

## **BILL ANALYSIS**

C.S.S.B. 206  
By: Schwertner  
Human Services  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The Department of Family and Protective Services' (DFPS) primary function is to protect children and vulnerable adults by investigating allegations of abuse and neglect perpetrated by a caregiver. The agency provides services to families and individuals to prevent future harm, and places abused or neglected children with relatives or in foster care when they cannot remain safely in their homes. DFPS also regulates child care centers and 24-hour residential child care facilities to ensure minimum standards of health and safety for children. DFPS is subject to abolishment on September 1, 2015, unless continued by the Legislature. C.S.S.B. 206 contains the Sunset Commission's recommendations improving planning for child protective services and foster care redesign and changing regulatory aspects of child care licensing.

During the Sunset review process, the Sunset Commission directed DFPS to propose statutory changes needed to implement the goals of CPS Transformation, an ongoing effort to improve the management and processes of the agency's Child Protective Services program using recommendations from a privately contracted operational assessment and from the Sunset Commission. C.S.S.B. 206 addresses key goals of CPS Transformation to allow caseworkers to spend more time with children and families and improve the safety, permanency, and well-being of children in CPS cases. Specifically, the bill contains provisions to reduce unnecessary administrative tasks and paperwork, reduce workload where possible, and provide DFPS with the flexibility to make its processes more efficient and adapt to changing best practices.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTIONS 3, 29, 48, 70, 78, 79, 80, and 81 of this bill.

### **ANALYSIS**

S.B. 219, Acts of the 84<sup>th</sup> Legislature, Regular Session, 2015, was signed by the Governor on April 2, 2015, giving effect to the bill on that date. C.S.S.B. 206 makes technical and conforming changes to align with the changes in law enacted by S.B. 219.

***Provides DFPS with additional flexibility to reduce workload and make various processes more efficient***

C.S.S.B. 206 changes the time requirement for the Department of Family and Protective Services (DFPS) to ensure a parent who is otherwise entitled to possession of a child has an opportunity to

visit the child not later than the fifth day, instead of the third day, after the date DFPS is named temporary managing conservator of the child.

C.S.S.B. 206 changes statutes relating to the health, social, educational, and genetic history (HSEGH) report governing preparation, access, and content, and makes conforming changes to reflect the new organization of these statutes. The bill authorizes DFPS to modify the form and contents of the HSEGH report, in accordance with department rule, for a child as DFPS determines appropriate based on the relationship between the prospective adoptive parents and the child or the child's birth family; and the provision of the child's case record to the prospective adoptive parents, or any other factor specified by DFPS rule. The bill specifies that unless otherwise provided, prospective adoptive parents of a child are entitled to examine the records and other information relating to the history of the child. If the prospective adoptive parents have reviewed the child's HSEGH report and indicated they want to proceed with the adoption, DFPS may allow the prospective adoptive parents examine the records and other information related to the child's history, unless they request the child's case record. The bill requires DFPS to provide the child's case record to the prospective adoptive parents upon request of the prospective adoptive parents.

C.S.S.B. 206 provides a good-cause exception for DFPS to extend the required 45-day deadline for completing an administrative review of the findings of a child abuse or neglect investigation of a person alleged to have abused or neglected a child. The bill removes the previous exception for extending the deadline because of a court proceeding or ongoing criminal investigation and instead specifies that such a proceeding or criminal investigation relating to the alleged abuse or neglect being investigated would allow DFPS to postpone the review until the proceeding is completed.

C.S.S.B. 206 eliminates specified casework documentation and management requirements set out in statute, while retaining the requirement that DFPS identify critical investigation actions affecting child safety and requires caseworkers to document those actions in a child's case file not later than the day after the action occurs.

C.S.S.B. 206 limits DFPS' duty to provide a school investigation report to various entities specified in statute only upon request. The bill maintains current law requiring DFPS to provide these reports to the Texas Education Agency.

C.S.S.B. 206 repeals law detailing statistics of child abuse and neglect and adoption and substitute information and instead incorporates portions of these laws as required reporting by DFPS. The bill requires DFPS to prepare and disseminate a report of statistics by county relating to key performance measures and data elements for child protection. The bill requires DFPS provide the report to the legislature and make the report available to the public electronically by February 1 of each year and lays out the required contents of the report by categories of information for the preceding year. The bill requires DFPS to seek public input for the initial report no later than January 1, 2016, and by September 1 every year thereafter regarding the usefulness of and any proposed modifications to existing reporting requirements and proposed additional reporting requirements. The bill requires DFPS to evaluate the input provided and seek to facilitate reporting to the maximum extent feasible within existing resources and in a manner that is most likely to assist public understanding of DFPS functions. The bill also requires annual reporting of information on the number of children who died in the previous year whom DFPS determined had been abused or neglected but whose death was not determined to be the result of abuse or neglect, and authorizes DFPS to publish this information in the same report described above, or in another annual report published by DFPS.

C.S.S.B. 206 adds language for DFPS to use an application or assessment developed with interested parties for placement of children in contracted residential care. The bill requires DFPS to develop this application or assessment no later than December 1, 2016, subject to the appropriation of funds, and requiring DFPS to use the Health and Human Services Commission's

(HHSC's) standard application until such time. This requirement expires September 1, 2017. The bill also removes detail regarding the assessment of children for any developmental or intellectual disability as soon as possible after a child comes into foster care by eliminating a requirement that the HHSC establish procedures for DFPS to use in making an assessment and removing specific detail regarding who may provide or participate in the screening.

C.S.S.B. 206 amends statute to require DFPS to provide both a copy and a certified copy of a youth's personal documents on or before the youth turns 16, whereas current law requires a certified copy only. The bill adds a requirement that DFPS provide a copy, certified copy or the original of the documents, as applicable. The bill consolidates two sections of statute that deal with the provision of youth records by DFPS to youth in foster care, and amends statute to require DFPS to provide certain documents if a youth does not already have these documents on discharge from foster care.

