rep. Dan Huberty et al; Senate Sponsor: Sen. Judith Zaffirini**

This bill requires the State Board for Educator Certification to create a non-mandatory early childhood specialty certificate to teach prekindergarten through 3<sup>rd</sup> grade in a Texas school district. HB 2039 sets eligibility requirements for mandatory completed coursework and

teaching methods to be used for academic skills when teaching these children. The bill will help to educate teachers, who choose to participate in the program, on the significant differences between instructing some of the state’s younger students as opposed to those who are older. It also addresses the exceedingly broad certification for early childhood through grade 6 that is used to certify teachers. Governor Abbott signed this bill on June 16, 2017, and it went into effect immediately.

### **House Bill 2880 – Reducing Penalties for Threatened Exhibition or Use of Firearms**

**Author: Rep. Harold Dutton; Senate Sponsor: Sen. José Menéndez**

HB 2880 amends the Education Code to decrease from a third-degree felony to a Class A misdemeanor the penalty for an exhibition of a firearm offense committed by an individual who intentionally threatens to exhibit or use a firearm in or on school-owned property or on a school bus, but who was not in possession of and did not have immediate access to a firearm.

### **Missed Opportunities**

#### **Senate Bill 698 – Supports for Children in Parental Child Safety Placements**

**Author: Sen. Kirk Watson**

SB 698 proposed that before DFPS closes a case with a child still living in a parental child safety placement, DFPS shall ensure the obtainment of any public benefits for which the child qualifies by the parent or person who made the parental child safety placement and the caregiver. These benefits would have included school enrollment, health insurance, child support or other social support income, and identification cards and certificates, and any other resources needed for care of the child.

#### **House Bill 634 – Degree Requirements for CPS Caseworkers**

**Author: Rep. Mary González et al**

Last year, DFPS relaxed educational requirements for CPS caseworkers to only 60 college credit hours and some related work experience, removing the necessity of a bachelor’s degree that attracts applicants with a certain skill level to CPS. HB 634 would have codified that DFPS require a bachelor’s degree, and would have given preference to applicants with a bachelor’s degree or an advanced degree in social work from a college or university accredited by an organization recognized by the Texas Higher Education Coordinating Board.

#### **House Bill 2335 – Evidence-Based Trauma Training**

**Author: Rep. Rick Miller et al**

HB 2335 would have required attorneys ad litem, volunteers and employees of court-appointed volunteer advocate programs, CPS employees, and residential child-care facility workers who interact with children daily to complete evidence-based trauma training. This invaluable training would prepare child welfare stakeholders with the knowledge they need to respond in an effective manner to children experiencing trauma.

For more information:



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