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H.B. No. 39

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the provision of child protective services and other  
3 health and human services by certain state agencies; authorizing a  
4 fee.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter D, Chapter 261, Family Code, is  
7 amended by adding Section 261.3017 to read as follows:

8 Sec. 261.3017. ABBREVIATED INVESTIGATION AND  
9 ADMINISTRATIVE CLOSURE OF CERTAIN CASES. (a) A department  
10 caseworker may refer a reported case of child abuse or neglect to a  
11 department supervisor for abbreviated investigation or  
12 administrative closure at any time before the 60th day after the  
13 date the report is received if:

14 (1) there is no prior report of abuse or neglect of the  
15 child who is the subject of the report;

16 (2) the department has not received an additional  
17 report of abuse or neglect of the child following the initial  
18 report; and

19 (3) either:

20 (A) after contacting a professional or other  
21 credible source, the caseworker determines that the child's safety  
22 can be assured without further investigation, response, services,  
23 or assistance; or

24 (B) the caseworker determines that no abuse or

1 neglect occurred.

2 (b) A department supervisor shall review each reported case  
3 of child abuse or neglect that has remained open for more than 60  
4 days and administratively close the case if the supervisor  
5 determines that the circumstances described by Subsections  
6 (a)(1)-(3) exist and that closing the case would not expose the  
7 child to an undue risk of harm.

8 (c) A department supervisor may reassign a reported case of  
9 child abuse or neglect that does not qualify for abbreviated  
10 investigation or administrative closure under Subsection (a) or (b)  
11 to a different department caseworker if the supervisor determines  
12 that reassignment would allow the department to make the most  
13 effective use of resources to investigate and respond to reported  
14 cases of abuse or neglect.

15 (d) The executive commissioner shall adopt rules necessary  
16 to implement this section.

17 (e) In this section, "professional" means an individual who  
18 is licensed or certified by the state or who is an employee of a  
19 facility licensed, certified, or operated by the state and who, in  
20 the normal course of official duties or duties for which a license  
21 or certification is required, has direct contact with children.  
22 The term includes teachers, nurses, doctors, day-care employees,  
23 employees of a clinic or health care facility that provides  
24 reproductive services, juvenile probation officers, and juvenile  
25 detention or correctional officers.

26 SECTION 2. Subchapter B, Chapter 262, Family Code, is  
27 amended by adding Sections 262.1041 and 262.1042 to read as

1 follows:

2 Sec. 262.1041. VOLUNTARY TEMPORARY CAREGIVER PROGRAM. (a)  
3 The Department of Family and Protective Services shall create a  
4 program that allows a child who is removed from the child's home  
5 under this chapter to be placed in the care of an individual  
6 approved as a voluntary temporary caregiver under this section.

7 (b) The department shall establish an application and  
8 verification process to approve individuals to serve as voluntary  
9 temporary caregivers. The department may charge each person  
10 applying to serve as a voluntary temporary caregiver an application  
11 fee in an amount reasonable and necessary to cover the cost of  
12 administering the program. The department's verification process  
13 must:

14 (1) include a background and criminal history record  
15 check of each caregiver;

16 (2) verify the caregiver:

17 (A) has a home with adequate sleeping space for  
18 each child placed with the caregiver;

19 (B) has six or fewer children in the caregiver's  
20 home, including the caregiver's own children and any children for  
21 whom the caregiver provides day care;

22 (C) agrees to nonphysical discipline;

23 (D) has had all pets in the caregiver's home  
24 vaccinated; and

25 (E) maintains and submits to the department proof  
26 of current certification in first aid and cardiopulmonary  
27 resuscitation issued by the American Red Cross, the American Heart

1 Association, or another organization that provides equivalent  
2 training and certification;

3 (3) require each member of the caregiver's household  
4 to undergo a screening test for tuberculosis infection approved by  
5 the executive commissioner of the Health and Human Services  
6 Commission; and

7 (4) include any other administrative procedure the  
8 department determines is necessary to ensure the caregiver will  
9 provide a safe home for the child.

10 (c) The department shall require each voluntary temporary  
11 caregiver to receive four hours of training relating to child  
12 development and disciplinary techniques for children who are  
13 classified above a basic service level. A caregiver who applies to  
14 become a licensed or verified foster home shall receive a credit of  
15 four hours toward the training hours required by Section [42.0537](#),  
16 Human Resources Code, for a person to become a licensed or verified  
17 foster home.

