

By: _____ .B. No. _____

Substitute the following for ____B. No. _____:

By: _____ C.S.____B. No. _____

A BILL TO BE ENTITLED

AN ACT

relating to the statewide implementation of community-based foster care by the Department of Family and Protective Services.

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

SECTION 1. Section 264.124, Family Code, is amended by adding Subsection (e) to read as follows:

(e) On receipt of the verification required under Subsection (b), or as provided by Subsection (d), the department shall provide monetary assistance to a foster parent for full-time or part-time day-care services for a foster child. The department may not deny monetary assistance to the foster parent as long as the foster parent is employed on a full-time or part-time basis.

SECTION 2. (a) Chapter 264, Family Code, is amended by adding Subchapter B-1 to read as follows:

SUBCHAPTER B-1. COMMUNITY-BASED FOSTER CARE

Sec. 264.151. LEGISLATIVE FINDINGS AND INTENT. (a) The legislature finds that:

(1) for more than 30 years, the child welfare system in Texas has been centralized and managed by statutes and rules that impose a uniform system on communities statewide and ignore the fundamental differences between regions;

(2) in order for the department to effectively provide child welfare services, as required by state and federal law, the department shall consider and implement fundamental structural

1 changes to the provision of child protective and welfare services;

2 (3) child welfare services that are community-based
3 and family-centered, are monitored by community stakeholders, and
4 have effective accountability standards regarding performance
5 outcomes and practices have been found to lead to better outcomes
6 for children who are victims of abuse and neglect; and

7 (4) community-based foster care would align outcomes
8 to assist the state in achieving the state's goal of substantial
9 gains regarding performance outcomes in child safety, permanency,
10 and well-being.

11 (b) It is the intent of the legislature that the department
12 contract with community-based, nonprofit entities that have the
13 ability to provide child welfare services. The services provided
14 by the entities must include direct case management to ensure child
15 safety, permanency, and well-being, in accordance with state and
16 federal child welfare goals.

17 (c) It is the intent of the legislature that the provision
18 of community-based foster care for children be implemented with
19 measurable goals relating to:

20 (1) the safety of children in placements;

21 (2) the placement of children in each child's home
22 community;

23 (3) the provision of services to children in the least
24 restrictive environment possible and, if possible, in a family home
25 environment;

26 (4) minimal placement changes for children;

27 (5) the maintenance of contact between children and

1 their families and other important persons;

2 (6) the placement of children with siblings;

3 (7) the provision of services that respect each
4 child's culture;

5 (8) the preparation of children and youth in foster
6 care for adulthood;

7 (9) the provision of opportunities, experiences, and
8 activities for children and youth in foster care that are available
9 to children and youth who are not in foster care;

10 (10) the participation by children and youth in making
11 decisions relating to their own lives;

12 (11) the reunification of children with the biological
13 parents of the children when possible; and

14 (12) the promotion of the placement of children with
15 relative or kinship caregivers if reunification is not possible.

16 Sec. 264.152. DEFINITIONS. In this subchapter:

17 (1) "Alternative caregiver" means a person who is not
18 the foster parent of the child and who provides temporary care for
19 the child for more than 12 hours but less than 60 days.

20 (2) "Case management" means the provision of case
21 management services to a child for whom the department has been
22 appointed temporary or permanent managing conservator or the
23 child's family, relative or kinship caregivers, a young adult in
24 extended foster care, or a child who has been placed in the
25 catchment area through the Interstate Compact on the Placement of
26 Children, and includes:

27 (A) caseworker visits with the child;

1 (B) family and caregiver visits;
2 (C) convening and conducting permanency planning
3 meetings;
4 (D) the development and revision of the child and
5 family plans of service, including a permanency plan and goals for a
6 child or young adult in care;
7 (E) the coordination and monitoring of services
8 required by the child and the child's family;
9 (F) the assumption of court-related duties
10 regarding the child, including:
11 (i) providing any required notifications or
12 consultations;
13 (ii) preparing court reports;
14 (iii) attending judicial and permanency
15 hearings, trials, and mediations;
16 (iv) complying with applicable court
17 orders; and
18 (v) ensuring the child is progressing
19 toward the goal of permanency within state and federally mandated
20 guidelines; and
21 (G) any other function or service that the
22 department determines necessary to allow a single source continuum
23 contractor to assume responsibility for case management.
24 (3) "Catchment area" means a geographic service area
25 for providing child protective services that is identified as part
26 of the community-based foster care redesign.
27 (4) "Community-based foster care" means the

1 redesigned foster care services system required by Chapter 598
2 (S.B. 218), Acts of the 82nd Legislature, Regular Session, 2011.