C.S.S.B. 206 changes the purposes for which DFPS may obtain criminal history record information as it relates to a person for whom DFPS determines the information is needed to ensure the safety or welfare of a child, elderly person, or person with a disability. The bill eliminates a specific list of parties for whom DFPS is authorized to obtain criminal history information. The bill specifies that DFPS may release criminal history information to a person or business entity who uses volunteer services of a person or employs a person who is the subject of the criminal history record if the release is related to the purposes for which DFPS obtained the record.

C.S.S.B. 206 changes DFPS' current requirement to establish multidisciplinary teams to provide services relating to a report of child abuse or neglect to apply in a jurisdiction for which a children's advocacy center has not been established under existing law. The bill also repeals statute regarding the involvement of a multidisciplinary team in developing procedures for coordinating the department's child abuse or neglect services with those of other public and private agencies.

The bill specifies that an existing prohibition on the use of state funds without specific appropriation applies to provisions of the Family Code relating to protection of a child in parent-child relationships, not just provisions relating to child welfare services, as provided by current law.

C.S.S.B. 206 adds language to provide that a permanency planning meeting for each child in DFPS temporary managing conservatorship be held in accordance with a schedule adopted by the executive commissioner of the HHSC in rule that is designed to allow the child to exit DFPS conservatorship safely and as soon as possible and be placed with an appropriate adult caregiver who will assume legal responsibility for the child. The bill adds a requirement for DFPS to use the family group decision-making process in such meetings whenever possible, and removes certain parameters governing the timing of these meetings currently in law. The bill removes existing timeframes for conducting permanency planning meetings and repeals language regarding multidisciplinary permanency planning meetings.

C.S.S.B. 206 adds language specifying that an interview with a child in which allegations of the current investigation are discussed must be audiotaped or videotaped unless one of a list of circumstances exists.

C.S.S.B. 206 also repeals the following provisions from current law.

- DFPS' duty to notify and provide a copy of an information request related to a child death caused by abuse or neglect to the attorney ad litem for the deceased child.
- The requirement for DFPS to request that a family assist in completing paperwork in a priority case.
- Requirements regarding the payment of burial expenses for a child who dies in foster care.

- The requirement regarding DFPS' placement decisions for children less than two years of age.
- The requirement for DFPS to develop and implement a statewide outreach program to inform counties about federal funding.

***Modifies various notice requirements***

C.S.S.B. 206 sets out requirements regarding notification by DFPS to various parties involved in conservatorship cases. The bill sets out definitions related to these notifications and specifies that these notification requirements are in addition to other notice requirements provided by current law, as specified in the bill. The bill repeals certain existing requirements mandating notifications to a child's attorney ad litem, a residential child-care facility and any child-placing agency regarding a placement change, and parents regarding certain medical conditions. The bill requires DFPS to provide notice in a manner that would provide actual notice to a person entitled to the notice, including the use of electronic notice whenever possible. The bill requires DFPS to make reasonable efforts to notify a parent of a child in DFPS managing conservatorship within 24 hours regarding certain significant events set out in the bill. The bill requires DFPS to provide notice to certain parties listed in the bill within 48 hours of a change in residential child-care facility for such a child. The bill requires DFPS to provide notice of a significant event affecting a child in conservatorship to parties listed in the bill as soon as possible but not later than the 10<sup>th</sup> day after the date DFPS becomes aware of the event. The bill also provides that for purposes of notification of significant events, if a hearing for the child is conducted during the 10-day notice period, DFPS is required to provide notice of the event at the hearing. The bill sets out conditions under which DFPS is not required to provide notice to a parent of a child in DFPS conservatorship. The bill provides that DFPS is not required to provide notice of a significant event to parties specified in the bill if that agency or individual is required under contract or other agreement to provide notice of the event to DFPS. The bill requires a person entitled to notice from DFPS to provide current contact information, and requires the person to update the contact information as soon as possible after a change. The bill provides that DFPS is not required to provide notice to a person who fails to provide contact information, and allows DFPS to rely on the most recently provided contact information for providing notice. The bill requires a residential child-care facility contracting with DFPS for 24-hour care to notify DFPS, in the time provided by the contract, of a significant event for a child in DFPS conservatorship and residing in that facility. The bill also requires the executive commissioner of HHSC to adopt rules necessary to implement the notification requirements using a negotiated rulemaking process. The bill also requires the Texas Juvenile Justice Department to provide notice to DFPS and other specified parties of a change in a child's medical condition under these notification requirements.

C.S.S.B. 206 makes changes to provide for notice of hearing instead of notice of permanency hearing in law relating to placement of children under DFPS' care. The bill adds the designee of a director of a group home or general residential operation where the child resides to those entitled to notice of hearing. The bill also adds a child's guardian ad litem to the list of those who must be notified of a hearing, unless the appointment was dismissed in the final order. For attorneys ad litem and volunteer advocates already entitled to notice of a hearing, the bill specifies that notice is required if their appointments were not dismissed in the final order. The bill sets out various methods by which the required notice of hearing can be given, rather than the current requirement that all notice be given as provided in Rule 21a, Texas Rules of Civil Procedure. The bill adds language requiring the licensed administrator of a child placing agency or that person's designee be provided at least 10 days' notice of a permanency hearing following a final order, and language requiring the court review DFPS or other agency's efforts at attempting to locate all necessary persons and requesting service of citation and assistance of a parent in providing information to locate an absent parent. The bill repeals provisions related to notice of placement review hearings and contains conforming changes to reflect the redesignation of these notice requirement statutes.

