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## TEXAS HOUSE OF REPRESENTATIVES COMMITTEE ON HUMAN SERVICES

Weekly Newsletter  
April 23, 2013 Hearing

### *Bills Considered by Chairman Raymond's Committee*

#### **HB 486: Outsourcing to Private Commercial Contractors**

**Author: Rep. Dawanna Dukes**

Health and human services agencies often contract with private entities to provide state services and to save government funds. To fully anticipate potential impacts as the agencies contract state services, the state has utilized mechanisms at the front end of the contracting process designed to ensure that Texas residents are truly served by the entities with which an agency has contracted.

Current law requires the State Council on Competitive Government to compare the costs and benefits of having either a private contractor perform the service or a state agency continue to perform the service. HB 486 seeks to add additional components to this process by establishing a three-stage comparison between performance of the service by a private agency, performance of the service by the state agency as it is currently operating, and performance of the service by a state agency under a reorganized service delivery method. The bill also provides for a post-privatization auditing process to be conducted after a service has been outsourced.



## **HB 1058: Complaints about Medical Care Provided to Foster Children**

**Author: Rep. Sylvester Turner**



In recent years, there has been heightened scrutiny on both the national and local levels regarding the overmedication of foster youth. A recent report issued by a federal agency recommended that child welfare agencies provide, at minimum, increased oversight regarding the monitoring of psychotropic drug prescriptions for children in foster care. Individuals responsible for the care of a foster child are typically in the best position to become aware of and report on medical issues concerning the child. The parties contend that creating a system for parents, foster parents, volunteer advocates, and other parties involved

in a child's care or treatment to report on complaints could potentially provide an excellent mechanism to monitor the medical care being provided to a foster child. HB 1058 seeks to create such a process within the Department of Family and Protective Services.

## **HB 1143: Relating to Mental Health and Medical Services for Children in Foster Care**

**Author: Rep. Mark Strama**

As a result of increased exposure to emotional and psychological stress, foster children are at a higher risk of being prescribed improper medications than children who are not in the conservatorship of the Department of Family and Protective Services. While the number of foster children receiving excessive medication has steadily decreased in recent years, it is still important to ensure that health care providers have the information they need to appropriately prescribe medications to foster children. Thorough assessment of the child's social, psychological, and biological needs is imperative to determining appropriate mental health treatment and placement within the foster system, and it is the duty of the legislature to oversee a streamlined process which ensures that our most vulnerable citizens are receiving the best possible care. HB 1143 seeks to improve this process.



## **HB 1209: Standing in Suits Affecting the Parent-Child Relationship**

**Author: Rep. Tan Parker**



Several years ago, the Family Code was amended to give certain relatives of a child up to 90 days after the termination of a parent-child relationship in a suit filed by the Department of Family and Protective Services (DFPS) to file an action requesting managing conservatorship of the child. Such a case lasts, on average, between 12 and 18 months, during which time federal law requires Child Protective Services to look for the child's relatives. HB 1209 seeks to revise provisions relating to the standing of certain relatives of a child to file a suit affecting the parent-child relationship after the parent-child relationship between the child and the parent of the child has been terminated at the request of DFPS.

## **HB 1452: Care of Child Victims of Human Trafficking**

**Author: Rep. Naomi Gonzalez**

The high rate of human trafficking in Texas makes it necessary to better address the housing needs of children who are victims or potential victims of human trafficking. The residential opportunities for such children are currently limited. HB 1452 seeks to allow certain shelter facilities to more expediently provide shelter to children who are victims or potential victims of human trafficking by exempting those facilities from certain child-care licensing requirements.



## **HB 1633: Studying Child Abuse and Neglect Facilities**

**Author: Rep. Dawnna Dukes**

It has been reported that approximately 2,500 American children, many of them under the age of four, are killed every year as a result of child abuse. Deaths from child abuse and neglect, while significantly underreported, are also preventable. HB 1633, which is modeled after the federal Protect Our Kids Act of 2012, intends to reduce fatalities from child abuse and neglect by creating the Commission to Eliminate Child Abuse and Neglect Fatalities to study and recommend ways to achieve these reductions.

## **HB 1740: Electronic Monitoring of Residents at State Supported Living Centers**

**Author: Rep. Elliott Naishtat**

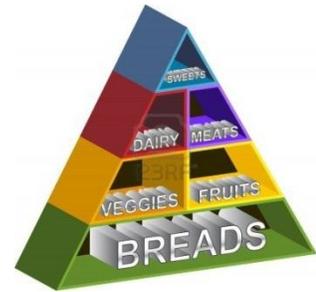
Recently, the Legislature required the Department of Aging and Disability Services to install video surveillance cameras in state supported living centers to help protect patients from abuse and neglect. However, in order to ensure individual privacy, video surveillance was limited to public areas. Current law allows for video surveillance equipment in private rooms at nursing homes, and video surveillance in private rooms of state supported living centers can protect patients from incidences of abuse and serve as a record to ensure just prosecution of any accused employees. HB 1740 allows residents of state supported living centers or their guardians to install video surveillance equipment in their private rooms at their own expense and under certain conditions, including after receiving consent from others in the room and posting notice that the room is under surveillance.