3 Sec. 264.154. READINESS REVIEW PROCESS FOR COMMUNITY-BASED
4 FOSTER CARE CONTRACTOR. (a) The department shall develop a formal
5 review process to assess the ability of a single source continuum
6 contractor to satisfy the responsibilities and administrative
7 requirements of delivering foster care services, including the
8 contractor's ability to provide:

9 (1) placement services for children and families;

10 (2) case management services for children and
11 families;

12 (3) evidence-based, promising practice, or
13 evidence-informed supports for children and families; and

14 (4) sufficient available capacity for inpatient and
15 outpatient services and supports for children at all service levels
16 who have previously been placed in the catchment area.

17 (b) As part of the readiness review process, the single
18 source continuum contractor must prepare a plan detailing the
19 methods by which the contractor will avoid or eliminate conflicts
20 of interest. The department may not transfer services to the
21 contractor until the department has determined the plan is
22 adequate.

23 (c) The department must develop the review process under
24 Subsection (a) before the department may expand community-based
25 foster care outside of the initial catchment areas where
26 community-based foster care has been implemented.

27 (d) The department must conduct a readiness review for a

single source continuum contractor before the transfer of placement services to the contractor and before the transfer of case management services to the contractor. The department may not transfer those services to a contractor unless the readiness review demonstrates that the contractor is able to adequately deliver the services.

Sec. 264.155. EXPANSION OF COMMUNITY-BASED FOSTER CARE.

(a) Not later than December 31, 2019, the department shall:

(1) identify not more than eight catchment areas in the state that are best suited to implement community-based foster care of which not more than two catchment areas may be identified as best suited to implement the transfer of case management services to a single source continuum contractor;

(2) create an implementation plan for those catchment areas that includes a timeline for implementation;

(3) following the readiness review process under Section 264.154 and subject to the availability of funds, implement community-based foster care in those catchment areas; and

(4) following the implementation of community-based foster care services in those catchment areas, evaluate the implementation process and single source continuum contractor performance in each catchment area.

(b) Following the selection of the catchment areas under Subsection (a), the department shall annually, based on the availability of funding:

(1) provide a report to the legislature that details the readiness of any remaining catchment areas in which

1 community-based foster care services have not been implemented; and

2 (2) subject to the availability of funds, the
3 readiness of the catchment areas, and the feasibility of
4 implementing community-based foster care in those areas, begin
5 implementing community-based foster care in those areas in
6 accordance with the timeline developed for those areas under
7 Subsection (a)(2) and the readiness review process developed under
8 Section 264.154.

9 (c) In expanding community-based foster care, the
10 department may change the geographic boundaries of catchment areas
11 as necessary to align with specific communities.

12 (d) The department shall ensure the continuity of services
13 for children and families during the transition period to
14 community-based foster care in a catchment area.

15 (e) In implementing community-based foster care in a
16 catchment area, the department may not transfer case management
17 services to a single source continuum contractor in that catchment
18 area until the department has successfully completed the transfer
19 of placement services to the contractor.

20 Sec. 264.156. COMMUNITY ENGAGEMENT GROUP. (a) The
21 department shall create a community engagement group in each
22 catchment area to assist with the implementation of community-based
23 foster care. The department may create more than one community
24 engagement group in a catchment area, as appropriate. Membership
25 in a community engagement group may include:

26 (1) representatives from:

27 (A) the department;

1 (B) the judiciary;
2 (C) school districts in the catchment area;
3 (D) law enforcement;
4 (E) the local mental health authority;
5 (F) the children's advocacy center, if
6 applicable;
7 (G) a child-placing agency; and
8 (H) child and family service providers,
9 including prevention service providers;
10 (2) a court-appointed volunteer advocate, if
11 available;
12 (3) a parent or a person who specializes in parental
13 rights, including a family law attorney; and
14 (4) community leaders from the catchment area,
15 including leaders from local political subdivisions.
16 (b) The department shall adopt rules governing community
17 engagement groups and the maximum number of members in a group.
18 (c) Established stakeholder organizations in a catchment
19 area, including child welfare boards, may request to be designated
20 by the department as the community engagement group for that
21 catchment area.
22 (d) The community engagement group shall:
23 (1) provide feedback to the department on the
24 implementation of community-based foster care in the catchment area
25 and the ongoing operation of community-based foster care in the
26 catchment area;
27 (2) identify and report problems arising from the

1 implementation process to the department;

2 (3) identify, develop, promote, or facilitate the use
3 of local resources, including prevention and early intervention
4 resources, to supplement community-based foster care services; and

5 (4) serve as a facilitator for integrating the
6 voluntary participation of local organizations that provide family
7 and child welfare services into community-based foster care.

