

- SUBJECT:** Preference in hiring former foster children at state agencies and colleges
- COMMITTEE:** Technology, Economic Development and Workforce — committee substitute recommended
- VOTE:** 7 ayes — Strama, Parker, F. Brown, Button, Eissler, Gattis, Harless  
0 nays  
2 absent — Ritter, Rodriguez
- WITNESSES:** For — (*Registered, but did not testify*: Nicole Dumas; Elizabeth Gallardo; Scott O’Brien; Derrick Osobase, Texas State Employees Union; James Pepper; Krista Piferrer, Baptist Child and Family Services (BCFS); Andrea Sparks, Texas Court Appointed Special Advocates (CASA); Laura Wolf, CASA of Travis County)  
  
Against — None  
  
On — (*Registered, but did not testify*: Beth Engelking, Department of Family and Protective Services; Sally Tompkins, Department of Family and Protective Services)
- BACKGROUND:** Under Family Code, sec. 153.005, a court may appoint a sole or joint managing conservator to be legally responsible for a child. A managing conservator must be a parent, a competent adult, an authorized agency, such as the Department of Family and Protective Services (DFPS), or a licensed child-placing agency.  
  
The Texas Enterprise Zone Program is an economic development tool for local communities to partner with the state to promote job creation and capital investment in economically distressed areas. Government Code, sec. 2303.402(c) defines economically disadvantaged individuals for purposes of the enterprise zone program.
- DIGEST:** CSHB 1043 would amend the Government Code to require an employment preference by state agencies or higher education institutions for former foster care children who were under care on the day before their 18th birthday, if other applicants for the same position were not better

qualified. The bill would also allow for these individuals to receive a service credit of 10 points if they met the minimum score for a required exam under a merit system or civil service plan for selecting or promoting employees. This preference would not extend to a position of private secretary or deputy of an official or department or to a person holding a strictly confidential relation to an employer.

These foster care alumni also would be granted retention preference if their employing state agency reduced its workforce for employees of similar classification.

A former foster child aggrieved by a decision of a state agency regarding hiring or retention would be allowed to appeal by written complaint to the agency's governing body. The governing body would have to respond within 15 business days after receiving the complaint and would be allowed to issue a different hiring decision if it found that employment preferences were not applied by the state agency.

The bill's intent would be to act in concert with federal law or a limitation provided by a federal grant to a state agency.

CSHB 1043 also would amend Government Code, sec. 2303.402(c) by adding this group of foster care alumni to the list of economically disadvantaged individuals for purposes of the enterprise zone program.

The bill would take effect September 1, 2009.

**SUPPORTERS  
SAY:**

CSHB 1043 would provide a helping hand to former foster care children who have been under the care of the state and age out of the system. Former foster children often face difficult challenges after leaving the foster care system. According to a 2003 Northwest Foster Care Alumni Study, 33 percent of foster care alumni have no health insurance or have incomes at or below the poverty level. CSHB 1043 is modeled after preferences for veterans' employment outlined in Government Code, ch. 657.

This bill would help a relatively small subset of foster care alumni who, just until their 18th birthday, were under the care of the state. The state has a responsibility to help give these youths a leg up as they transition into the adulthood and the workplace.

Adding this group of foster care alumni to the group of economically disadvantaged individuals for the enterprise program would recognize that this existing group already was facing difficulties and would provide additional help in increasing their employment opportunities.

OPPONENTS  
SAY:

No apparent opposition.

NOTES:

The committee substitute added foster care alumni to the list of economically disadvantaged individuals for purposes of the enterprise zone program.