C.S.S.B. 206 provides that instead of a report, DFPS is to provide the court name and contact information for specified persons who can make educational decisions for a child in substitute care, and provide a copy of this information to the school the child attends. The bill eliminates a requirement that DFPS provide a copy of this report or information within five days of the adversary hearing to each person entitled to notice of a permanency hearing under other law, and eliminates a requirement for DFPS to file an updated report with the court if another person is designated to be the education decision maker or person assigned to serve as the child's surrogate parent. Instead, the bill requires DFPS to include the updated information in a permanency progress report. The bill also requires the updated information to be provided to the school the child attends within the existing timeframes, instead of filing the report.

C.S.S.B. 206 provides that when DFPS takes possession of a child, it must provide prescribed information to adult relatives of a child's alleged father if DFPS has a reasonable basis to believe the alleged father is the child's biological father, whereas current law requires such information to adult relatives of an alleged father DFPS determines is most likely to be the child's biological father.

***Eliminates or modifies statute prescribing specific IT projects, organizational structure, and staffing requirements***

C.S.S.B. 206 repeals a provision requiring DFPS to create a division for locating parents and relatives, and repeals a mandate regarding DFPS' strategic use of technology. The bill also repeals language requiring the executive commissioner to establish an investigations division and other requirements associated with this division. The bill repeals requirements for DFPS employ or contract with medical and law enforcement professionals and subject matter experts, and that DFPS designate liaisons within the agency to develop relationships with local law enforcement agencies and courts. The bill repeals a requirement that DFPS separate performance of investigations from service delivery.

C.S.S.B. 206 repeals a requirement that DFPS use special assessment tools in screening applicants for employment with CPS and that DFPS give preference to individuals with certain degrees. The bill repeals certain required training and curriculum for CPS caseworkers, and repeals a required affidavit for applicants for temporary or permanent employment with DFPS whose job involves direct interactions, or the possibility of direct interactions, with children. The bill repeals requirements for specific content of training curriculum for CPS investigative staff.

C.S.S.B. 206 changes current law so that each newly hired or promoted manager in CPS must complete required training as soon as is practicable, but not later than the 60th day after the date the employee is hired or promoted to the management position. Current law requires this training to be complete before the employee begins serving in the management position. The bill also repeals language specifying the types of skills and tasks the management training must address, and allowing DFPS to waive the requirement for employees who have completed similar management training offered by DFPS.

C.S.S.B. 206 eliminates a requirement for DFPS to produce a separate staffing and workload distribution plan, instead requiring DFPS to consider the goals set out for the staffing and workload distribution plan in developing the annual business plan for CPS added by this bill. The bill repeals other related requirements in developing and implementing the staffing and workload distribution plan, and repeals language specifying these requirements do not prevent DFPS from contracting for special investigator services. The bill also repeals the requirement that DFPS develop a program to provide for the timely replacement of caseworkers with trainees hired in anticipation of vacancies, considering the turnover rate for caseworkers by region.

***Modifies certain court procedures***

C.S.S.B. 206 adds language to current law regarding the location of suits in which adoption is requested specifying that it is regardless of whether another court has continuing exclusive jurisdiction under other state law providing for such continuing exclusive jurisdiction and makes a conforming change to that law. The bill provides that a court that has continuing exclusive jurisdiction is not required to transfer the suit affecting the parent-child relationship to the court in which an adoption suit is filed.

C.S.S.B. 206 also adds language to statute regarding dismissal of suits regarding terminating a parent-child relationship or naming DFPS conservator of the child to specify that a trial court must retain the suit on its docket if the court grants a motion for new trial or mistrial or if the case is remanded following an appeal and render an order. The bill also sets out the actions the court must take in rendering an order. The bill also makes conforming changes regarding extensions and dismissal dates.

***Modifies statutes regarding permanency hearings and permanency progress reports before and after the final order***

C.S.S.B. 206 repeals provisions in law setting out the court's required duties in permanency hearings and in reviewing the service plan, permanency report, and other information submitted at the hearing and adds language setting out the court's duties regarding permanency hearings before a final order is rendered.

C.S.S.B. 206 repeals provisions in law setting the court's required duties as part of placement review hearings and reports. The bill changes terminology in law for "placement review hearings" to "permanency hearings following final order," and makes conforming changes to reflect changes in terminology and agency references. The bill adds language setting out the court's duties regarding permanency hearings following final order. The bill also changes the circumstances in which these hearings are no longer required relating to whether DFPS is the child's managing conservator. The bill removes language duplicative of other statute regarding the child's attendance at these hearings.

C.S.S.B. 206 specifies permanency progress reports in relation to permanency hearings before a final order is rendered and not permanency hearings other than the first. The bill revises required contents of permanency progress reports before the final order by setting out the information the report must contain and removing existing statutory requirements regarding these reports

C.S.S.B. 206 provides for permanency progress reports in relation to permanency hearings after a final order is rendered and makes a conforming change to reflect new hearing provisions. The bill sets out the required contents of permanency progress reports after the final order. The bill also authorizes a court to order a different report deadline or waive the reporting requirement for a specific hearing if good cause is shown.

***Makes several changes related to safety, permanency, and well-being of children involved in CPS cases, including children in DFPS conservatorship***

C.S.S.B. 206 specifies that a student enrolled in public school before entering DFPS conservatorship and placed in a residence outside the school's attendance area may continue to attend the school regardless of whether the student remains in conservatorship. The bill provides that a student in conservatorship who is enrolled in a school other than the school when the student was placed in conservatorship is entitled to remain at the school to completion without paying tuition, even if the child is placed outside the school's attendance area. The student may continue to attend the school regardless of whether the student remains in conservatorship.

C.S.S.B. 206 extends eligibility for an exemption from payment of higher education tuition and fees to youth who exit the conservatorship of DFPS and are returned to a parent, including a parent whose parental rights were previously terminated if the child is eligible, and requires the

Executive Commissioner by rule to develop factors for determining eligibility in consultation with DFPS and the Texas Higher Education Coordinating Board.

The bill expands the purposes for which a school district is required to excuse a student from attending school to include an activity required under a child's service plan, as determined and documented by DFPS, if the child is in DFPS conservatorship. Current law requires an absence be excused only if services are court ordered. The bill also reconciles different versions of this statute regarding requirements for school districts to excuse students from attending school.

