



Legislative Recap: Child Protection and the 83rd Session

Partners in Child Protection Reform
June 25, 2013



Today's Speakers

Ashley R. Harris

Texans Care for Children



Diana Martinez and April Wilson

Tex Protects



Stephanie LeBleu

Texas CASA



Katherine Barillas

OneVoice Texas





2013 Legislative Priorities

Child Protection

Ashley R. Harris
Child Welfare Policy Associate

Improving Education Outcomes for Youth in Foster Care



SB 833 by Davis creates student demographic code (PEIMS code) for youth in foster care.

SB 832 by Davis requires TEA to compile list of those appointed in each school district to act as a liaison officer to assist with the enrollment and transfer of children in the conservatorship of the state and requires TEA to provide training.

Signed by Governor



Support Parental Involvement and Reunification



Bills Killed:

HB 165 by Flynn-Relating to suits affecting the parent-child relationship and placement decisions for children in foster care.

HB 2321 by Parker- Relating to standing for certain foster parents.

Both bills died in house Calendars committee

Youth Voice and Engagement



HB 843 by Lucio III ensures youth age 10 and older or as deemed capable by the court are entitled to not less than 10 days' notice of court hearings.

Signed by Governor

Rep. Lucio with former foster youth LaQuinton and Reyna

Check out our blog, ["Bill to Empower Foster Youth Passes the Lege"](#).



Savings Opportunities for Youth in Care



SB 1589 by Zaffirini- expands experiential training provided by caregivers to address financial literacy and promotes savings opportunities. **OneVoice Texas and Texans Care Priority**

Signed by Governor

Bills filed, but did not pass:

HB 445 by Dukes and SB 980 by Davis would have established a structure for an Individual Development Account (IDA) program for youth in foster care.

Died, left pending in calendars committee.



Behavioral Assessments in Child Welfare



HB 1143 By Strama would have required all children to receive a comprehensive, multi-disciplinary assessment within 45 days of entering foster care, including a trauma screening.

HB 1143 successfully passed the House chamber , but died in the Senate.





CHILD PROTECTION ROUNDTABLE 83RD LEGISLATIVE SESSION

Diana Martinez, J.D., Director of Public Policy & Education
April Wilson, PhD, Director of Research
TexProtects, The Texas Association for the Protection of Children

Child Protection Roundtable



Mission: The Child Protection Roundtable (RT) was created by TexProtects to bring together advocates and experts in the field of child protection in order to develop a consensus public policy agenda and to advocate for child protection with one voice.

The goal of the RT is to generate consensus public policy items and to promote and assist in the implementation of these items.

Membership: The Roundtable consists of over 40 organizations. Membership includes child protection / child abuse prevention researchers, public policy experts, advocates, funders and program providers.

Home Visiting Funding in the 83rd Legislative Session

Nurse-Family Partnership	\$17.75 million
Texas Home Visiting Program	\$7.9 million
SB 1836 – Voluntary Contributions (copies of birth certificates, marriage licenses, divorce decrees; initial applications of marriage licenses)	Estimated: \$2 million
PEI – Other At Risk Programs	Some funds could potentially go to HV programs

Child Abuse Prevention Legislation

Child Protection Act

SB 939 by West /Sponsor Parker

TexProtects

Effective 9/1/13

- For schools and charter schools requires training of all staff on preventing child abuse and neglect and recognizing and reporting suspected child abuse.
- Requires schools and charter schools to adopt and implement a reporting policies consistent with state mandatory reporting law.
- Requires institutions of higher education to adopt a policy governing the reporting of child abuse and neglect and provide professionals training on preventing, recognizing and reporting child abuse.
- Requires child care facilities to keep track of training of employees.

Child Abuse Prevention Legislation

Failure to Report Child Abuse

TexProtects

HB 1205 by Parker / Sponsor Carona

Effective 9/1/13

Allows a range of penalties for statutorily defined “professional reporters” who fail to report child abuse and are doing so with the intent to conceal the child abuse and neglect.

- The current penalty for failure to report is a Class A misdemeanor.
- This legislation allows a range up to a state jail felony.