18 (d) A voluntary temporary caregiver must agree to care for a  
19 child placed with the caregiver for at least 14 days.

20 (e) Except as provided by Subsection (f), a child may be  
21 placed with a voluntary temporary caregiver for not more than 14  
22 days after the date the child is removed from the child's home.

23 (f) If the child's caseworker determines that it is in the  
24 child's best interest for the child to remain in the care of the  
25 voluntary temporary caregiver for more than 14 days, the caseworker  
26 may, if the voluntary temporary caregiver agrees:

27 (1) allow the child to remain in the care of the

1 voluntary temporary caregiver;

2 (2) designate the voluntary temporary caregiver as the  
3 caregiver of the child under a parental child safety placement  
4 agreement in accordance with Subchapter L, Chapter 264; or

5 (3) designate the voluntary temporary caregiver as a  
6 designated caregiver of the child in accordance with Subchapter I,  
7 Chapter 264.

8 (g) A voluntary temporary caregiver with whom a child is  
9 placed under this section is not entitled to any reimbursement for  
10 the care the caregiver provides for the child.

11 (h) A voluntary temporary caregiver is not liable for the  
12 cost of any medical care the child receives while the child is  
13 placed with the caregiver. The cost of any medical care shall be  
14 covered by the existing health insurance provided for the child.

15 (i) A voluntary temporary caregiver shall ensure that the  
16 child:

17 (1) continues to attend the school in which the child  
18 was enrolled immediately before the child was removed from the  
19 child's home; or

20 (2) attends another school chosen by the child's  
21 caseworker if the child's caseworker determines that it is unsafe  
22 for the child to continue to attend the school in which the child  
23 was enrolled immediately before the child was removed from the  
24 child's home.

25 (j) The department shall publicize the voluntary temporary  
26 caregiver program and notify the parents of a child being removed  
27 from the child's home whether the child will be placed with a

1 voluntary temporary caregiver.

2 (k) The executive commissioner of the Health and Human  
3 Services Commission or the commissioner of the Department of Family  
4 and Protective Services, as appropriate, shall adopt rules  
5 necessary to implement this section.

6 Sec. 262.1042. RELEASE OF CHILD BY LAW ENFORCEMENT OR  
7 JUVENILE PROBATION OFFICER TO VOLUNTARY TEMPORARY CAREGIVER. A law  
8 enforcement or juvenile probation officer who takes possession of a  
9 child under this chapter may release the child to a voluntary  
10 temporary caregiver approved under Section 262.1041.

11 SECTION 3. Section [264.1075](#), Family Code, is amended by  
12 amending Subsection (b) and adding Subsection (c) to read as  
13 follows:

14 (b) As soon as possible after a child is placed in the  
15 managing conservatorship of the department [~~begins receiving~~  
16 ~~foster care under this subchapter~~], the department shall assess  
17 whether the child has a developmental or intellectual disability.

18 (c) If the assessment required by Subsection (b) indicates  
19 that the child might have an intellectual disability, the  
20 department shall ensure that a referral for a determination of  
21 intellectual disability is made as soon as possible and that the  
22 determination is conducted by an authorized provider before the  
23 date of the child's 16th birthday, if practicable. If the child is  
24 placed in the managing conservatorship of the department after the  
25 child's 16th birthday, the determination of intellectual  
26 disability must be conducted as soon as possible after the  
27 assessment required by Subsection (b). In this subsection,

1 "authorized provider" has the meaning assigned by Section 593.004,  
2 Health and Safety Code.

3 SECTION 4. Subchapter B, Chapter 264, Family Code, is  
4 amended by adding Section 264.1076 to read as follows:

5 Sec. 264.1076. MEDICAL EXAMINATION REQUIRED. (a) This  
6 section applies only to a child who has been taken into the  
7 conservatorship of the department and remains in the  
8 conservatorship of the department for more than three business days  
9 other than a child admitted to an inpatient medical facility.