C.S.S.B. 206 requires juvenile probation officers to disclose to DFPS, upon request, the terms of probation of a child in DFPS conservatorship. The bill provides that if this section of law conflicts with other law applicable to confidential information held by a governmental agency, this section controls. The bill specifies that the provision does not affect the confidential status of information being shared, providing that the information may be released to a third party only as directed by a court order or otherwise authorized by law and that personally identifiable information disclosed to DFPS is not subject to disclosure to a third party under the Public Information Act. The bill requires DFPS to enter into a memorandum of understanding with the Texas Juvenile Justice Department to adopt procedures for handling these information requests.

C.S.S.B. 206 amends current law allowing the testimony of a professional to be taken outside the courtroom by videoconference to specify that it be on the court's own motion if good cause exists.

C.S.S.B. 206 requires DFPS to complete a background a criminal history check and a preliminary evaluation of a relative or other designated caregiver's home before placing a child with the caregiver. The bill requires DFPS to begin the home study of a relative or other designated caregiver not later than 48 hours after placing a child. The bill requires the home study be completed as soon as possible, unless otherwise ordered by a court. The bill also changes terminology from "designated individual" to "designated caregiver."

C.S.S.B. 206 specifies that provisions in law regarding prerecorded statements, videotaped testimony, remote televised broadcasts, substitutions for in-court testimony, and hearsay statements involving a child or child abuse victim do not apply to testimony given in a hearing regarding placing children under DFPS' care if the testimony is not used as evidence. The bill also provides that a child must be allowed to attend or participate in a hearing regarding such placement in which the child is the subject of the hearing.

C.S.S.B. 206 requires DFPS complete a home study before the date an applicant is approved for an adoption, instead of the current requirement for DFPS to have policies to improve services, including policies for conducting the home study within four months after the date the applicant is approved and documenting the results of the home study within 30 days after completion of the study. The bill also repeals a mandate that DFPS adopt policies designed to increase accountability for services provided by DFPS and to assure consistency of services in different regions of the state.

C.S.S.B. 206 provides that among the factors the court shall consider in determining whether DFPS should be appointed as managing conservator without terminating parental rights is if a child has continuously expressed a strong desire against being adopted. The bill eliminates current law requiring the courts to consider whether a child has special medical or behavioral needs that make adoption of the child unlikely.

***Reduces duplication of state and federal law, and conforms certain state laws with federal law***

C.S.S.B. 206 adds language to the grounds for termination of parental rights for being criminally responsible for death or serious injury to a child by specifying that these grounds may include not only the Texas Penal Code offenses set out in current law, but also an offense with

substantially similar elements under the law of another jurisdiction. The bill also adds language to specify that if another child of a parent is the victim of serious bodily injury or sexual assault inflicted by the parent or with the parent's consent, it would indicate aggravated circumstances under which the court may waive the requirements for a service plan and to make reasonable efforts to return a child to the parent. The bill also adds to the list of aggravated circumstances that the parent is required to register with a sex offender registry. The bill repeals the definition for "family preservation."

C.S.S.B. 206 requires DFPS or licensed child-placing agencies making adoptive or foster placements to comply with the federal Multiethnic Placement Act of 1994. The bill repeals existing state statutes regarding the use of race or ethnicity in making adoptive or foster placement decisions.

The bill repeals a requirement for DFPS to provide each child in foster care age 16 and above a free copy of their credit report each year and information regarding interpreting and procedure for correcting any inaccuracies in the report.

#### ***Modifies informal reviews in CPS investigations***

C.S.S.B. 206 requires that the division responsible for investigating complaints at DFPS conduct informal reviews to clarify a person's status in an investigation for allegedly abusing or neglecting a child or to resolve a complaint regarding a CPS investigation. The bill removes the requirement in current law that this review be conducted by the immediate supervisor of the employee who conducted the child abuse or neglect investigation or against whom the complaint is filed.

#### ***Eliminates or updates archaic or unnecessary language***

C.S.S.B. 206 repeals statutes for an adoption assistance program, and dissemination of information and medical assistance relating to adoption and adds language to existing law requiring DFPS to administer a program to provide adoption assistance for eligible children. The bill also specifies that the \$150 subsidy for health benefit premiums is subject to available funds and expands the conditions in law in which DFPS is not required to provide adoption assistance benefits, unless funds are specifically appropriated for those purposes. The bill requires DFPS to keep records to evaluate the effectiveness of the adoption assistance program in encouraging and promoting adoption. The bill also changes terminology by specifying that "prospective foster or adoptive parents," instead of simply a person with whom the child is placed, must sign a statement agreeing to immediate removal of a child on department determination. The bill repeals a requirement that DFPS establish a registry of persons willing to accept foster care placement of a child in DFPS conservatorship, and other language defining the way this registry works.

C.S.S.B. 206 changes terminology in DFPS' authority to pay for foster care to refer to a child in a residential child-care facility, instead of an institution, or in a comparable residential facility in another state. The bill also revises language in law to specify that DFPS may pay these costs if it has initiated suit and been named the child's conservator or has the duty of care, custody and control after an emergency removal without a prior court order.

C.S.S.B. 206 specifies that a service plan for when DFPS or other agency is appointed managing conservator of a child must specify the primary permanency goal and at least one alternative permanency goal and removes language specifying possible permanency goals. The bill also repeals language that authorizes DFPS in preparing the service plan to provide for the care of the child in the home of either parent or the homes of both parents as the best interest of the child requires, if both parents are available but do not live in the same household and do not agree to cooperate with one another in the development of a service plan for the child. The bill also repeals language relating to service plans for a child under two years of age, to require

therapeutic visits between the child and the child's parents supervised by a licensed psychologist or another relevant professional to promote family reunification and to educate the parents about issues relating to the removal of the child.

