

SUBJECT: Establishing guidelines for foster care placements in certain facilities

COMMITTEE: Human Services — favorable, without amendment

VOTE: 8 ayes — Frank, Hinojosa, Hull, Meza, Neave, Noble, Rose, Shaheen

0 nays

1 absent — Klick

WITNESSES: For — (*Registered, but did not testify*: Lee Spiller, Citizens Commission on Human Rights; Judy Powell, Parent Guidance Center; Julie Wheeler, Travis County Commissioners Court)

Against — None

On — (*Registered, but did not testify*: Liz Kromrei, Department of Family and Protective Services; Jean Shaw, Texas Health and Human Services Commission)

BACKGROUND: Family Code sec. 264.501 defines "preventable death" as a death that may have been prevented by reasonable medical, social, legal, psychological, or educational intervention. The term includes the death of a child from:

- intentional or unintentional injuries;
- medical neglect;
- lack of access to medical care;
- neglect and reckless conduct, including failure to supervise and failure to seek medical care; and
- premature birth associated with any of the above factors.

Concerns have been raised about the safety of some facilities in which the Department of Family and Protective Services places children. Concerned parties say that facilities in which a preventable death of a child has occurred often close and then reopen under a new name, which allows the

facilities to continue to operate in the same manner as before they closed.

DIGEST:

HB 542 would require the Department of Family and Protective Services (DFPS) by rule to establish guidelines for the placement of a child in a residential child-care facility at which a preventable death of a child in the managing conservatorship of the department had occurred.

The Health and Human Services Commission would be required to deny an application for a license to operate a child-care facility if:

- the applicant operated a residential child-care facility at which a preventable death of a child in the managing conservatorship of DFPS had occurred; and
- the commission terminated a contract with the residential child-care facility as the result of a preventable death.

The bill would take effect September 1, 2021, and would apply only to an application or a license submitted to the Health and Human Services Commission on or after the effective date.