

## **BILL ANALYSIS**

Senate Research Center  
86R5189 SCL-D

S.B. 1535  
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Health & Human Services  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Youth who age out of the foster care system frequently share stories about their rights being violated while they were there. There are a variety of reasons youth may not report these incidents, including distrust of CPS staff who placed them in a home where they were mistreated, perception that nothing will be done by the Department of Family and Protective Services (DFPS) based on previous concerns that were not addressed, and a fear of retaliation or vulnerability in their placement.

S.B. 830 (84R) was passed by Senator Kolkhorst in 2015 to alleviate these problems. It gave children and youth in care one central place to report concerns for investigation. The office has experienced a great deal of success in addressing youth concerns to ensure that they remain safe and their rights are protected while in foster care. As the foster care system transforms to a community-based system, the legislature must ensure that entities operating under community-based care are able to work in partnership with the foster care ombudsman and are subject to the same accountability measures as DFPS.

S.B. 1535 would allow a child or youth in the conservatorship of DFPS and served by a contractor to file a complaint directly with the child care licensing division. They are not required to file an initial complaint with the contractor. The division may access the internal records of a contractor that are relevant to a complaint filed under this section and not included in the DFPS automated case tracking and information management system.

The division shall provide written notice of the results of the investigation of a complaint filed under this section to the child or youth who filed the complaint, the child's or youth's contractor, and DFPS.

Each contractor in this state shall provide to the division the contractor's contact information for the division to receive records and provide notice under this section and updates to the contact information as necessary. A contractor may not directly or indirectly use or cause to be used the term "ombudsman" to describe the contractor or the contractor's internal complaint process.

As proposed, S.B. 1535 amends current law relating to a complaint made by a foster child or youth.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 263.008(b), Family Code, to include notification of the outcome of any investigation in which the child is involved among a list of rights that each child in foster care is to be informed of.

SECTION 2. Amends Section 531.993, Government Code, by adding Subsection (c-1), as follows:

(c-1) Requires the Department of Family and Protective Services (DFPS) and the Health and Human Service Commission's Child Care Licensing division (CCL) to provide written notice to the ombudsman on whether DFPS or CCL adopted or rejected the ombudsman's recommended corrective action. Requires DFPS or CCL, if DFPS or CCL rejects a recommended corrective action, to include in the notice the reason for the rejection.

SECTION 3. Amends Subchapter Y, Chapter 531, Government Code, by adding Section 531.9933, as follows:

Sec. 531.9933. COMPLAINT PROCESS FOR FOSTER CHILDREN AND YOUTH SERVED BY SINGLE SOURCE CONTINUUM CONTRACTOR. (a) Defines "contractor" and "division."

(b) Authorizes a child or youth in the conservatorship of DFPS and served by a contractor to file a complaint directly with CCL and provides that the child or youth is not required to file an initial complaint with the contractor.

(c) Authorizes CCL to access the internal records of a contractor that are relevant to a complaint filed under this section and not included in DFPS's automated case tracking and information management system.

(d) Requires CCL to provide written notice of the results of the investigation of a complaint filed under this section to:

- (1) the child or youth who filed the complaint;
- (2) the child's or youth's contractor; and
- (3) DFPS.

(e) Requires each contractor in this state to provide to CCL:

- (1) the contractor's contact information for the division to receive records and provide notice under this section; and
- (2) updates to the contact information as necessary.

(f) Prohibits a contractor from directly or indirectly using or causing to be used the term "ombudsman" to describe the contractor or the contractor's internal complaint process.

SECTION 4. Effective date: upon passage or September 1, 2019.