## **HB 2111: Food and Nutrition Instruction in the Transitional Living Services Program**

**Author: Rep. Mark Strama**

The transient nature of foster care can result in inconsistent eating habits and leave foster children with a lack of knowledge about food preparation and cooking. In addition, foster children may not have access to reliable nutrition information. The transitional living services program was established to prepare youth living in foster care for independent living. HB 2111 seeks to add training in food preparation and nutrition education that promotes healthy food choices to the transitional living services program.



## **HB 2218: Independent Ombudsman for DFPS**

**Author: Rep. Gene Wu**



In light of recent scandals involving negligent behavior or actual violation of laws designed to protect individuals in the care of the Department of Family and Protective Services (DFPS), it is necessary for the legislature to establish an office of independent ombudsman for DFPS. While there is currently an ombudsman office within the Health and Human Services Commission (HHSC), this office is not an independent entity and is considered a division of HHSC, which is the ultimate governing body that supervises DFPS. HB 2218 seeks to create an independent ombudsman office for DFPS to assist persons with a complaint relating to a DFPS program, including adult protective services, child protective services, child-care licensing, and statewide intake.

## **HB 2303: Records of a Financial Institution for Guardianship Purposes**

**Author: Rep. Philip Cortez**

Currently, courts conducting an investigation relating to a guardianship or to determine if a guardianship is necessary are unable to access the financial records of the person under investigation. This interferes with a court's ability to determine if a person is incapacitated and in need of a guardianship and its ability to investigate complaints made about guardianship that have already been opened. HB 2303 seeks to address this issue by making such records available in certain guardianship investigations.



## **HB 2323: Relating to an Emergency Order for Protective Services**

**Author: Rep. Naomi Gonzalez**

Under current law, the Department of Family and Protective Services (DFPS) may petition a court to render an emergency protective order authorizing protective services for an elderly or disabled person who is determined by DFPS to be suffering from a threat to their safety if the person lacks the capacity to consent to receive protective services because of mental or physical impairment. Such an order expires either 10 days after the date it is rendered or 10 days after the person was removed to a

safer environment. The court may extend an emergency order for no more than 30 days after the date the original order was rendered, but the order cannot be extended more than two times, meaning that the total length of time such an emergency protective order can be in effect is 60 days from the day it was rendered.

When DFPS petitions the court for an emergency protective order, it also refers the elderly or disabled individual to the Department of Aging and Disability Services (DADS) for guardianship services to secure a permanent safe environment for the individual while the individual is in emergency protective care. The parties contend that because DADS has up to 70 days to determine whether permanent guardianship is appropriate for the individual, there is often a 10-day gap between the time an emergency protective order is in effect and the time DADS secures permanent guardianship of an affected individual, during which time the individual may return to a prior state of neglect, abuse, or exploitation. HB 2323 seeks to remedy this issue by increasing the number of days an emergency protective order can be in effect.

### **HB 3845: Relating to the Financial Stability of SNAP Recipients**

**Author: Rep. Eddie Rodriguez**

The supplemental nutrition assistance program (SNAP), formerly known as the food stamps program, is designed to help individuals and families experiencing financial hardship purchase nutritious food. The program is federally funded but administered at the state level. States have substantial flexibility and choice in their delivery of the program, including options regarding eligibility requirements. Though the program currently serves millions of Texans, reports show that nearly one in five Texas households are food insecure. Unnecessary and burdensome access barriers, such as what is commonly known as the resource limits test, prevent people who need SNAP benefits from receiving them. Such barriers consider an individual's liquid assets when determining eligibility. This can result in the exclusion of participants with limited resources, such as families with minimal savings and one vehicle who are not otherwise financially secure.



HB 3845 seeks to protect families from being forced to surrender their savings or sell their assets in order to buy food by directing the Health and Human Services Commission to disregard the value of all liquid assets and vehicles when determining eligibility for SNAP.

## **HB 3399: Stability of Placements for Children in the Conservatorship of DFPS**

**Author: Chairman Richard Peña Raymond**



Foster children under the care of the Department of Family and Protective Services are often placed with foster families without sufficient regard for the child's particular needs. In many cases, placement contractors consider only the most basic factors, such as age and sex of the child. While this method may work well for some, there is concern that the needs of foster children with a history of trauma or behavioral health issues need more consideration than is presently being given. Such children often require specialized care and attention and due to their past victimization or behavioral health requirements can prove challenging to properly place. Research shows a high number of placements can severely disrupt a child's development, and a child who is difficult to place can sometimes experience dozens of placements. HB 3399 seeks stability and permanency in the placement process for foster children.

## ***Bills Voted Out of Committee***

**HB 1452:** Relating to an exemption for certain facilities that provide shelter and care to child victims of human trafficking from child-care licensing requirements.

**Author: Rep. Naomi Gonzalez**

**HB 2323:** Relating to the extension of an emergency order for protective services for certain persons who are elderly or have disabilities.

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