



STRENGTHENING THE VOICES OF CASA STATEWIDE™

LEGISLATIVE OUTCOMES – 85TH SESSION

Texas CASA Legislative Priorities:

SB 78 by Senator Nelson & Sponsored by Representative Price

Allows CASA programs to be eligible recipients of refurbished, surplus state computers that can be distributed to foster youth.

HB 249 by Representative Hernandez & Sponsored by Senator Taylor*

Ensures that children in Texas receive the same high-quality abuse and neglect investigations by consolidating all child abuse and neglect investigations under Child Protective Services (CPS) and requiring the transfer of the regulatory functions of Child Care Licensing to the Health and Human Services Commission (HHSC). This was a high-priority item initiated by Texas CASA and our partners with the Texas Children's Advocacy Centers. **Some of this same language is included in HB 5 and SB 11.*

HB 1556 by Representative Mary Gonzalez & Sponsored by Senator Menendez

Authorizes foster parents to make decisions regarding their foster child's special education services as soon as the child is placed in their home, unless prohibited from doing so by the court.

HB 3561 by Representative Klick*

Requires judges, attorneys ad litem and guardians ad litem to assure that older foster youth have birth certificates, social security cards and other identification documents, as well as a state-issued driver's license or identification card; and creates a presumption of indigence for foster and homeless youth who are issued Class C misdemeanor citations. **Although this bill was killed by a procedural effort, major portions were amended onto other legislation, including SB 1758, SB 11 and SB 1913.*

Texas CASA Funding Priorities:

SB 1 by Senator Nelson & Sponsored by Representative Zerwas

- Funding for CASA programs under the Health and Human Services Commission (HHSC) was increased by \$250,000 per year, although this was less than the \$2 million increase requested.
- Funding for the innovative Collaborative Family Engagement (CFE) effort was sustained at \$321,800 annually under the Department of Family and Protective Services (DFPS), as requested.
- Language was added to SB 1 to allow unexpended funds from Fiscal Year 2018 to automatically carry forward into FY 2019, as requested.



Major CPS Reform Bills:

SB 11 by Senator Schwertner & Sponsored by Representative Frank

An omnibus child protection bill. Among its many provisions:

- Defines, expands and requires certain implementation plans for expansion of foster care redesign, which will now be called community-based care. Under SB 11, and based on the funding provided in SB 1, community-based care will be expanded into three additional catchment areas during the 2018-2019 biennium. It also includes the outsourcing of case management duties to the single source continuum contractor (SSCC) for these regions, which will result in state conservatorship workers being replaced by caseworkers employed by the SSCC.
- Improves data collection on maltreatment incidents, and establishes an Office of Data Analytics.
- Requires medical examinations of certain children who come into DFPS care within 3 days, as determined by caseworkers.
- Adds forced or coerced marriage to the definition of abuse, exploitation and neglect.
- Imposes a harder deadline for courts to conclude DFPS parental termination suits.
- Ensures that children in Texas receive the same high-quality abuse and neglect investigations by moving Child Care Licensing to the new regulatory division at HHSC, while keeping abuse and neglect investigations at CPS.

HB 4 by Representative Burkett & Sponsored by Senator Schwertner

Authorizes a payment structure to support kinship caregivers in Texas on a monthly basis for the first 18 months that a child is in their care. The measure calls for families to receive approximately \$350 per month per child, instead of what they currently receive—an initial payment of \$1,000, plus \$500 per year.

HB 5 by Representative Frank & Sponsored by Senator Schwertner

Makes DFPS a free-standing agency and moves it out from under the Health and Human Services Commission (HHSC) umbrella. Some administrative tasks will remain at HHSC, but the bill requires the DFPS Commissioner to report directly to the Governor and establishes an independent rule-making process for DFPS. Legislators argued this would allow DFPS to operate more nimbly and better focus its efforts on fixing long-standing problems at the agency. HB 5 also includes language to consolidate all abuse and neglect investigations at CPS – a top CASA priority.

HB 7 by Representative Wu & Sponsored by Senator Uresti

An omnibus bill related to the legal process and requirements in child protection cases, and provision of services and types of licensure by DFPS. Among its many provisions:

- Expands licensing categories for paid substitute care specifically to allow for more specialized care for human trafficking victims and for treatment foster care. It also allows providers to offer a continuum of foster care services.
- Requires notice of placement changes to health care providers.
- Changes the procedure for admitting and releasing children in state conservatorship to and from mental health facilities.