8 (e) Chapter 551, Government Code, applies to a community
9 engagement group.

10 Sec. 264.157. QUALIFICATIONS OF SINGLE SOURCE CONTINUUM
11 CONTRACTOR. To be eligible to enter into a contract with the
12 department to serve as a single source continuum contractor to
13 provide foster care service delivery, an entity must be a nonprofit
14 or governmental entity that:

15 (1) is licensed as a service provider by the
16 department;

17 (2) has an organizational mission and has demonstrated
18 experience in the delivery of services to children and families;
19 and

20 (3) has the ability to provide all of the case
21 management and placement services and perform all of the duties of a
22 single source continuum contractor required under this subchapter
23 or that can provide a plan to gain that ability during the
24 implementation of community-based foster care in a catchment area.

25 Sec. 264.158. REQUIRED CONTRACT PROVISIONS. A contract
26 with a single source continuum contractor to provide foster care
27 services in a catchment area must include provisions that:

1 (1) specify performance outcomes and financial
2 incentives for exceeding any specified performance outcomes;

3 (2) establish conditions for the single source
4 continuum contractor's access to relevant department data and
5 require the participation of the contractor in the data access and
6 standards governance council created under Section 264.159;

7 (3) require the single source continuum contractor to
8 create a single process for the training and use of alternative
9 caregivers for all child-placing agencies in the catchment area to
10 facilitate reciprocity of licenses for alternative caregivers
11 between agencies, including respite and overnight care providers,
12 as those terms are defined by department rule; and

13 (4) require the single source continuum contractor to
14 maintain a diverse network of service providers that offer a range
15 of foster capacity options and that can accommodate children from
16 diverse cultural backgrounds.

17 Sec. 264.159. DATA ACCESS AND STANDARDS GOVERNANCE COUNCIL.

18 (a) The department shall create a data access and standards
19 governance council to develop protocols for access by single source
20 continuum contractors to the department's data to allow the
21 contractors to perform case management functions.

22 (b) The department shall develop rules and processes for the
23 operation of the council. Each single source continuum contractor
24 that has entered into a contract with the department to provide
25 services under this subchapter shall participate in the council.
26 The council may also include:

27 (1) representatives of entities that manage court

1 proceedings;

2 (2) the courts;

3 (3) the department;

4 (4) health care providers; and

5 (5) any other entities the department considers
6 necessary.

7 (c) The council shall:

8 (1) develop protocols for the access, management,
9 security, and retention of case data that is shared between the
10 department and a single source continuum contractor;

11 (2) approve any changes to protocols at the request of
12 a service provider or the department; and

13 (3) conduct any other additional duties related to
14 data sharing protocols as considered necessary by the department.

15 (d) The department may assign the duties of the council to
16 any existing office or division of the department with functions
17 similar to the duties of the council. Each single source continuum
18 contractor and any additional entities as described by Subsection
19 (b) shall participate in the development of protocols and any other
20 duties assigned under this subsection.

21 Sec. 264.160. TRANSFER OF CASE MANAGEMENT SERVICES TO
22 SINGLE SOURCE CONTINUUM CONTRACTOR. (a) In each initial catchment
23 area where community-based foster care has been implemented or a
24 contract with a single source continuum contractor has been
25 executed before June 1, 2017, the department shall transfer to the
26 single source continuum contractor providing services in that area:

27 (1) the case management of children and families

1 receiving services from that contractor; and

2 (2) family reunification support services to be
3 provided after a child receiving services from the contractor is
4 returned to the child's family for the period of time ordered by the
5 court.

6 (b) The department shall collaborate with a single source
7 continuum contractor to establish an initial case transfer planning
8 team to:

9 (1) address any necessary data transfer;

10 (2) establish file transfer procedures; and

11 (3) notify relevant persons regarding the transfer of
12 services to the contractor.

13 Sec. 264.161. LIABILITY INSURANCE REQUIREMENTS. A single
14 source continuum contractor and any subcontractor of the single
15 source continuum contractor providing community-based foster care
16 services shall maintain minimum insurance coverage, as required in
17 the contract with the department, to minimize the risk of
18 insolvency and protect against damages. The executive commissioner
19 may adopt rules to implement this section.

20 Sec. 264.162. REVIEW OF CONTRACTOR PERFORMANCE. (a) The
21 department shall develop a formal review process to evaluate a
22 single source continuum contractor's implementation of placement
23 services and case management services in a catchment area.

