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## TEXAS HOUSE OF REPRESENTATIVES COMMITTEE ON HUMAN SERVICES

Weekly Newsletter  
May 7, 2013 Hearing

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

#### **SB 128: Criminal History Information**

**Author: Sen. Jane Nelson**

SB 128 allows the Department of Assistive and Rehabilitative Services (DARS) to better connect clients to employment and training programs by making the agency's authority to obtain criminal background checks consistent across all programs. Currently, DARS is authorized to conduct background checks on all agency employees and on individuals enrolled in the General Vocational Rehabilitation Program, but DARS is not authorized to conduct background checks on individuals enrolled in the newly formed Vocational Rehabilitation Program for the Blind (VR-B). This bill authorizes DARS to obtain background checks for individuals enrolled in VR-B to ensure that such individuals are not precluded from finding employment because of a criminal history.



As proposed, SB 128 amends current law relating to criminal history record information concerning certain applicants and clients of the Department of Assistive and Rehabilitative Services.

## **SB 152: Care of the Elderly, Disabled, and Children**

**Author: Sen. Jane Nelson**



SB 152 expands protections for patients at state hospitals by increasing oversight, increasing employee training, and strengthening abuse and neglect reporting requirements. Specifically, SB 152 requires specialized training for state hospital employees on patient caregiving and how to recognize and report abuse; authorizes the Health and Human Service Commission's office of inspector general to investigate criminal offenses at state hospitals; allows the Department of State Health Services to require state hospital direct care

workers to undergo federal background checks based on risk assessments; and requires professional boards to report cases of abuse, neglect, or exploitation. SB 152 amends current law relating to the protection and care of persons who are elderly or disabled or who are children.

## **SB 534: Permanency Planning Meetings**

**Author: Sen. Royce West**

Currently, during the period of time in which the Department of Family and Protective Services (DFPS) has temporary managing conservatorship of a child, the Family Code requires that permanency planning meetings occur when the child has been in custody for 45 days, and again at five months. There is no requirement for a planning meeting prior to the one-year mark at which a trial may occur and a final order can be designated. At this stage, parental rights may be terminated and permanent managing conservatorship can be given to a relative or the state.



To increase the likelihood of reunification for a child, S.B. 534 enhances the permanent planning meeting that currently occurs at the five-month mark. Additionally, the bill authorizes an additional staffing between the five-month meeting and the rendition of the final order if DFPS deems it important to the child's permanency. Because decreasing the amount of time a child spends in foster care provides great savings to the state, S.B. 534 requires that notification of permanency meetings be provided to child placing agencies involved with the child and other interested parties, and that it be done electronically if possible.

## **SB 717: Consent by a Minor to Housing or Care**

**Author: Sen. Royce West**

During the interim of the 82nd Texas Legislature, homeless and runaway youths were the focus of an interim charge of the Senate Committee on Intergovernmental Relations. One item brought to the committee's attention was the fact that youths, regardless of the reason they run away from home, cannot contract for housing due to their minor status. Even those youths who have found a way to support themselves have no



other recourse than homelessness. While homelessness is a concern in regard to all minors, it has even more troubling impacts on pregnant minors or those with children. Transitional living programs have the potential to positively impact homeless, runaway, and at-risk youths.

SB 717 authorizes minors 16 years of age or older to contract with transitional living programs for housing or services under certain conditions. This bill seeks to provide homeless and runaway youths, including those with children, with a means to life skills training and planning assistance to help them transition to independent living. These programs can also provide counseling, job skills training, and other services to

end the cycle of homelessness and help at-risk minors become financially independent adults.

### **SB 718: Voluntary and Involuntary Mental Health Services**

**Author: Sen. Royce West**

Texas law is clear that the age of consent for inpatient mental health services for an individual is 16 years of age or older, but silent on the age of consent for outpatient mental health services. Because outpatient services can be used earlier in a mental health crisis, often avoiding the need for more costly and involved inpatient services, it should be made explicit in the Health and Safety Code that the age of consent is the same for both. Also, current law states that foster parents and Child Protective Services (CPS) staff cannot enroll a minor in inpatient mental health services without the minor's consent, but does not explicitly state what should be done when the minor refuses. The bill addresses the issue of voluntarily enrollment of minors in services by a parent, guardian, or conservator and matters relating to the age of consent for outpatient mental health services and inpatient services.