C.S.S.B. 206 provides that if DFPS has authority to consent for medical treatment, it may consent to health care services regardless of whether they are funded by Medicaid or not.

C.S.S.B. 206 repeals various statutory provisions, as listed below:

- The requirement for DFPS to submit investigative reports to the court, district attorney and appropriate law enforcement agency if sufficient grounds exist for filing suit and authorizing court to direct DFPS to file a petition and the court, on receipt of the report, to direct the filing of a petition requesting relief.
- The process by which DFPS may commence a civil action to determine that a child is at-risk and other provisions associated with such a determination, court order for services upon such a finding, and sanctions for violations of such a court order. The bill also makes conforming changes in other laws reflecting the repeal of this provision for court order for services for youth found at-risk.
- The process by which law enforcement or a juvenile probation officer may take possession of a child and release to a child-placing agency, DFPS, or other authorized person and duties of the child-placing agency or authorized person who takes possession of a child.
- The requirement that if DFPS files a suit affecting the parent-child relationship seeking termination of the parent-child relationship, it must do so not later than the 45th day after taking custody of the child.
- General duties of DFPS.
- Requirements for DFPS to follow in placing children in contract residential care.
- Requirements for DFPS to use funds under the Social Security Act for the Relative and Other Designated Caregiver Placement Program.
- General DFPS' duties relating to the delivery of services.

#### ***Modifies statutory organization and definitions***

C.S.S.B. 206 consolidates certain statutes governing DFPS' prevention and early intervention programs by merging certain sections from the Human Resources Code and parts of the Family Code into the chapter of the Family Code for prevention and early intervention. The bill repeals separate authority for DFPS to administer a statewide education program designed to prevent infant mortality.

C.S.S.B. 206 moves provisions of the Human Resources Code relating to protective orders sought by DFPS into the agency's general statute in the Human Resources Code regarding child welfare and protective services.

C.S.S.B. 206 repeals definitions found in various parts of DFPS' statutes for "foster child" and "foster care" and instead creates single definitions for each term to apply to Family Code provisions related to parent-child relationships.

#### ***Requires CPS business plan***

C.S.S.B. 206 requires DFPS to develop and implement an annual business plan for CPS to prioritize the agency's activities and resources to improve CPS. The bill requires DFPS to coordinate with regional staff in developing the annual business plan. The bill specifies a list of elements that must be included in the plan. The bill requires DFPS to submit the annual business plan by October 1 of each year to the Governor, Lieutenant Governor, Speaker of the House, and Chairs of the standing Committees of the Senate and House having primary jurisdiction over child protection issues.

### ***Requires prevention and early intervention strategic plan***

C.S.S.B. 206 requires DFPS to develop and implement a 5-year strategic plan for prevention and early intervention services and specifies requirements for what the plan must do. The bill requires that by September 1 of the last fiscal year in the 5-year period, DFPS must issue a new strategic plan for the next five fiscal years. The bill requires DFPS to coordinate with interested parties and communities in developing the strategic plan, and requires DFPS annually to update the strategic plan. Finally, the bill requires DFPS to post the strategic plan and any updates to the plan on its website. The bill requires DFPS to adopt its first strategic plan by September 1, 2016.

### ***Requires long-range foster care redesign implementation plan***

C.S.S.B. 206 requires DFPS to develop and maintain an implementation plan for foster care redesign, established by the Legislature in 2011. The bill sets out the required elements of the plan, and requires DFPS annually to update the implementation plan and post it on the DFPS website, and to post on its website the progress it has made toward its goals for implementing foster care redesign.

### ***Child care licensing enforcement***

C.S.S.B. 206 requires the executive commissioner of HHSC by rule to adopt a general enforcement policy that describes DFPS' approach to enforcement of child care licensing laws. The bill specifies the required contents of the policy. The bill also requires that, as part of the enforcement policy, DFPS develop and implement a methodology for determining the appropriate disciplinary action to take against a person who violates child care licensing law or agency rule. The bill further specifies the required contents of the methodology. The bill requires DFPS make this methodology available to the public, including posting it on the agency's website.

C.S.S.B. 206 authorizes DFPS to impose an administrative penalty without first imposing a nonmonetary administrative sanction for violating a high-risk child care licensing minimum standard, as defined by DFPS. The bill removes current law which allows DFPS to impose these penalties only for violations related to various background check standards listed in statute. The bill specifies that this provision applies only to a violation occurring on or after the effective date of the act.

C.S.S.B. 206 authorizes DFPS, after notice and opportunity for a hearing, to issue a cease-and-desist order to a person who is not licensed, certified, registered, or listed and who is operating a child care facility or family home to prohibit the person from operating the facility or home after notice and opportunity for a hearing. The bill authorizes DFPS to impose an administrative penalty for violation of a cease-and-desist order.

### ***Child care regulatory fees and renewal process***

C.S.S.B. 206 removes child care regulatory fee amounts from statute, and instead requires the executive commissioner of HHSC to set fees in rule. The bill also requires DFPS to implement a renewal process for child care licenses, certifications, and registrations and adds language regarding licenses, certifications, and registrations expiring. The bill specifies that a listing remains valid until revoked or surrendered. The bill also requires the executive commissioner to adopt rules governing the renewal process for licenses, certifications, and registrations, and sets out what the rules must include. New provisions related to renewals take effect on September 1, 2016.

### ***Advisory committees***

C.S.S.B. 206 requires the HHSC executive commissioner to adopt rules, in compliance with law

governing state agency advisory committees, regarding the purpose, structure, and use of advisory committees by DFPS. The bill sets out the provisions the rules may include. The bill also repeals statutes for two DFPS advisory committees from statute, the Parental Advisory Committee and the Advisory Committee on Promoting the Adoption of Minority Children.