Child Abuse Prevention Legislation

Home Visitation Accountability Act

SB 426 by Nelson / Sponsor Zerwas

TexProtects

Effective 9/1/13

- Ensures Home Visiting programs set clear standards, are accountable for their outcomes, and implemented with fidelity to the research model and evaluated for QI and QA.
- Creates a framework that ensures at least 75% of state revenues invested in Family Home Visiting are invested in evidence-based programs and allows up to 25% funds to be invested in “Promising Practices”.

Child Protective Services Legislation

Educational Success for Foster Children

TFFA

SB 1404 by Patrick & Uresti / Sponsor Parker Effective 6/14/13

Excused Absences

- Required court appearances are an excused absence.
- This legislation allows attendance at all court-ordered activities to be counted as an excused absence.

Prompting Secondary Education

- 11th and 12th graders must be provided info on dual credit courses that would trigger tuition and fee waivers.

Child Protective Services Legislation

Educational Success for Foster Children

Graduation - Greater flexibility to graduate

- No charge for summer school if required class needed for graduation
- Develop a Personal Graduation Plan
- Intensive Instruction for students not on track
- Develop procedures for awarding partial credit
- Allow student to graduate from a previous school, when unable to do so from the newly transferred school.

Child Protective Services Legislation

Access to CPS Records for Court Appointed Evaluators Aaron Robb

SB 330 by Huffman / Sponsor Thompson Effective 9/1/13

- Court appointed evaluators, whether handling contested child custody cases or private adoptions, have historically obtained access to CPS records via release of information forms.
- CPS records can be critical in providing a comprehensive assessment of the best interests of the child.
- Allows court-appointed evaluators access to CPS records in order to provide comprehensive assessments for children in custody cases.
- Confidentiality provision – penalty for disclosure.

Child Protective Services Legislation

Placement Stability and Permanency for Foster Youth TACPA
SB 534 (HB 3399 by Raymond / Sponsor Uresti) Effective 9/1/13

- ◎ A foster care provider must provide the reason why a placement change is requested and their recommendation of factors that would create a stable placement.
- ◎ A placement review report submitted to the court must describe changes in placement, state why a placement failed, and describe any barriers to placement.

Child Protective Services Legislation

Better Access to Protective Orders

SB 130 by Nelson / Sponsor Lewis

SB 434 Task Force

Effective 6/14/13

- Ensure that DAs and CAs assist victims with obtaining protective orders.
- Clarifies that a prosecuting attorney who represents a party in obtaining a protective order is not precluded from representing the Department of Family and Protective Services.

Child Protective Services Legislation

Monitoring of Psychotropic Medications

HB 915 by Kolkhorst/Gonzalez/Burkett

Texas CASA

Effective 9/1/13

- Defines ‘psychotropic medication’ in the Family Code.
- Add the following info to CPS’ summary of medical care provided to courts/parties:
(1) non-pharmacological interventions tried before the prescription of medication; (2) any plans for discontinuation; and (3) the child’s prognosis with and without the medication.

Child Protective Services Legislation

Monitoring of Psychotropic Medications

- Provide education and resources to transitioning foster youth to ensure the young adult's ability to manage psychoactive medication usage after exiting foster care.
- Ensure that bio parents get timely notice of the use of psychoactive medication to treat their children.
- Require in-person office visits with prescribing physician every 90 days to monitor side effects, whether the medication's goals are being met, and to review the continuing need for the medication.
- Ensure that children who are not under Star Health but are from other states and in DFPS custody and children that are covered by Medicare and Medicaid get the same protections against over medication as children enrolled in Star Health.

Child Protective Services Legislation

Taskforce on Recruitment & Retention of Caseworkers

SB 1788 by Uresti / Sponsor Zerwas

Failed to Pass

- Died on General State Calendar due to deadline.
- Task force would have been made up of external business consultants and others, who are innovators and HR specialists, to examine a performance-based compensation and recognition system .
- The task force would have been charged with examining hiring and management practices that reduce turnover and improve outcomes for children.