10 (b) The department shall ensure that each child described by  
11 Subsection (a) is examined by and receives an initial medical  
12 examination and a mental health screening from a physician or other  
13 health care provider authorized under state law to conduct medical  
14 examinations not later than the end of the third business day after  
15 the date the child enters the conservatorship of the department or  
16 not later than the seventh business day after the date the child  
17 enters the conservatorship of the department, if the child is  
18 located in a rural area, as that term is defined by Section 845.002,  
19 Insurance Code. A physician or other health care provider  
20 conducting the medical examination under this section may not  
21 administer a vaccination as part of the examination, except that a  
22 physician may administer a tetanus vaccination if the physician  
23 determines that an emergency circumstance requires the  
24 administration of the vaccination. The prohibition on the  
25 administration of a vaccine does not apply after the department has  
26 been named managing conservator of the child after a hearing under  
27 Section 262.106 or 262.201.

1       (c) The department shall collaborate with the commission  
2 and relevant medical practitioners to develop guidelines for the  
3 medical examination conducted under this section, including  
4 guidelines on the components to be included in the examination.

5       (d) Not later than December 31, 2019, the department shall  
6 submit a report to the standing committees of the house of  
7 representatives and the senate with primary jurisdiction over child  
8 protective services and foster care evaluating the statewide  
9 implementation of the medical examination required by this section.  
10 The report must include the level of compliance with the  
11 requirements of this section in each region of the state. This  
12 subsection expires September 1, 2021.

13       SECTION 5. Subchapter B, Chapter 264, Family Code, is  
14 amended by adding Section 264.1131 to read as follows:

15       Sec. 264.1131. FOSTER CARE PROVIDER RECRUITMENT PLAN. In  
16 addition to foster parent recruitment from nonprofit organizations  
17 and from organizations under Section 264.113, the department shall,  
18 subject to the availability of funds, collaborate with current  
19 foster and adoptive parents to develop and implement a foster care  
20 provider recruitment plan. The plan must:

21               (1) use data analysis, social media, partnerships with  
22 faith-based and volunteer organizations, and other strategies for  
23 recruitment, including targeted and child-focused recruitment;

24               (2) identify the number of available foster care  
25 providers for children with high needs in order to expand the use of  
26 therapeutic or treatment foster care for children in those  
27 placements;

1           (3) require the provision of:

2                   (A) quality customer service to prospective and  
3 current foster and adoptive parents; and

4                   (B) assistance to prospective foster parents  
5 with the certification and placement process;

6           (4) include strategies for increasing the number of  
7 kinship providers;

8           (5) include strategies to ensure that children in  
9 foster care do not have to transfer schools after entering foster  
10 care, unless transferring is in the child's best interest; and

11           (6) include programs to support foster and adoptive  
12 families, including programs that provide training, respite care,  
13 and peer assistance.

14           SECTION 6. Subchapter B, Chapter 264, Family Code, is  
15 amended by adding Section 264.1211 to read as follows:

16           Sec. 264.1211. CAREER DEVELOPMENT AND EDUCATION PROGRAM.

17 The department shall collaborate with foster care youth and local  
18 workforce development boards, foster care transition centers,  
19 community and technical colleges, schools, and any other  
20 appropriate workforce industry resource to create a program that:

21           (1) assists foster care youth and former foster care  
22 youth in obtaining:

23                   (A) a high school diploma or a high school  
24 equivalency certificate; and

25                   (B) industry certifications necessary for high  
26 demand occupations;

27           (2) provides career guidance to foster care youth and

1 former foster care youth; and

2 (3) informs foster care youth and former foster care  
3 youth about:

4 (A) the tuition and fee waivers for institutions  
5 of higher education that are available under Section 54.366,  
6 Education Code; and

7 (B) available programs that provide housing  
8 assistance, educational assistance, and any other service to assist  
9 foster care youth and former foster care youth with transitioning  
10 to independent living.

11 SECTION 7. Section 264.201, Family Code, is amended by  
12 adding Subsection (f) to read as follows:

13 (f) In providing services to a family under this section,  
14 the department shall ensure that the services provided:

15 (1) are narrowly tailored to address the allegations  
16 of abuse or neglect the department is investigating; and

17 (2) do not duplicate other services the family is  
18 receiving.

19 SECTION 8. Subchapter C, Chapter 264, Family Code, is  
20 amended by adding Section 264.2042 to read as follows:

21 Sec. 264.2042. GRANTS FOR FAITH-BASED COMMUNITY  
22 COLLABORATIVE PROGRAMS. (a) Using available funds or private  
23 donations, the governor shall establish and administer an  
24 innovation grant program to award grants to support faith-based  
25 community programs that collaborate with the department and the  
26 commission to improve foster care and the placement of children in  
27 foster care.