### ***Continuation of DFPS***

C.S.S.B. 206 continues DFPS for 12 years, until September 1, 2027. The bill provides that the DFPS continuation to 2027 is only effective if other legislation providing for the continuation of DFPS is not enacted or does not become law.

### ***General Provision***

C.S.S.B. 206 requires the executive commissioner of HHSC to adopt rules necessary to implement the changes in law made by the bill by January 1, 2016.

### ***Repealers***

The bill repeals the following provisions of the Family Code:

- Section 162.302
- Section 162.303
- Sections 162.304(c), (d), and (e)
- Section 162.308
- Section 162.309
- Section 261.004
- Section 261.203(d)
- Section 261.3012
- Sections 261.308(b) and (c)
- Section 261.310(c)
- Section 261.3101
- Section 262.1041
- Section 262.105(b)
- Section 263.008(a)(2)
- Sections 263.009(c), (d), (e), and (f)
- Sections 263.102(c) and (g)
- Section 263.306(a), as amended by Chapters 191 (S.B. 352), 204 (H.B. 915), and 688 (H.B. 2619), Acts of the 83<sup>rd</sup> Legislature, Regular Session, 2013
- Section 263.306(b)
- Sections 263.501(d) and (e)
- Sections 263.502(b), (c), and (d)
- Section 263.503
- Section 264.002(a), (b), (c), and (d)
- Section 264.012
- Section 264.016
- Sections 264.107(a), (c), and (d)
- Section 264.1071
- Section 264.108
- Sections 264.110(a), (b), (c), (e), (f), (g), and (h)
- Section 264.111
- Section 264.117
- Section 264.119
- Section 264.207(b)
- Section 264.208

- Section 264.303
- Section 264.304
- Section 264.305
- Section 264.306
- Section 264.752(b)
- Section 264.851(1)
- Section 266.001(4)
- Section 266.005

The bill repeals the following sections of the Human Resources Code:

- Section 40.001(5)
- Section 40.0305
- Section 40.031
- Section 40.0324
- Section 40.0327
- Section 40.036
- Sections 40.037(b) and (c)
- Section 40.052
- Section 40.0523
- Section 40.0524(d)
- Section 40.0525
- Sections 40.0528(b) and (c)
- Section 40.0566
- Section 40.069
- Section 40.073

### **EFFECTIVE DATE**

Except as otherwise provided, September 1, 2015.

### **COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE**

While C.S.S.B. 206 may differ from the engrossed in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Section 25.001, Education Code, is amended.	SECTION 1. Same as engrossed version.
SECTION 2. Section 25.087(b), Education Code, as amended by Chapter 249 (H.B. 455), Chapter 688 (H.B. 2619), and Chapter 1354 (S.B. 1404), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended.	SECTION 2. Same as engrossed version.
SECTION 3. Section 54.366, Education Code, is amended.	SECTION 3. Same as engrossed version.

SECTION 4. Section 51.03(b), Family Code, is amended.	SECTION 4. Same as engrossed version.
SECTION 5. The heading to Section 58.0052, Family Code, is amended.	SECTION 5. Same as engrossed version.
SECTION 6. Subchapter A, Chapter 58, Family Code, is amended.	SECTION 6. Same as engrossed version.
SECTION 7. Chapter 101, Family Code, is amended.	SECTION 7. Same as engrossed version.
SECTION 8. Section 103.001(b), Family Code, is amended.	SECTION 8. Same as engrossed version.
SECTION 9. Section 104.007(b), Family Code, is amended.	SECTION 9. Same as engrossed version.
SECTION 10. Section 155.001(c), Family Code, is amended.	SECTION 10. Same as engrossed version.
SECTION 11. Section 161.001(b), Family Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended.	SECTION 11. Same as engrossed version.
SECTION 12. Section 162.005(c), Family Code, is transferred to Section 162.007, Family Code, and redesignated as Section 162.007(e), Family Code .	SECTION 12. Same as engrossed version.
SECTION 13. The heading to Section 162.006, Family Code, is amended.	SECTION 13. Same as engrossed version.
SECTION 14. Section 162.007, Family Code, is amended.	SECTION 14. Same as engrossed version.
SECTION 15. (a) Subsections (a), as amended by S.B. 219, Acts of the 84th Legislature,	SECTION 15. Same as engrossed version.

Regular Session, 2015, and (a-1), Section 162.006, Family Code, are redesignated as Section 162.0062, Family Code, and amended.

SECTION 16. Section 162.304, Family Code, is amended.

SECTION 16. Same as engrossed version.

SECTION 17. Section 162.3041(d), Family Code, is amended.

SECTION 17. Same as engrossed version.

SECTION 18. Subchapter D, Chapter 162, Family Code, is amended.

SECTION 18. Same as engrossed version.

SECTION 19. Section 261.302, Family Code, is amended.

SECTION 19. Same as engrossed version.

SECTION 20. Section 261.3021, Family Code, is amended.

SECTION 20. Same as engrossed version.

SECTION 21. Sections 261.309(b) and (d), Family Code, are amended.

SECTION 21. Same as engrossed version.

SECTION 22. Section 261.406(b), Family Code, is amended.

SECTION 22. Same as engrossed version.

SECTION 23. Section 262.1095(a), Family Code, is amended.

SECTION 23. Same as engrossed version.

SECTION 24. Section 262.114(b), Family Code, is amended.

SECTION 24. Same as engrossed version.

SECTION 25. Section 262.115(c), Family Code, is amended.

SECTION 25. Same as engrossed version.