24 (b) The department shall conduct the review for a single
25 source continuum contractor after the contractor completes the
26 implementation of placement services in a catchment area, and after
27 the contractor completes the implementation of case management

1 services in the catchment area.

2 Sec. 264.163. NOTICE REQUIRED FOR EARLY TERMINATION OF
3 CONTRACT. (a) A single source continuum contractor may terminate a
4 contract entered into under this subchapter by providing notice to
5 the department of the contractor's intent to terminate the contract
6 not later than the 90th day before the date of the termination.

7 (b) The department may terminate a contract entered into
8 with a single source continuum contractor under this subchapter by
9 providing notice to the contractor of the department's intent to
10 terminate the contract not later than the 30th day before the date
11 of termination.

12 Sec. 264.164. CONTINGENCY PLAN IN EVENT OF EARLY CONTRACT
13 TERMINATION. (a) In each catchment area in which community-based
14 foster care is implemented, the department shall create a
15 contingency plan to ensure the continuity of services for children
16 and families in the catchment area in the event of an early
17 termination of the contract with the single source continuum
18 contractor providing foster care services in that catchment area.

19 (b) If a single source continuum contractor gives notice to
20 the department of an early contract termination, the department may
21 enter into a contract with a different contractor for the sole
22 purpose of assuming the contract that is being terminated.

23 Sec. 264.165. REVIEW OF CONTRACTOR DECISIONS BY DEPARTMENT.

24 (a) Notwithstanding any other provision of this subchapter
25 governing the transfer of case management authority to a single
26 source continuum contractor, the department shall review a
27 contractor's decision with respect to a child's permanency goal.

1 The department must approve or disapprove a contractor's
2 recommended permanency goal for a child not later than 72 hours
3 after the department receives the recommendation from the
4 contractor.

5 (b) Subsection (a) may not be construed to limit or restrict
6 the authority of the department to:

7 (1) include necessary oversight measures and review
8 processes to maintain compliance with federal and state
9 requirements in a contract with a single source continuum
10 contractor; or

11 (2) attend court proceedings related to a child in the
12 conservatorship of the department, including any hearings, trials,
13 or mediations.

14 (c) The department shall develop an internal dispute
15 resolution process to decide disagreements between a single source
16 continuum contractor and the department.

17 Sec. 264.166. CHILD PROTECTIVE SERVICES LEGISLATIVE
18 OVERSIGHT COMMITTEE. (a) In this section, "committee" means the
19 Child Protective Services Legislative Oversight Committee
20 established under this section.

21 (b) The Child Protective Services Legislative Oversight
22 Committee is created to facilitate the transfer of functions from
23 the department to single source continuum contractors under this
24 subchapter with minimal negative effect on the delivery of services
25 to which those functions relate.

26 (c) The committee is composed of 11 voting members, as
27 follows:

1 (1) four members of the senate, appointed by the
2 lieutenant governor;

3 (2) four members of the house of representatives,
4 appointed by the speaker of the house of representatives; and

5 (3) three members of the public, appointed by the
6 governor.

7 (d) The commissioner of the department serves as an ex
8 officio, nonvoting member of the committee.

9 (e) A member of the committee serves at the pleasure of the
10 appointing official.

11 (f) The lieutenant governor and the speaker of the house of
12 representatives shall each designate a presiding co-chair from
13 among their respective appointments.

14 (g) A member of the committee may not receive compensation
15 for serving on the committee but is entitled to reimbursement for
16 travel expenses incurred by the member while conducting the
17 business of the committee as provided by the General Appropriations
18 Act.

19 (h) The committee shall:

20 (1) facilitate the transfer of functions from the
21 department to single source continuum contractors with minimal
22 negative effect on the delivery of services to which those
23 functions relate;

24 (2) with assistance from the department, advise the
25 commissioner of the department concerning:

26 (A) the functions to be transferred under this
27 subchapter and the funds and obligations that are related to the

1 functions;

2 (B) the transfer of the functions and related
3 records, funds, and obligations by the department that are required
4 by this subchapter; and

5 (C) the reorganization of the department's
6 administrative structure as required by the implementation of
7 community-based foster care under this subchapter and other
8 provisions enacted by the 85th Legislature that become law; and

9 (3) meet at least semiannually at the call of either
10 chair, in addition to meeting at other times as determined
11 appropriate by either chair.

12 (i) Chapter 551, Government Code, applies to the committee.