1       (b) A faith-based community program is eligible for a grant  
2 under this section if:

3           (1) the effectiveness of the program is supported by  
4 empirical evidence; and

5           (2) the program has demonstrated the ability to build  
6 connections between faith-based, secular, and government  
7 stakeholders.

8       (c) The regional director for the department in the region  
9 where a grant recipient program is located, or the regional  
10 director's designee, shall serve as the liaison between the  
11 department and the program for collaborative purposes. For a  
12 program that operates in a larger region, the department may  
13 designate a liaison in each county where the program is operating.  
14 The department or the commission may not direct or manage the  
15 operation of the program.

16       (d) The initial duration of a grant under this section is  
17 two years. The governor may renew a grant awarded to a program  
18 under this section if funds are available and the governor  
19 determines that the program is successful.

20       (e) The governor may not award to a program grants under  
21 this section totaling more than \$300,000.

22       (f) The governor shall adopt rules to implement the grant  
23 program created under this section.

24       SECTION 9. Section 264.903, Family Code, is amended by  
25 adding Subsection (a-1) to read as follows:

26       (a-1) The department shall expedite the evaluation of a  
27 potential caregiver under this section to ensure that the child is

1 placed with a caregiver who has the ability to protect the child  
2 from the alleged perpetrator of abuse or neglect against the child.

3 SECTION 10. Subchapter B, Chapter 402, Government Code, is  
4 amended by adding Section 402.040 to read as follows:

5 Sec. 402.040. CHILD PROTECTIVE SERVICES LIAISON. For each  
6 regional office of the Department of Family and Protective Services  
7 that provides child protective services, the attorney general shall  
8 appoint an employee to serve as a liaison to the department for that  
9 regional office. The department is not required to provide the  
10 liaison with an office in the department's regional office. The  
11 liaison shall:

12 (1) serve as a point of contact for the attorney  
13 general's office to increase communication between the regional  
14 office and the attorney general's office;

15 (2) provide assistance to the regional office in  
16 locating absent parents of children in the managing conservatorship  
17 of the department; and

18 (3) provide to the regional office information in the  
19 attorney general's child support database that will enable the  
20 regional office to locate absent parents of children in the  
21 managing conservatorship of the department.

22 SECTION 11. Sections 531.055(a), (b), and (e), Government  
23 Code, are amended to read as follows:

24 (a) The Health and Human Services Commission, the  
25 Department of Family and Protective Services, the Department of  
26 State Health Services, the Texas Education Agency [~~Each health and~~  
27 ~~human services agency~~], the Texas Correctional Office on Offenders

1 with Medical or Mental Impairments, the Texas Department of  
2 Criminal Justice, the Texas Department of Housing and Community  
3 Affairs, the Texas Workforce Commission, and the Texas Juvenile  
4 Justice Department shall enter into a joint memorandum of  
5 understanding to promote a system of local-level interagency  
6 staffing groups to identify and coordinate services for persons  
7 needing multiagency services. The division within the Health and  
8 Human Services Commission that coordinates the policy and delivery  
9 of mental health services shall oversee the development and  
10 implementation of the joint memorandum of understanding.

11 (b) The memorandum must:

12 (1) clarify the statutory responsibilities of each  
13 agency in relation to persons needing multiagency services,  
14 including subcategories for different services such as:

15 (A) [prevention,] family preservation and  
16 strengthening;

17 (B) physical and behavioral health care;

18 (C) prevention and early intervention services,  
19 including services designed to prevent:

20 (i) child abuse;

21 (ii) neglect; or

22 (iii) delinquency, truancy, or school  
23 dropout;

24 (D) diversion from juvenile or criminal justice  
25 involvement;

26 (E) housing;

27 (F) [7] aging in place;