SECTION 26. Section 262.2015(b), Family Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended.	SECTION 26. Same as engrossed version.
SECTION 27. Section 263.301, Family Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is transferred to Subchapter A, Chapter 263, Family Code, redesignated as Section 263.0021, Family Code, and amended.	SECTION 27. Same as engrossed version.
SECTION 28. Section 263.004, Family Code, is amended.	SECTION 28. Same as engrossed version.
SECTION 29. Sections 263.009(a) and (b), Family Code, are amended.	SECTION 29. Same as engrossed version.
SECTION 30. Subchapter A, Chapter 263, Family Code, is amended.	SECTION 30. Same as engrossed version.
SECTION 31. Section 263.101, Family Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended.	SECTION 31. Same as engrossed version.
SECTION 32. Section 263.102(a), Family Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended.	SECTION 32. Same as engrossed version.
SECTION 33. Section 263.3025(a), Family Code, is amended.	SECTION 33. Same as engrossed version.
SECTION 34. Section 263.303, Family Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended.	SECTION 34. Same as engrossed version.
SECTION 35. The heading to Section 263.306, Family Code, is amended.	SECTION 35. Same as engrossed version.
SECTION 36. Section 263.306, Family Code, is amended.	SECTION 36. Same as engrossed version.

SECTION 37. The heading to Section 263.401, Family Code, is amended.	SECTION 37. Same as engrossed version.
SECTION 38. Section 263.401, Family Code, is amended.	SECTION 38. Same as engrossed version.
SECTION 39. Section 263.404(b), Family Code, is amended.	SECTION 39. Same as engrossed version.
SECTION 40. The heading to Subchapter F, Chapter 263, Family Code, is amended.	SECTION 40. Same as engrossed version.
SECTION 41. The heading to Section 263.501, Family Code, is amended.	SECTION 41. Same as engrossed version.
SECTION 42. Sections 263.501(a), (b), (c), (f), and (g), Family Code, are amended.	SECTION 42. Same as engrossed version.
SECTION 43. The heading to Section 263.502, Family Code, is amended.	SECTION 43. Same as engrossed version.
SECTION 44. Section 263.502, Family Code, is amended.	SECTION 44. Same as engrossed version.
SECTION 45. Subchapter F, Chapter 263, Family Code, is amended.	SECTION 45. Same as engrossed version.
SECTION 46. The heading to Section 264.002, Family Code, is amended.	SECTION 46. Same as engrossed version.
SECTION 47. Section 264.002(e), Family	SECTION 47. Same as engrossed

Code, is amended.

version.

SECTION 48. Subchapter A, Chapter 264, Family Code, is amended.

SECTION 48. Same as engrossed version.

SECTION 49. Section 264.101(a), Family Code, is amended.

SECTION 49. Same as engrossed version.

SECTION 50. Section 264.107, Family Code, is amended.

SECTION 50. Same as engrossed version.

SECTION 51. Section 264.1075(b), Family Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended.

SECTION 51. Same as engrossed version.

SECTION 52. Subchapter B, Chapter 264, Family Code, is amended.

SECTION 52. Same as engrossed version.

SECTION 53. The heading to Section 264.110, Family Code, is amended.

SECTION 53. Same as engrossed version.

SECTION 54. Section 264.110(d), Family Code, is amended .

SECTION 54. Same as engrossed version.

SECTION 55. Section 264.121, Family Code, is amended.

SECTION 55. Same as engrossed version.

SECTION 56. Section 264.014, Family Code, is transferred to Section 264.121, Family Code, redesignated as Section 264.121(e-1), Family Code, and amended.

SECTION 56. Same as engrossed version.

SECTION 57. Subchapter B, Chapter 264, Family Code, is amended.

SECTION 57. Same as engrossed version.

SECTION 58. The heading to Section 264.207, Family Code, is amended.	SECTION 58. Same as engrossed version.
SECTION 59. Section 264.207(a), Family Code, is amended.	SECTION 59. Same as engrossed version.
SECTION 60. Section 264.302(e), Family Code, is amended.	SECTION 60. Same as engrossed version.
SECTION 61. Chapter 265, Family Code, is amended.	SECTION 61. Same as engrossed version.
SECTION 62. Subchapter A, Chapter 265, Family Code, as added by this Act, is amended.	SECTION 62. Same as engrossed version.
SECTION 63. Subchapter D, Chapter 40, Human Resources Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is transferred to Chapter 265, Family Code, redesignated as Subchapter B, Chapter 265, Family Code, and amended.	SECTION 63. Same as engrossed version.
SECTION 64. Section 40.0561, Human Resources Code, is transferred to Subchapter B, Chapter 265, Family Code, as transferred and redesignated from Subchapter D, Chapter 40, Human Resources Code, by this Act, and redesignated.	SECTION 64. Same as engrossed version.
SECTION 65. Section 266.004, Family Code, is amended.	SECTION 65. Same as engrossed version.
SECTION 66. Section 266.0041(d), Family Code, is amended.	SECTION 66. Same as engrossed version.
SECTION 67. Section 266.010(b), Family Code, is amended.	SECTION 67. Same as engrossed version.
SECTION 68. Subdivisions (3), as amended	SECTION 68. Same as engrossed

by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, and (7), Subsection (a), Section 411.114, Government Code, are amended.

No equivalent provision.

version.

SECTION 69. (a) Section 40.003, Human Resources Code, is amended to read as follows:

Sec. 40.003. SUNSET PROVISION. The Department of Family and Protective Services is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished and this chapter expires September 1, 2027 [2015].

(b) This section takes effect only if H.B. 2304, S.B. 200, or similar legislation of the 84th Legislature, Regular Session, 2015, providing for the continuation of the Department of Family and Protective Services is not enacted or does not become law. If H.B. 2304, S.B. 200, or similar legislation of the 84th Legislature, Regular Session, 2015, is enacted, becomes law, and provides for the continuation of the department, this section has no effect.

SECTION 69. Section 40.030, Human Resources Code, is amended.

SECTION 70. Same as engrossed version.

SECTION 70. Section 40.037(a), Human Resources Code, is amended.

SECTION 71. Same as engrossed version.

SECTION 71. Section 40.0524(a), Human Resources Code, is amended.

SECTION 72. Same as engrossed version.

SECTION 72. Subchapter C, Chapter 40, Human Resources Code, is amended.

