

SUBJECT: Transferring certain duties to CPS division at DFPS

COMMITTEE: Human Services — committee substitute recommended

VOTE: 7 ayes — Raymond, Frank, Miller, Minjarez, Rose, Swanson, Wu

0 nays

2 absent — Keough, Klick

WITNESSES: For — Christina Green, Children's Advocacy Centers of Texas, Inc.; Sarah Crockett, Texas CASA; (*Registered, but did not testify*: Will Francis, National Association of Social Workers-Texas Chapter; Pamela McPeters, Texas Association for the Protection of Children; Joshua Houston, Texas Impact)

Against — None

On — (*Registered, but did not testify*: Doug Barnes and Jean Shaw, Department of Family and Protective Services)

BACKGROUND: Family Code, sec. 261.001 outlines the definitions of abuse and neglect used by the Child Protective Services division at the Department of Family and Protective Services (DFPS) during investigations of alleged child abuse and neglect at a child's home. Sec. 261.401(a) outlines the definitions of abuse, neglect, and exploitation used by the Child-Care Licensing division at DFPS and other state agencies to investigate reports of abuse, neglect, and exploitation at certain child-care facilities. Sec. 261.401(b) directs a state agency to conduct a prompt, thorough investigation to ensure the protection of a child.

Family Code, sec. 261.301(b) requires a state agency to investigate a report of alleged abuse or neglect occurring at a facility operated, licensed, certified, or registered by that agency. Under sec. 261.301(f), a state agency must conduct a joint investigation with a law enforcement agency to investigate an allegation of abuse constituting a criminal offense that

poses an immediate risk of physical or sexual abuse that could result in the death of or serious harm to a child.

DIGEST:

CSHB 249 would require the Department of Family and Protective Services (DFPS) to transfer the responsibility of conducting investigations of alleged abuse, neglect, or exploitation occurring at certain child-care facilities to its Child Protective Services (CPS) division. The bill would repeal the abuse, neglect, and exploitation definitions used by the Texas Child-Care Licensing (CCL) division at DFPS and other state agencies under Family Code, sec. 261.401. DFPS instead would adopt a definition of exploitation under Family Code, sec. 261.001.

The bill would direct DFPS to investigate a report of alleged abuse, neglect, or exploitation occurring at a facility operated, licensed, certified, or registered by a state agency, including certain facilities regulated by DFPS.

DFPS would have to create standardized policies to use during investigations. It would implement these standardized definitions and policies by December 1, 2017. The DFPS commissioner could establish specialized units within CPS to investigate allegations of child abuse, neglect, and exploitation at child-care facilities, and could require investigators to receive ongoing training on minimum licensing standards.

CSHB 249 would allow the Health and Human Services Commission executive commissioner to adopt rules to implement provisions on CPS investigations of abuse, neglect, and exploitation allegations at child-care facilities.

The bill would take effect September 1, 2017.

SUPPORTERS  
SAY:

CSHB 249 would streamline investigations of alleged child abuse, neglect, and exploitation. The Child Protective Services (CPS) and Child-Care Licensing (CCL) divisions at the Department of Family and Protective Services (DFPS) focus on different priorities regarding the investigation of child abuse and neglect allegations. CPS is required to

assess actual and potential harm to children, whereas CCL is required only to assess the actual harm to children. Consolidating all child abuse and neglect investigations at CPS would ensure every child received the same investigation quality regardless of where a child was victimized.

Standardizing the definition of abuse, neglect, and exploitation would reduce confusion. CPS definitions of child abuse and neglect are comprehensive, whereas CCL definitions of child abuse and neglect are narrowly tailored to promote facility compliance with minimum licensing standards. Adopting uniform definitions of abuse, neglect, and exploitation would ensure safety standards for children were applied consistently.

**OPPONENTS  
SAY:**

CSHB 249 would duplicate child abuse, neglect, and exploitation investigations at juvenile justice facilities by requiring DFPS to conduct such investigations of all state-operated facilities. Although the Texas Juvenile Justice Department (TJJD) would maintain its authority to conduct investigations of its facilities under Family Code, sec. 261.405, the bill could result in DFPS and TJJD conducting identical investigations of a TJJD facility. Instead of duplicating investigations, CSHB 249 should require DFPS to conduct investigations only of its regulated facilities. The bill also should allow other state agencies to continue assisting with joint-investigation efforts in severe child abuse, neglect, and exploitation cases.