- 1                    (G) [~~7~~] emergency shelter;  
2                    (H) [~~7, diagnosis and evaluation,~~] residential  
3 care;  
4                    (I) [~~7~~] after-care;  
5                    (J) [~~7~~] information and referral; [~~7, medical~~  
6 ~~care,~~] and  
7                    (K) investigation services;  
8                    (2) include a functional definition of "persons  
9 needing multiagency services";  
10                   (3) outline membership, officers, and necessary  
11 standing committees of local-level interagency staffing groups;  
12                   (4) define procedures aimed at eliminating  
13 duplication of services relating to assessment and diagnosis,  
14 treatment, residential placement and care, and case management of  
15 persons needing multiagency services;  
16                   (5) define procedures for addressing disputes between  
17 the agencies that relate to the agencies' areas of service  
18 responsibilities;  
19                   (6) provide that each local-level interagency  
20 staffing group includes:  
21                        (A) a local representative of each agency;  
22                        (B) representatives of local private sector  
23 agencies; and  
24                        (C) family members or caregivers of persons  
25 needing multiagency services or other current or previous consumers  
26 of multiagency services acting as general consumer advocates;  
27                    (7) provide that the local representative of each

1 agency has authority to contribute agency resources to solving  
2 problems identified by the local-level interagency staffing group;

3 (8) provide that if a person's needs exceed the  
4 resources of an agency, the agency may, with the consent of the  
5 person's legal guardian, if applicable, submit a referral on behalf  
6 of the person to the local-level interagency staffing group for  
7 consideration;

8 (9) provide that a local-level interagency staffing  
9 group may be called together by a representative of any member  
10 agency;

11 (10) provide that an agency representative may be  
12 excused from attending a meeting if the staffing group determines  
13 that the age or needs of the person to be considered are clearly not  
14 within the agency's service responsibilities, provided that each  
15 agency representative is encouraged to attend all meetings to  
16 contribute to the collective ability of the staffing group to solve  
17 a person's need for multiagency services;

18 (11) define the relationship between state-level  
19 interagency staffing groups and local-level interagency staffing  
20 groups in a manner that defines, supports, and maintains local  
21 autonomy;

22 (12) provide that records that are used or developed  
23 by a local-level interagency staffing group or its members that  
24 relate to a particular person are confidential and may not be  
25 released to any other person or agency except as provided by this  
26 section or by other law; and

27 (13) provide a procedure that permits the agencies to

1 share confidential information while preserving the confidential  
2 nature of the information.

3 (e) The agencies shall ensure that a state-level  
4 interagency staffing group provides:

5 (1) information and guidance to local-level  
6 interagency staffing groups regarding:

7 (A) the availability of programs and resources in  
8 the community; and

9 (B) best practices for addressing the needs of  
10 persons with complex needs; and

11 (2) a biennial report to the administrative head of  
12 each agency, the legislature, and the governor that includes:

13 (A) [~~(1)~~] the number of persons served through  
14 the local-level interagency staffing groups and the outcomes of the  
15 services provided;

16 (B) [~~(2)~~] a description of any barriers  
17 identified to the state's ability to provide effective services to  
18 persons needing multiagency services; and

19 (C) [~~(3)~~] any other information relevant to  
20 improving the delivery of services to persons needing multiagency  
21 services.

22 SECTION 12. Section 552.117(a), Government Code, is amended  
23 to read as follows:

24 (a) Information is excepted from the requirements of  
25 Section 552.021 if it is information that relates to the home  
26 address, home telephone number, emergency contact information, or  
27 social security number of the following person or that reveals

1 whether the person has family members:

2 (1) a current or former official or employee of a  
3 governmental body, except as otherwise provided by Section 552.024;

4 (2) a peace officer as defined by Article 2.12, Code of  
5 Criminal Procedure, or a security officer commissioned under  
6 Section 51.212, Education Code, regardless of whether the officer  
7 complies with Section 552.024 or 552.1175, as applicable;

8 (3) a current or former employee of the Texas  
9 Department of Criminal Justice or of the predecessor in function of  
10 the department or any division of the department, regardless of  
11 whether the current or former employee complies with Section  
12 552.1175;

13 (4) a peace officer as defined by Article 2.12, Code of  
14 Criminal Procedure, or other law, a reserve law enforcement  
15 officer, a commissioned deputy game warden, or a corrections  
16 officer in a municipal, county, or state penal institution in this  
17 state who was killed in the line of duty, regardless of whether the  
18 deceased complied with Section 552.024 or 552.1175;

19 (5) a commissioned security officer as defined by  
20 Section 1702.002, Occupations Code, regardless of whether the  
21 officer complies with Section 552.024 or 552.1175, as applicable;