SECTION 73. Same as engrossed version.

SECTION 73. The heading to Section 40.0528, Human Resources Code, is amended.

SECTION 74. Same as engrossed version.

SECTION 74. Section 40.0528(a), Human Resources Code, is amended.	SECTION 75. Same as engrossed version.
SECTION 75. Chapter 54, Human Resources Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is transferred to Subchapter C, Chapter 40, Human Resources Code, redesignated as Section 40.075, Human Resources Code, and amended.	SECTION 76. Same as engrossed version.
SECTION 76. Section 42.048(f), Human Resources Code, is amended.	SECTION 77. Same as engrossed version.
SECTION 77. Section 42.050, Human Resources Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended.	SECTION 78. Same as engrossed version.
SECTION 78. Section 42.052, Human Resources Code, is amended.	SECTION 79. Same as engrossed version.
SECTION 79. Section 42.054, Human Resources Code, is amended.	SECTION 80. Same as engrossed version.
SECTION 80. Subchapter D, Chapter 42, Human Resources Code, is amended.	SECTION 81. Same as engrossed version.
SECTION 81. Section 42.078(a-2), Human Resources Code, is amended.	SECTION 82. Same as engrossed version.
SECTION 82. Subchapter D, Chapter 42, Human Resources Code, is amended.	SECTION 83. Same as engrossed version.
SECTION 83. Section 244.0105(a), Human Resources Code, is amended.	SECTION 84. Same as engrossed version.
SECTION 84. Section 244.0106(c), Human Resources Code, is amended.	SECTION 85. Same as engrossed version.

SECTION 85. The following provisions, including provisions amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, are repealed:

- (1) Section 162.302, Family Code;
- (2) Section 162.303, Family Code;
- (3) Sections 162.304(c), (d), and (e), Family Code;
- (4) Section 162.308, Family Code;
- (5) Section 162.309, Family Code;
- (6) Section 261.004, Family Code;
- (7) Section 261.203(d), Family Code;
- (8) Section 261.3012, Family Code;
- (9) Sections 261.308(b) and (c), Family Code;
- (10) Section 261.310(c), Family Code;
- (11) Section 261.3101, Family Code;
- (12) Section 262.1041, Family Code;
- (13) Section 262.105(b), Family Code;
- (14) Section 263.008(a)(2), Family Code;
- (15) Sections 263.009(c), (d), (e), and (f), Family Code;
- (16) Sections 263.102(c) and (g), Family Code;
- (17) Section 263.306(a), Family Code, as amended by Chapters 191 (S.B. 352), 204 (H.B. 915), and 688 (H.B. 2619), Acts of the 83rd Legislature, Regular Session, 2013;
- (18) Section 263.306(b), Family Code;
- (19) Sections 263.501(d) and (e), Family Code;
- (20) Sections 263.502(b), (c), and (d), Family Code;
- (21) Section 263.503, Family Code;
- (22) Sections 264.002(a), (b), (c), and (d), Family Code;
- (23) Section 264.012, Family Code;
- (24) Section 264.016, Family Code;
- (25) Sections 264.107(a), (c), and (d), Family Code;
- (26) Section 264.1071, Family Code;
- (27) Section 264.108, Family Code;
- (28) Sections 264.110(a), (b), (c), (e), (f), (g), and (h), Family Code;
- (29) Section 264.111, Family Code;
- (30) Section 264.117, Family Code;
- (31) Section 264.119, Family Code;
- (32) Section 264.207(b), Family Code;
- (33) Section 264.208, Family Code;
- (34) Section 264.303, Family Code;
- (35) Section 264.304, Family Code;
- (36) Section 264.305, Family Code;
- (37) Section 264.306, Family Code;

SECTION 86. Same as engrossed version.

- (38) Section 264.752(b), Family Code;
- (39) Section 264.851(1), Family Code;
- (40) Section 266.001(4), Family Code;
- (41) Section 266.005, Family Code;
- (42) Section 40.001(5), Human Resources Code;
- (43) Section 40.0305, Human Resources Code;
- (44) Section 40.031, Human Resources Code;
- (45) Section 40.0324, Human Resources Code;
- (46) Section 40.0327, Human Resources Code;
- (47) Section 40.036, Human Resources Code;
- (48) Sections 40.037(b) and (c), Human Resources Code;
- (49) Section 40.052, Human Resources Code;
- (50) Section 40.0523, Human Resources Code;
- (51) Section 40.0524(d), Human Resources Code;
- (52) Section 40.0525, Human Resources Code;
- (53) Sections 40.0528(b) and (c), Human Resources Code;
- (54) Section 40.0566, Human Resources Code;
- (55) Section 40.069, Human Resources Code;
- and
- (56) Section 40.073, Human Resources Code.

SECTION 86. Not later than January 1, 2016, the executive commissioner of the Health and Human Services Commission shall adopt rules necessary to implement the changes in law made by this Act.

SECTION 87. Same as engrossed version.

SECTION 87. Not later than January 1, 2016, the Department of Family and Protective Services shall seek public input for the initial report required under Section 264.017, Family Code, as added by this Act.

SECTION 88. Same as engrossed version.

SECTION 88. Not later than September 1, 2016, the Department of Family and Protective Services shall adopt the initial strategic plan required by Section 265.005, Family Code, as added by this Act.

SECTION 89. Same as engrossed version.

SECTION 89. Section 42.078, Human Resources Code, as amended by this Act, applies only to a violation that occurs on or after the effective date of this Act. A violation that occurs before the effective date of this Act is governed by the law in effect at the time the violation occurred, and the former law is continued in effect for that purpose.

SECTION 90. Same as engrossed version.

SECTION 90. (a) Except as otherwise provided by this section, this Act takes effect September 1, 2015.

(b) Sections 42.050(d) and 42.052(f-1), Human Resources Code, as added by this Act, take effect September 1, 2016.

SECTION 91. Same as engrossed version.