

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1535
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Health & Human Services
3/27/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.S.B. 1535 adds the Department of Family and Protective Services' (DFPS) and the Health and Human Services Commission's (HHSC) child care licensing division shall provide written notice to the ombudsman on whether DFPS or the child care licensing division adopted or rejected the ombudsman's recommended corrective action. If DFPS or the child care licensing division rejects a recommended corrective action, DFPS or the division shall include in the notice the reason for the rejection.

C.S.S.B. 1535 adds that a child or youth in the conservatorship of DFPS and served by a contractor may file a complaint directly with the division and is 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 DFPS's 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.

Changes to Original S.B. 1535

The first change to C.S.S.B. 1535 was for the word "investigation" throughout the bill to be changed to "DFPS abuse and neglect investigations, HHSC Regulatory minimum standards investigations, and FCO complaint investigations". This will be more specific in what is being asked for by the complaint.

In addition, in amending Subchapter Y of the Government Code, Chapter 531, it should not be amended by S.B. 213 (85R) as this change did not go into effect. It contained a provision requiring a specific appropriation that did not occur. We wanted to amend the sections of Subchapter Y as added by S.B. 830 (84R).

C.S.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, as follows:

(b) Provides that it is the policy of this state that each child in foster care be informed of the child's rights provided by state or federal law or policy that relate to:

(1)–(14) makes no changes to these subdivisions;

(15) makes a nonsubstantive change to this subdivision;

(16) notification of the outcome of any of the following investigations in which the child is involved:

(A) an abuse or neglect investigation conducted by the Department of Family and Protective Services (DFPS)

(B) a minimum standard investigation conducted by the Health and Human Services Commission (HHSC); or

(C) an investigation of a complaint to the division of the ombudsman for children and youth in foster care; and

(17) creates this subdivision from existing Subdivision (16).

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

(c-1) Requires DFPS and HHSC's Child Care Licensing division (CCL) to provide written notice to the ombudsman on whether DFPS or CCL adopted or rejected any of the ombudsman's recommended corrective actions. 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.