- Significantly expands the powers and duties of guardians ad litem – this change was a CASA initiative.
- Prevents certain grounds from being the basis for parental rights termination, including poverty, homeschooling, and declining immunizations, for reasons of conscience.
- Strengthens judicial review of possible relative or kinship placements for children in state care.
- Imposes a harder deadline for courts to conclude DFPS parental termination suits.

Other Bills Supported by Texas CASA:

SB 203 by Senator West & Sponsored by Representative S. Davis

Removes the Sunset Provision for DFPS to enter into permanency care assistance agreements, which allows DFPS to continue entering into these agreements indefinitely.

SB 1220 by Senator Miles & Sponsored by Representative Vo

Requires continuity of educational classes and programs for homeless students or students in substitute care who transfer schools. Also requires that DFPS collaborate with state and community resources to create a program that helps current and former foster youth obtain high school diplomas, industry/trade certifications and career counseling, and gives foster youth information regarding tuition and fee waivers that are available to them.

SB 1758 by Senator Zaffirini & Sponsored by Representative S. Thompson

Requires DFPS to work with outside stakeholders to develop a plan to standardize and improve the curriculum for the Preparation for Adult Living Program, and allows youth as young as 14 years of age to enroll in the program and receive relevant and age-appropriate information and training. Also includes Texas CASA's recommendation to require courts, attorneys ad litem and guardians ad litem to ensure that foster youth age 16 and over have a copy of their legal documents, including their social security card and birth certificate, and driver's license or state identification card.

SB 1806 by Senator Huffman & Sponsored by Representative Miller

Requires the use of a multidisciplinary team in all investigations of alleged child sexual abuse or other cases in the jurisdiction of children's advocacy centers. This includes investigations of child fatalities where there are surviving children in the household or facility. The bill states that forensic interviews should be required unless not appropriate based on the child's age or development.

HB 1549 by Representative Burkett & Sponsored by Senator Kolkhorst

This omnibus bill contains the Protect Our Kids Commission recommendations and many other provisions:

- Improves the CPS workforce through the implementation of retention and staffing strategies.
- Enhances strategies to prevent child abuse and related fatalities by improving data analysis of incidents of child abuse and related child fatalities and near-fatalities.
- Establishes a task force to make recommendations to the Department regarding prevention and early intervention services.
- Requires the Department to conduct a statewide foster care capacity needs plan.



HB 1608 by Representative Minjarez & Sponsored by Senator Uresti

Requires DFPS to establish a summer internship pilot program for current and former foster youth who are 15 years old or older to provide them with the opportunity to develop marketable job skills and obtain professional work experience with a business, nonprofit or government entity.

SB 1705 by Senator Taylor & Sponsored by Representative S. Thompson

Prevents children under the age of 18 from marrying unless they have been emancipated by a court.

SB 213 by Senator Uresti & Sponsored by Representative J. Rodriguez

Creates an independent ombudsman office for DFPS at HHSC to allow families and other parties to utilize the office to address complaints and problems with DFPS and its programs and services. Requires a specific division of the office to be designated only for children and youth in foster care.

Funding Increases for DFPS*:

SB 1 by Senator Nelson & Sponsored by Representative Zerwas

- SB 1 included a total of \$3.5 billion for the Department of Family and Protective Services. This is an increase of \$508.5 million from the current biennium.
- To lower the average caseload per CPS caseworker and improve CPS caseworker retention, the legislature appropriated \$292.8 million to maintain the 828.8 full-time-equivalent (FTE) positions and caseworker salary increases of \$12,000 per year that were provided in December 2017. The bill also appropriated an \$88 million increase to support an additional 597.9 caseworker positions by fiscal year 2019.
- There was an \$8.8 million increase to expand Prevention and Early Intervention (PEI) programs.
- SB 1 appropriated \$32.5 million to expand Relative Caregiver payments to support relative and kinship caregivers while children are in temporary managing conservatorship of the state as authorized in HB 4.
- SB 1 included an additional \$94.9 million to increase foster care payments and to expand Foster Care Redesign (now called community-based care) to three additional catchment areas by the end of fiscal year 2019.
- An increase of \$6.4 million was appropriated to continue Permanency Care Assistance payments and support to relative caregivers who become verified and permanent homes as authorized in SB 203.
- SB 1 included an increase of \$1.2 million in General Revenue Funds to the Preparation for Adult Living Purchased Services Program (PAL program) to expand the aid provided to foster care youth transitioning into independent living as authorized in SB 1758.
- An additional \$1.5 million was allocated to increase Statewide Intake staff positions in fiscal years 2018 and 2019.

*(Adapted from TexProtects)