13 (j) The committee shall submit a report to the governor,
14 lieutenant governor, speaker of the house of representatives, and
15 legislature not later than December 1 of each even-numbered year.
16 The report must include an update on the progress of and issues
17 related to:

18 (1) the implementation of community-based foster
19 care, including the need for any additional statutory changes
20 required to ensure the achievement of the stated purposes of this
21 subchapter; and

22 (2) the reorganization of the department's
23 administrative structure as necessary during the implementation of
24 community-based foster care under this subchapter and other
25 provisions enacted by the 85th Legislature that become law.

26 (b) Section 264.126, Family Code, is transferred to
27 Subchapter B-1, Chapter 264, Family Code, as added by this section,

redesignated as Section 264.153, Family Code, and amended to read as follows:

Sec. 264.153 [~~264.126~~]. COMMUNITY-BASED FOSTER CARE
[~~REDESIGN~~] IMPLEMENTATION PLAN. (a) The department shall develop and maintain a plan for implementing community-based [the] foster care [~~redesign required by Chapter 598 (S.B. 218), Acts of the 82nd Legislature, Regular Session, 2011~~]. The plan must:

(1) describe the department's expectations, goals, and approach to implementing community-based foster care [~~redesign~~];

(2) include a timeline for implementing community-based [the] foster care [~~redesign~~] throughout this state, a timeline for the transfer of case management services, and any limitations related to the implementation;

(3) include [~~and~~] a progressive intervention plan and a contingency plan to provide continuity of foster care service delivery if a contract with a single source continuum contractor ends prematurely;

(4) include a provision establishing the required time for a contractor to provide notice of contract termination;

(5) [~~(3)~~] delineate and define the case management roles and responsibilities of the department and the department's contractors and the duties, employees, and related funding that will be transferred to the contractor by the department;

(6) [~~(4)~~] identify any training needs and include long-range and continuous plans for training and cross-training staff;

(7) [~~(5)~~] include a plan for evaluating the costs and

1 tasks associated with each contract procurement, including the
2 initial and ongoing contract costs for the department and
3 contractor;

4 (8) [~~(6)~~] include the department's contract
5 monitoring approach and a plan for evaluating the performance of
6 each contractor and the community-based foster care [~~redesign~~]
7 system as a whole that includes an independent evaluation of each
8 contractor's processes and fiscal and qualitative outcomes; and

9 (9) [~~(7)~~] include a report on transition issues
10 resulting from implementation of community-based [~~the~~] foster care
11 [~~redesign~~].

12 (b) The department shall annually:

13 (1) update the implementation plan developed under
14 this section and post the updated plan on the department's Internet
15 website; and

16 (2) post on the department's Internet website the
17 progress the department has made toward its goals for implementing
18 community-based [~~the~~] foster care [~~redesign~~].

19 SECTION 3. Section 40.032, Human Resources Code, is amended
20 by adding Subsection (h) to read as follows:

21 (h) In this subsection, "community-based foster care" has
22 the meaning assigned by Section 264.152, Family Code. The
23 department shall collaborate with single source continuum
24 contractors to ensure that employees of the department who perform
25 case management functions are given preference for employment by
26 service providers under the community-based foster care service
27 system.

1 SECTION 4. Subchapter B, Chapter 40, Human Resources Code,
2 is amended by adding Section 40.039 to read as follows:

3 Sec. 40.039. FOSTER CARE SERVICES CONTRACT COMPLIANCE,
4 OVERSIGHT, AND QUALITY ASSURANCE DIVISION. (a) In this section,
5 "community-based foster care" has the meaning assigned by Section
6 264.152, Family Code.

7 (b) The department shall create within the department the
8 foster care services contract compliance, oversight, and quality
9 assurance division. The division shall:

10 (1) oversee contract compliance and achievement of
11 performance-based outcomes by any vendor that provides foster care
12 services for the department under community-based foster care; and

13 (2) conduct assessments on the fiscal and qualitative
14 performance of any vendor that provides foster care services for
15 the department under community-based foster care.

16 SECTION 5. Section 42.042, Human Resources Code, is amended
17 by adding Subsections (s) and (t) to read as follows:

18 (s) The department shall create and implement processes to
19 simplify and streamline the licensing and verification rules for
20 agency foster homes and child-placing agencies, including:

21 (1) a process to allow provisional verification of a
22 foster home, based on the foster parent's partial completion of the
23 licensing requirements, as determined by the department; and

24 (2) a process to streamline background checks for
25 potential foster care providers.

26 (t) The department may waive certain minimum standards or
27 may permit a child-placing agency to waive certain verification

1 requirements for a foster home under this section.

2 SECTION 6. The changes in law made by this Act apply only to
3 a contract for foster care services entered into or renewed on or
4 after the effective date of this Act.

5 SECTION 7. This Act takes effect September 1, 2017.