### **SB 747: Independent Ombudsman for State Supported Living Centers**

**Author: Sen. Jane Nelson**

Under current state law, the governor is required to appoint an independent ombudsman for state supported living centers. This legislation clarifies that the governor shall appoint the ombudsman for a term of two years, expiring February 1 of odd-numbered years.

### **SB 769: Pilot Program for Providing Specialized Training to Foster Parents**

**Author: Sen. Carlos Uresti**

Foster children often come from troubled homes where they may have been forced to endure traumatic experiences, often induced by the very people who should be caring for them. Some children experience more extreme levels of trauma, which can have negative effects that linger long after these children are removed from those troubling environments, and as a result, these children will often act out in foster care settings. The average foster family does not have the knowledge to address these behaviors.



SB 769 provides for a pilot program in Bexar County whereby foster families receive specialized training as part of wraparound services. The bill directs the Department of Family and Protective Services to collaborate with local government and local charities to provide this training at no cost to the state. These families have made the unselfish decision to foster these victimized children, and SB 769 seeks to provide them with the necessary tools and resources for a successful foster child placement to the benefit of all parties involved.

## **SB 886: Extended Foster Care for Certain Young Adults**

**Author: Sen. Carlos Uresti**

SB 886 addresses a recommendation by the Department of Family and Protective Services (DFPS) that clarifies provisions that allow Texas to receive federal reimbursement on behalf of young people between the ages of 18 and 21 who were permanently or temporarily placed under the care of DFPS and who elect to take advantage of extended foster care after turning 18 years of age.

The current system allows young people who are in either the permanent managing conservatorship or temporary managing conservatorship of DFPS to enter into extended foster care after they turn 18 years of age, but does not provide for the extended jurisdiction of the court necessary to qualify for federal reimbursement for youths who were only in the temporary managing conservatorship of DFPS when they turned 18 years of age. Amendments will make all youths who remain in extended foster care eligible for federal reimbursement. This bill also clarifies the status of trial independence, which is necessary for federal funding and is mandatory for a minimum of six months for all youths who exit extended foster care on or after turning 18 years of age. A youth may be in trial independence more than once if the youth exits care more than once. These clarifications also serve to ensure maximum federal reimbursement of the costs of youths who remain in extended foster care. SB 886 also adds a provision stating that a young person who has been appointed a guardian is not in extended foster care, and is therefore not required to have the mandatory extended jurisdiction of the family law court after the probate court appoints a guardian and has jurisdiction over the young adult ward.



## **SB 771: Training for Certain DFPS Employees**

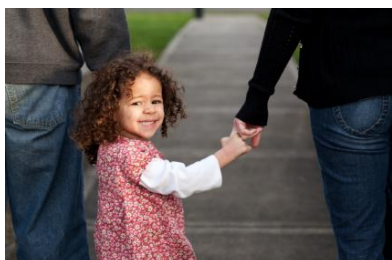
**Author: Sen. Carlos Uresti**

According to a Senate Health and Human Services Committee interim report, one of the ways that the child protective services division of the Department of Family and Protective Services (CPS) can reduce turnover is to train CPS supervisors prior to placement. While CPS currently has a required training for supervisors, individuals promoted to a supervisory position have up to 60 days after they assume the position to complete the training. This is a significant amount of time to have a supervisor with inadequate training leading a team of employees. A CPS supervisor is more effective if he or she is equipped to handle the responsibilities that come along with being a CPS supervisor. SB 771 requires any CPS employee who is hired for or promoted to a supervisory position to receive training before assuming the role of a supervisor. The desired outcome of the bill includes a lower turnover rate.

## **SB 1235: Guardianship Services by DADS**

**Author: Sen. Royce West**

Currently, the Department of Aging and Disability Services (DADS) has the authority under the Human Resources Code to obtain financial records of wards or proposed wards from financial institutions.



However, at times, DADS runs into difficulty gathering the records because they are not listed in the Finance Code exemptions alongside the Department of Family and Protective Services. This bill adds DADS to that list.

Currently, for persons alleged to have an intellectual disability, an application for guardianship requires a determination of mental retardation (DMR) from the preceding 24 months. In practice, courts

typically accept updates or endorsements to older DMRs if the update or endorsement took place in the previous 24 months. This bill codifies the practice.

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

All bills heard in committee May 7 were voted out, in addition to:

**SB 1803:** Relating to investigations of and payment holds relating to allegations of fraud or abuse and investigations of and hearings on overpayments and other amounts owed by providers in connection with the Medicaid program or other health and human services programs.

**Author: Sen. Joan Huffman**

**House Sponsor: Rep. Lois Kolkhorst**

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