22 (6) an officer or employee of a community supervision  
23 and corrections department established under Chapter 76 who  
24 performs a duty described by Section 76.004(b), regardless of  
25 whether the officer or employee complies with Section 552.024 or  
26 552.1175;

27 (7) a current or former employee of the office of the

1 attorney general who is or was assigned to a division of that office  
2 the duties of which involve law enforcement, regardless of whether  
3 the current or former employee complies with Section 552.024 or  
4 552.1175;

5 (8) a current or former employee of the Texas Juvenile  
6 Justice Department or of the predecessors in function of the  
7 department, regardless of whether the current or former employee  
8 complies with Section 552.024 or 552.1175;

9 (9) a current or former juvenile probation or  
10 supervision officer certified by the Texas Juvenile Justice  
11 Department, or the predecessors in function of the department,  
12 under Title 12, Human Resources Code, regardless of whether the  
13 current or former officer complies with Section 552.024 or  
14 552.1175;

15 (10) a current or former employee of a juvenile  
16 justice program or facility, as those terms are defined by Section  
17 261.405, Family Code, regardless of whether the current or former  
18 employee complies with Section 552.024 or 552.1175; ~~or~~

19 (11) a current or former member of the Texas military  
20 forces, as that term is defined by Section 437.001; or

21 (12) a current or former employee of the Department of  
22 Family and Protective Services, regardless of whether the employee  
23 complies with Section 552.024 or 552.1175, or a current or former  
24 employee of a department contractor performing services for the  
25 contractor on behalf of the department.

26 SECTION 13. The heading to Section 552.1175, Government  
27 Code, is amended to read as follows:

1           Sec. 552.1175. EXCEPTION: CONFIDENTIALITY OF CERTAIN  
2 PERSONAL IDENTIFYING INFORMATION OF PEACE OFFICERS AND OTHER  
3 OFFICIALS PERFORMING SENSITIVE GOVERNMENTAL FUNCTIONS [ ~~COUNTY~~  
4  ~~JAILERS, SECURITY OFFICERS, EMPLOYEES OF CERTAIN CRIMINAL OR~~  
5  ~~JUVENILE JUSTICE AGENCIES OR OFFICES, AND FEDERAL AND STATE~~  
6  ~~JUDGES~~].

7           SECTION 14. Section 552.1175(a), Government Code, is  
8 amended to read as follows:

9           (a) This section applies only to:

10                 (1) peace officers as defined by Article 2.12, Code of  
11 Criminal Procedure;

12                 (2) county jailers as defined by Section 1701.001,  
13 Occupations Code;

14                 (3) current or former employees of the Texas  
15 Department of Criminal Justice or of the predecessor in function of  
16 the department or any division of the department;

17                 (4) commissioned security officers as defined by  
18 Section 1702.002, Occupations Code;

19                 (5) employees of a district attorney, criminal  
20 district attorney, or county or municipal attorney whose  
21 jurisdiction includes any criminal law or child protective services  
22 matters;

23                 (6) officers and employees of a community supervision  
24 and corrections department established under Chapter 76 who perform  
25 a duty described by Section 76.004(b);

26                 (7) criminal investigators of the United States as  
27 described by Article 2.122(a), Code of Criminal Procedure;

1 (8) police officers and inspectors of the United  
2 States Federal Protective Service;

3 (9) current and former employees of the office of the  
4 attorney general who are or were assigned to a division of that  
5 office the duties of which involve law enforcement;

6 (10) current or former juvenile probation and  
7 detention officers certified by the Texas Juvenile Justice  
8 Department, or the predecessors in function of the department,  
9 under Title 12, Human Resources Code;

10 (11) current or former employees of a juvenile justice  
11 program or facility, as those terms are defined by Section 261.405,  
12 Family Code;

13 (12) current or former employees of the Texas Juvenile  
14 Justice Department or the predecessors in function of the  
15 department; ~~and~~

16 (13) federal judges and state judges as defined by  
17 Section 13.0021, Election Code; and

18 (14) a current or former employee of the Department of  
19 Family and Protective Services or a current or former employee of a  
20 department contractor performing services for the contractor on  
21 behalf of the department.

22 SECTION 15. Subchapter B, Chapter 40, Human Resources Code,  
23 is amended by adding Sections 40.0327, 40.0328, and 40.036 to read  
24 as follows:

25 Sec. 40.0327. NONPROFIT AGENCY SERVICES COORDINATOR. The  
26 department shall designate an office as the nonprofit agency  
27 services coordinator to serve as a liaison between the department

1 and nonprofit agencies that provide adoption services and  
2 assistance to families in crisis and children in care.

