

- SUBJECT:** Authorizing administrative closure of certain CPS cases
- COMMITTEE:** Human Services — favorable, without amendment
- VOTE:** 9 ayes — Raymond, Frank, Keough, Klick, Miller, Minjarez, Rose, Swanson, Wu
0 nays
- SENATE VOTE:** On final passage, April 20 — 31-0
- WITNESSES:** No public hearing
- BACKGROUND:** Family Code, sec. 261.3015, allows the Department of Family and Protective Services to administratively close a reported case of abuse or neglect without completing the investigation or alternative response and without providing services or making a referral to another entity for assistance if the department determines, after contacting a professional or other credible source, that the child's safety can be assured without further investigation, response, services, or assistance.
- DFPS may, in accordance with statute and department rules, conduct an alternative response to a report of abuse or neglect if the report of abuse or neglect does not allege sexual abuse of a child, allege abuse or neglect that caused the death of a child, or indicate a risk of serious physical injury or immediate serious harm to a child.
- DFPS' alternative response to a report of abuse or neglect must include a safety assessment of the child who was the subject of the report; an assessment of the child's family; and, in collaboration with the child's family, identification of any necessary and appropriate service or support to reduce the risk of future harm to the child.
- An alternative response to a report of abuse or neglect may not include a formal determination of whether the alleged abuse or neglect occurred.

DIGEST:

SB 190 would allow a Department of Family and Protective Services (DFPS) caseworker to refer a reported case of child abuse or neglect to a DFPS supervisor for abbreviated investigation or administrative closure at any time within 60 days of the date the department received the report, if:

- there was no prior report of abuse or neglect for the child who was the subject of the report;
- the department had not received an additional report of abuse or neglect for the child following the first report; and
- the caseworker either determined that no abuse or neglect had occurred, or determined after contacting a professional or credible source that the child's safety could be assured without further investigation, response, services, or assistance.

The bill would define a "professional" to mean a person who was licensed or certified by the state, an employee of a facility licensed, certified, or operated by the state, and who had direct contact with children, as specified in the bill. The term would include teachers, nurses, doctors, day-care employees, employees of a clinic or health care facility that provided reproductive services, juvenile probation officers, and juvenile detention or correctional officers.

A DFPS supervisor would be required to review each reported case of child abuse or neglect that remained open for more than 60 days and to administratively close the case if the supervisor determined that a case met the above criteria. The supervisor also would have to determine that closing the case would not expose the child to an undue risk of harm.

The bill would allow a DFPS supervisor to reassign a reported case of child abuse or neglect that did not qualify for abbreviated investigation or administrative closure to a different DFPS caseworker if the supervisor determined that reassignment would make the most effective use of department resources to investigate and respond to reported cases of abuse or neglect.

The Health and Human Services Commission executive commissioner

would be required to adopt rules to implement the bill by December 1, 2017. 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, 2017.

**SUPPORTERS
SAY:**

SB 190 would allow the Department of Family and Protective Services and its Child Protective Services (CPS) division to administratively close reported cases of abuse or neglect if CPS did not have reason to investigate. This bill would allow CPS and DFPS to focus their time and resources on higher-risk cases rather than subjecting children and families to unnecessary investigations. The bill also would reduce the incidence of homeschooling families being subjected to unnecessary investigations.

Current procedures are not sufficient to allow caseworkers to administratively close low-risk or unsubstantiated cases of abuse or neglect because caseworkers fear they will make a mistake. The bill would provide clarity for caseworkers and supervisors regarding when they could administratively close a case. The process under the bill has already been implemented as a pilot program and has worked well. The pilot program also has improved morale among caseworkers and supervisors.

**OPPONENTS
SAY:**

SB 190 could cause CPS and DFPS to prematurely close cases and could increase the risk of harm to children who were the subject of a report of abuse or neglect. DFPS already has procedures for administratively closing cases and these procedures do not need to be changed.