Child Protective Services Legislation

**Review of Dismissal Orders in CPS cases
SB 429 by Nelson / Sponsor Raymond**

**SB 434 Task Force
Failed to Pass**

- Voted by the Governor
- Would have required judges, before approving the dismissal of a CPS suit, to consider whether any preexisting child support, visitation, or other orders affecting the children would continue in effect after the dismissal and whether taking care of such orders would be in the best interest of the child.
- In essence ,a final order dismissing a CPS suit should include appropriate orders that are necessary and in the best interest of the children.

TexProtects, The Texas Association for the Protection of Children

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Texas CASA Priorities Achieved



HB 915

Kolkhorst, N. Gonzalez, Burkett, Naishtat, Dukes
Sponsor: Nelson

- Requires GALs and AALs to review medical care provided and, when developmentally appropriate, elicit the child's opinion on that care
- Requires AAL to advise a child 16 or older of their right to request to be his/her own medical consentor



HB 915

Kolkhorst, N. Gonzalez, Burkett, Naishtat, Dukes

Sponsor: Nelson

- Strengthens judicial review by requiring the court to:
 - Review medical care
 - Ensure the child has been provided opportunity to express their opinion of the care received
 - Determine whether a child receiving psychotropic meds has been:
 - **provided appropriate psychosocial therapies, behavior strategies, and other non-pharmacological interventions**
 - **Seen by the prescribing physician, PA, or APN at least once every 90 days**

HB 915

Kolkhorst, N. Gonzalez, Burkett, Naishtat, Dukes

Sponsor: Nelson

- Requires a youth's transition plan to include provisions to assist the youth in managing :
 - the use of medication
 - their long-term physical and mental health needs after leaving foster care, including :
 - Use of medication
 - Resources available to assist them in managing use of their medication and;
 - Informed consent and the provision of medical care

HB 915

Kolkhorst, N. Gonzalez, Burkett, Naishtat, Dukes

Sponsor: Nelson

- Requires medical consenters receive verbally or in writing information describing:
 - Specific condition to be treated
 - Beneficial effects on that condition expected from meds
 - Probable health and mental health consequences of not consenting to meds
 - Probable clinically significant side effects and risks associate with the meds
 - Generally accepted alternative medications and non-pharmacological interventions to the medication, if any, and;
 - Reasons for the proposed course of treatment



HB 915

Kolkhorst, N. Gonzalez, Burkett, Naishtat, Dukes

Sponsor: Nelson

- Defines psychotropic medication in Family Code
- Requires training for medical consenters to include:
 - Informed consent and administration of psychotropic medication
 - Appropriate use of psychosocial therapies, behavior strategies, and other non-pharmacological interventions to be considered before or concurrently with use of psychotropic meds



HB 915

Kolkhorst, N. Gonzalez, Burkett, Naishtat, Dukes

Sponsor: Nelson

- Requires biological parents be notified of:
 - Initial prescription of a psychotropic medication
 - Any changes in dosage of the psychotropic med
 - Notification must be given at the first scheduled meeting between parents and caseworker after the med was prescribed or changed



HB 2619

Naishtat

Sponsor: West/Zaffirini

- Requires GAL's and AAL's to determine whether the child's educational needs and goals have been identified and addressed
- Allows court to appoint a surrogate parent to ensure the educational rights of the child are protected
 - foster parent
 - relative or other designated caregiver or
 - CASA appointed as the GAL



HB 2619

Naishtat

Sponsor: West/Zaffirini

- Requires court to identify an education decision-maker at the permanency and placement hearings
- Requires court to review whether a child's educational needs and goals have been identified and addressed at permanency and placement hearings



HB 2619

Naishtat

Sponsor: West/Zaffirini

- Requires DFPS to develop an educational stability plan for children in foster care
- Requires child's educational passport be made available to any person authorized to make educational decisions for the child



HB 2619

Naishtat

Sponsor: West/Zaffirini

- Entitles a student in CPS custody and placed outside their home school's district to continue to attend their home school.
- Requires TEA to assist students in substitute care in transferring schools by:
 - Ensuring their school records are transferred not later than the 10th working day after the date the student begins enrollment at the school
 - Requiring notice be provided to the child's educational decision-maker and caseworker regarding events that may significantly impact the education of a child