3 Sec. 40.0328. CASEWORKER CASELOAD MANAGEMENT SYSTEM. (a)  
4 The department shall manage the duties of caseworkers to maintain  
5 the safety of children in child protective services by establishing  
6 a caseload management system that:

7 (1) assesses the current and potential risk of harm  
8 from abuse or neglect to each child in the department's care;

9 (2) determines the appropriate number of cases to be  
10 assigned to a caseworker based on the risk assessment described by  
11 Subdivision (1) for the children assigned to the caseworker; and

12 (3) limits the number of children with a higher risk  
13 assessment that may be assigned to any one caseworker.

14 (b) The department shall:

15 (1) make risk assessment guidelines available to the  
16 public and accessible on the department's Internet website; and

17 (2) disclose the results of the assessment for a child  
18 to the court and each party to the case before the date the full  
19 adversary hearing is held under Section 262.201, Family Code.

20 (c) Information relating to the assessment performed under  
21 this section is inadmissible as evidence in a court.

22 Sec. 40.036. TRAUMA-BASED CARE TRAINING REQUIREMENT FOR  
23 CASEWORKERS. The department shall ensure that each child  
24 protective services caseworker who interacts with children on a  
25 daily basis receives evidence-based training in trauma-based care.

26 SECTION 16. Subchapter C, Chapter 40, Human Resources Code,  
27 is amended by adding Section 40.0523 to read as follows:

1       Sec. 40.0523. RESOURCES FOR CHILD PROTECTIVE SERVICES  
2 CASES. The department shall collaborate with the Office of Court  
3 Administration of the Texas Judicial System, the Supreme Court of  
4 Texas Children's Commission, and any other appropriate interested  
5 parties to compile and publish on the department's Internet website  
6 resources, including links to other websites, for judges,  
7 attorneys, and other persons involved in the child welfare system  
8 to support consistent practices statewide.

9       SECTION 17. Subchapter C, Chapter 42, Human Resources Code,  
10 is amended by adding Section 42.0533 to read as follows:

11       Sec. 42.0533. EMERGENCY PLACEMENT. The department, in  
12 consultation with affected providers and other interested parties,  
13 shall evaluate the need for and develop any necessary protocols and  
14 any associated best practice standards for the temporary placement  
15 of a child for not more than 30 days in a foster home, foster group  
16 home, agency foster home, agency foster group home, or cottage home  
17 to allow the child to remain in the child's community while the  
18 department secures a safe and suitable long-term placement for the  
19 child.

20       SECTION 18. Section 25.025(a), Tax Code, is amended to read  
21 as follows:

22       (a) This section applies only to:

23               (1) a current or former peace officer as defined by  
24 Article 2.12, Code of Criminal Procedure;

25               (2) a county jailer as defined by Section 1701.001,  
26 Occupations Code;

27               (3) an employee of the Texas Department of Criminal

1 Justice;

2 (4) a commissioned security officer as defined by  
3 Section 1702.002, Occupations Code;

4 (5) a victim of family violence as defined by Section  
5 71.004, Family Code, if as a result of the act of family violence  
6 against the victim, the actor is convicted of a felony or a Class A  
7 misdemeanor;

8 (6) a federal judge, a state judge, or the spouse of a  
9 federal judge or state judge;

10 (7) a current or former employee of a district  
11 attorney, criminal district attorney, or county or municipal  
12 attorney whose jurisdiction includes any criminal law or child  
13 protective services matters;

14 (8) an officer or employee of a community supervision  
15 and corrections department established under Chapter 76,  
16 Government Code, who performs a duty described by Section 76.004(b)  
17 of that code;

18 (9) a criminal investigator of the United States as  
19 described by Article 2.122(a), Code of Criminal Procedure;

20 (10) a police officer or inspector of the United  
21 States Federal Protective Service;

22 (11) a current or former United States attorney or  
23 assistant United States attorney and the spouse and child of the  
24 attorney;

25 (12) a current or former employee of the office of the  
26 attorney general who is or was assigned to a division of that office  
27 the duties of which involve law enforcement;

1 (13) a medical examiner or person who performs  
2 forensic analysis or testing who is employed by this state or one or  
3 more political subdivisions of this state;

