

- SUBJECT:** Requiring former foster child on Family and Protective Services Council
- COMMITTEE:** Human Services — favorable, without amendment
- VOTE:** 6 ayes — Hupp, Eissler, Gonzalez Toureilles, Goodman, Naishtat, Paxton  
0 nays  
3 absent — J. Davis, A. Allen, Reyna
- WITNESSES:** For — Mike Foster, Texas Association of Child Placing Agencies, Caring Family Network, Foster Family Based Treatment Association; Wendy Lorenzi, Youth Advocates in Action; Jennifer Talley; (*Registered, but did not testify*: James Michael, Citizens Commission on Human Rights; Marcia Rachofsky, Texas Federation of Families for Children's Mental Health; Lee Spiller, Citizens Commission on Human Rights)  
  
Against — None
- BACKGROUND:** Human Resources Code, sec. 40.021, establishes the Family and Protective Services Council, which is made up of nine members appointed by the governor and approved by the Senate. To be eligible for appointment, a person must have demonstrated an interest in and knowledge of problems and services addressed by the Department of Family and Protective Services (DFPS). The council studies and makes recommendations on the operations of DFPS to the commissioner of the department and to the executive commissioner of the Health and Human Services Commission. Issues the council addresses include the rights and duties of the people served by DFPS and the policies governing delivery of services.
- DIGEST:** HB 404 would require that one of the members of the Family and Protective Services Council be a person who was a child in the foster care system. This requirement would not apply to current council members, but in making new appointments, the governor would have to meet this new requirement as soon as possible.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2005.

**SUPPORTERS  
SAY:**

HB 404 would ensure that at least one member would bring to the Family and Protective Services Council the perspective of having been a foster child. Many foster children have the sense that things are done to them rather than for them. Having a former foster child involved in the council's decisions and recommendations could help alleviate that feeling. In the wake of the recent reorganization of the state's social service agencies that eliminated most advisory organizations, this council offers one of the few opportunities for public input at the agency level.

Foster children have a unique perspective on the system because their childhoods have been significantly shaped by their experiences in foster care. Even though the foster care family is the most influential in the child's day-to-day life, the family and protective services system dictates many decisions, including permanency planning, placement, and the type of services the child can access.

The council member would not have to be selected solely on the basis of this criterion, so the governor still would be able to select qualified candidates from a large pool of former foster children.

**OPPONENTS  
SAY:**

HB 404 would limit the governor's flexibility in selecting the best people to serve on the council by adding a requirement that at least one member have been a foster child. Nothing in current law prohibits the governor from appointing someone with this background.

The work of DFPS is diverse and includes many constituents. Other constituencies – such as parents, caregivers, the elderly, adopted children, children in day care as well as foster care, teachers, and counselors – also have a strong interest the system but are not required to be represented on the Family and Protective Services Council.

**NOTES:**

A similar bill, SB 593 by Van de Putte, passed the Senate on the Local and Uncontested Calendar during the 2003 regular session. The House Human Services Committee revised the bill to recommend, rather than require, that one of the board members of the former Department of Protective and Regulatory Services be a foster child. CSSB 593 failed to pass on second reading by a nonrecord vote.