HB 2619

Naishtat

Sponsor: West/Zaffirini

- Requires school districts to excuse student absences for a child in DFPS conservatorship for attending a mental health or therapy appointment or family visitation as ordered by the court

CASA Specific Priorities

- SB 425 by Nelson/Sponsors: Raymond, Farney, and Cortez
 - Requires CPS to consult with a child's CASA and AAL in placement decisions for a child unless emergency renders consultation impossible
- HB 1185 by S. Thompson/Longoria/Sponsor: Hancock
 - Allows CASA and AALs to retain records for children they represent for a reasonable time in case the child comes back into foster care at a later time
- HB 1227 by Dukes/Sponsors: Williams and West
 - Requires DFPS to give access to a child's electronic case file to that child's CASA

ONE VOICE TEXAS

Results of the 83rd Session Children & Youth Services Workgroup

Katherine Barillas, Ph.D.
Director of Child Welfare Policy

OVT Agenda:

Beginning of 83rd session

Bill	As Filed
SB 352/HB 1453 West/Gonzalez	<ul style="list-style-type: none">• Visits every 2-3 days for infants and toddlers• Initial within 72hrs; plan at 30 days• Court review
SB 717 West/Naishtat	<ul style="list-style-type: none">• Allows certain 16 & 17 year old youth who are homeless to consent to transitional housing
SB 502 West/Zerwas	<ul style="list-style-type: none">• Requires that kinship caregivers receive a pre-placement visit and permanency placement form
SB 534 West/Dukes	<ul style="list-style-type: none">• Requires additional permanency meeting at 9 months

OVT Agenda:

Beginning of 83rd session

Bill	As Filed
SB 1589 & HB 1643 Zaffirini & Uresti/Dukes & Fallon	<ul style="list-style-type: none">• Clarify financial literacy requirements• Require that caregivers assist youth in opening savings account, if available• Require that as youth age out they receive assistance in opening a checking and/or savings account – if they have source of \$
HB 838 – Zerwas & Deuell HB 1143 Strama	<ul style="list-style-type: none">• In-person visits every 90 days• Include ICPC & dual-eligible
HB 915 Kolkhorst et al./ Nelson et al.	<ul style="list-style-type: none">• In-person visits every 90 days• Include ICPC & dual-eligible

OVT Agenda:

Beginning of 83rd session

Bill	As Filed
HB 2400 - Turner et al./ West	<ul style="list-style-type: none">• State definition & study
HB 2240 - Turner	<ul style="list-style-type: none">• Option of FINS designation

Results of 83rd Session

Bill	What Does It Do Now?
SB 352 (replaced HB 1453)	<ul style="list-style-type: none">• Applies to all children in TMC• Initial w/in 72hrs; plan at 30 days• Temporary visitation schedule• Court review
SB 717	<ul style="list-style-type: none">• No change
SB 502	<ul style="list-style-type: none">• Requires visit and plan• Allows DFPS to provide \$1,000 per child versus for whole sibling group
SB 534 (+ HB 3399)	<ul style="list-style-type: none">• Requires that 5 month meeting focus specifically on options for permanency and strategic plan to get there• Requires more specific and timely discharge notice

Results of 83rd session

Bill	What Does It Do Now?
SB 1589 (replaced HB 1634)	<ul style="list-style-type: none">• No change
HB 915	<ul style="list-style-type: none">• No change to OVT agenda items
HB 838 & 1143	<ul style="list-style-type: none">• OVT agenda items merged into 915
HB 2240	<ul style="list-style-type: none">• Died w/o a hearing
HB 2400	<ul style="list-style-type: none">• Died in Senate committee

CAP Prevention in the Budget

- Overall saw an increase above what was requested & what is in the 2012-2013 budget.
 - STAR (10%) & CYD (17%) saw additional funds over the current biennium's budget, but less than requested.
 - 2014-2015 appropriation for Texas Families decrease from what was requested and flat from this biennium's budget.
 - At-Risk Program Support=decrease from what was requested but 32% increase from 2012-2013 budget
 - Other At-Risk Services = \$4.5m (\$3+ on plan)
 - Increase in what was requested & budgeted.
- Context
 - PEI was cut overall by 30%last session; Other At-Risk cut 74%
 - Thankful for increase, but we need to continue to build not replace!