4 (14) a current or former member of the United States  
5 armed forces who has served in an area that the president of the  
6 United States by executive order designates for purposes of 26  
7 U.S.C. Section 112 as an area in which armed forces of the United  
8 States are or have engaged in combat;

9 (15) a current or former employee of the Texas  
10 Juvenile Justice Department or of the predecessors in function of  
11 the department;

12 (16) a current or former juvenile probation or  
13 supervision officer certified by the Texas Juvenile Justice  
14 Department, or the predecessors in function of the department,  
15 under Title 12, Human Resources Code; ~~and~~

16 (17) a current or former employee of a juvenile  
17 justice program or facility, as those terms are defined by Section  
18 [261.405](#), Family Code; and

19 (18) a current or former employee of the Department of  
20 Family and Protective Services or a current or former employee of a  
21 department contractor performing services for the contractor on  
22 behalf of the department.

23 SECTION 19. Not later than December 1, 2017, the executive  
24 commissioner of the Health and Human Services Commission shall  
25 adopt the rules necessary to implement Section 261.3017, Family  
26 Code, as added by this Act.

27 SECTION 20. As soon as practicable after the effective date

1 of this Act:

2 (1) the executive commissioner of the Health and Human  
3 Services Commission shall adopt rules necessary to implement  
4 Sections 262.1041 and 262.1042, Family Code, as added by this Act;  
5 and

6 (2) the Department of Family and Protective Services  
7 shall implement the voluntary temporary caregiver program as  
8 required by Sections 262.1041 and 262.1042, Family Code, as added  
9 by this Act.

10 SECTION 21. The Department of Family and Protective  
11 Services may not implement the voluntary temporary caregiver  
12 program created under Section 262.1041, Family Code, as added by  
13 this Act, until the rules necessary to implement the program have  
14 been adopted.

15 SECTION 22. As soon as practicable after the effective date  
16 of this Act, the governor shall adopt rules for the implementation  
17 and administration of the innovation grant program established  
18 under Section 264.2042, Family Code, as added by this Act, and begin  
19 to award grants under the program.

20 SECTION 23. (a) The changes in law made by this Act apply to  
21 a suit affecting the parent-child relationship filed on or after  
22 the effective date of this Act. A suit affecting the parent-child  
23 relationship filed before the effective date of this Act is  
24 governed by the law in effect on the date the suit was filed, and the  
25 former law is continued in effect for that purpose.

26 (b) Section 264.1076, Family Code, as added by this Act,  
27 applies only to a child who enters the conservatorship of the

1 Department of Family and Protective Services on or after the  
2 effective date of this Act. A child who enters the conservatorship  
3 of the Department of Family and Protective Services before the  
4 effective date of this Act is governed by the law in effect on the  
5 date the child entered the conservatorship of the department, and  
6 the former law is continued in effect for that purpose.

7 (c) The Department of Family and Protective Services shall  
8 implement Section 264.1076, Family Code, as added by this Act, not  
9 later than December 31, 2018.

10 (d) As soon as practicable after the effective date of this  
11 Act, but not later than December 1, 2017, the Health and Human  
12 Services Commission, the Department of Family and Protective  
13 Services, the Department of State Health Services, the Texas  
14 Education Agency, the Texas Correctional Office on Offenders with  
15 Medical or Mental Impairments, the Texas Department of Criminal  
16 Justice, the Texas Department of Housing and Community Affairs, the  
17 Texas Workforce Commission, and the Texas Juvenile Justice  
18 Department shall update the joint memorandum of understanding  
19 required under Section 531.055, Government Code, as amended by this  
20 Act.

21 (e) The changes in law made by this Act to Sections 552.117  
22 and 552.1175, Government Code, and Section 25.025, Tax Code, apply  
23 only to a request for information that is received by a governmental  
24 body or an officer on or after the effective date of this Act. A  
25 request for information that was received before the effective date  
26 of this Act is governed by the law in effect on the date the request  
27 was received, and the former law is continued in effect for that

1 purpose.

2 (f) As soon as practicable after the effective date of this  
3 Act, the Department of Family and Protective Services shall  
4 establish and implement the caseload management system as required  
5 under Section 40.0328, Human Resources Code, as added by this Act.

6 SECTION 24. This Act takes effect September 1, 2017.