Next Steps

- HB 915 implementation workgroup
- Visitation workgroup for implementation & next steps

What else
happened
this legislative
session?



Budget



- Increase of 900 FTEs to reduce caseloads for direct service workers.
- Rate increases for foster care providers.
- Statewide intake received additional funding to maintain hold times.
- Restored state matching funds for purchased adoptions, post-adoption services, & PAL services.

Caregivers- Foster and Relative



SB 430 by Nelson-Verification of the unavailability of community day care before the DFPS provides day-care assistance or services. *Rider in Budget.*

SB 769 by Uresti- Establishes pilot program to provide specialized training to foster parents of certain children.

Judicial Aspects of CPS cases

SB 1759 by Uresti- Requires additional education and training for attorneys appointed to parents.



Transitioning Youth



HB 2111 by Strama- Relating to the transitional living services program for certain youth in foster care. ***TEXANS CARE PRIORITY BILL***

SB 109 by West-Relating to the state low income housing plan and report developed by the Texas Department of Housing and Community Affairs.

Human Trafficking



HB 1272 by Thompson- Training for CPS staff in identifying victims of human trafficking and youth in DFPS custody who may be at risk of human trafficking.

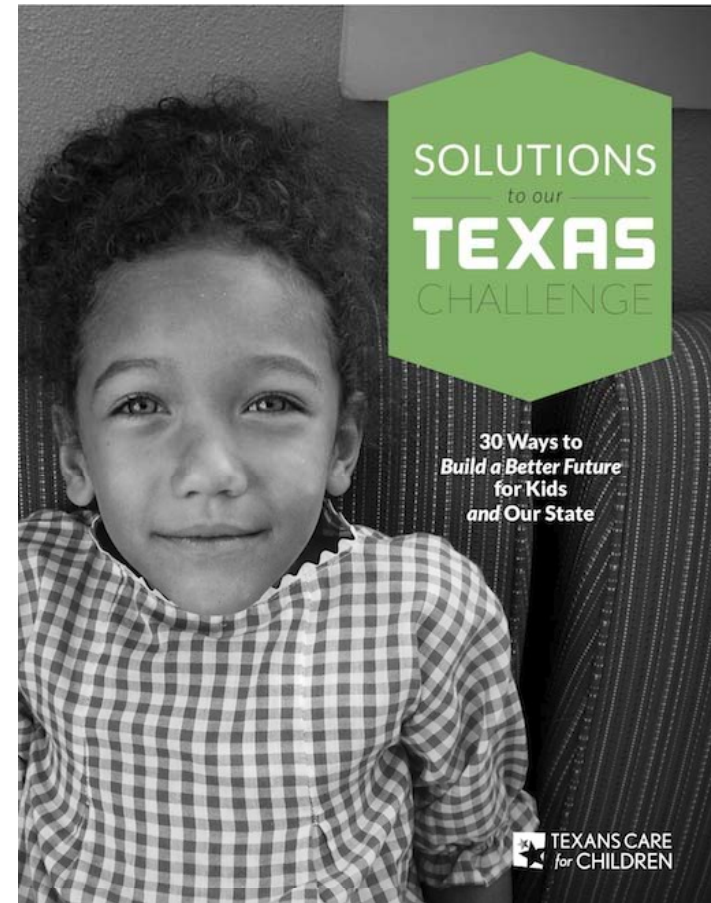
SB 1356 by Van de Putte- Requires trauma informed care training to staff in juvenile justice facilities and training on human trafficking.

HB 2725 by Thompson- Defines and creates standards for shelters that serve victims of human trafficking.

Check out our legislative
recap!

Coming soon—Thursday,
June 27th 2013

<http://txchildren.org/legislative/recaps>



THANK YOU



Join us tomorrow for an
online chat with our
experts. *Receive exclusive
resources only available
tomorrow.*

Wednesday, June 26th
10-11:30 am

Visit the link below to sign in:

[https://texanscareforchildren.campfirenow.
com/4ba49](https://texanscareforchildren.campfirenow.com/4ba49)

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