

All Prefiled Amendments for: HB 39

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**The following 6 amendments were
published on 5/9/17 11:55 PM**



17 MAY -8 AM 8:12
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: Sanford

1 Amend H.B. No. 39 (house committee report) by adding the
2 following appropriately numbered SECTIONS to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION __. Subchapter B, Chapter 262, Family Code, is
5 amended by adding Sections 262.1041 and 262.1042 to read as
6 follows:

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

12 (b) The department shall establish an application and
13 verification process to approve individuals to serve as voluntary
14 temporary caregivers. The department's verification process must:

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

17 (2) verify the caregiver:

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

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

23 (C) agrees to nonphysical discipline;

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

26 (E) maintains and submits to the department proof
27 of current certification in first aid and cardiopulmonary
28 resuscitation issued by the American Red Cross, the American Heart
29 Association, or another organization that provides equivalent

1 training and certification;

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

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

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

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

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

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

26 (1) allow the child to remain in the care of the
27 voluntary temporary caregiver;

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

31 (3) designate the voluntary temporary caregiver as a

1 designated caregiver of the child in accordance with Subchapter I,
2 Chapter 264.

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

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

10 (i) A voluntary temporary caregiver shall ensure that the
11 child:

12 (1) continues to attend the school in which the child
13 was enrolled immediately before the child was removed from the
14 child's home; or

15 (2) attends another school chosen by the child's
16 caseworker if the child's caseworker determines that it is unsafe
17 for the child to continue to attend the school in which the child
18 was enrolled immediately before the child was removed from the
19 child's home.

20 (j) The department shall publicize the voluntary temporary
21 caregiver program and notify the parents of a child being removed
22 from the child's home whether the child will be placed with a
23 voluntary temporary caregiver.

24 (k) The executive commissioner of the Health and Human
25 Services Commission shall adopt rules necessary to implement this
26 section.

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

1 SECTION __. As soon as practicable after the effective date
2 of this Act:

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

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



17 MAY -8 PM 12:00

HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: _____

1 Amend C.S.H.B. No. 39 (house committee printing) on page 2 by
2 striking lines 7-16 and inserting the following:

3 (b) The department shall ensure that each child described by
4 Subsection (a) who requires emergency medical care is examined by
5 and receives a medical examination and a mental health screening
6 from a physician or other health care provider authorized under
7 state law to conduct medical examinations.



17 MAY -8 PM 12:16

HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: Walle

1 Amend H.B. No. 39 (house committee printing) by adding
2 the following appropriately numbered SECTION to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION _____. Subchapter C, Chapter 40, Human Resources
5 Code, is amended by adding Section 40.05286 to read as follows:

6 Sec. 40.05286. STUDY ON REASONABLE CASEWORKER CASELOAD
7 GOALS. (a) The department in collaboration with the Legislative
8 Budget Board shall conduct a study to determine reasonable
9 caseworker caseload goals and make recommendations regarding
10 minimum and maximum caseloads for caseworkers in each division of
11 the department. The recommendations must be consistent with other
12 provisions of law governing department cases and caseloads,
13 including provisions related to risk assessment.

14 (b) The study described under Subsection (a) must:

15 (1) consider:

16 (A) optimal workload time and effort for assigned
17 caseworker duties; and

18 (B) the differences in caseworker workload
19 between regions of this state; and

20 (2) include recommendations on:

21 (A) reasonable caseworker caseload goals and
22 minimum and maximum caseload goals for caseworkers in each division
23 of the department, including employees of single source continuum
24 contractors who provide case management services under contract
25 with the department;

26 (B) caseworker caseload goal estimates that will
27 provide flexibility to the department in an emergency;

28 (C) any changes required for department risk
29 assessment provisions; and

1 (D) the provision of case management services by
2 single source continuum contractors under contract with the
3 department.

4 (c) The department shall:

5 (1) use the results and recommendations of the study
6 to determine the funding level of the department that is
7 appropriate to reduce caseloads; and

8 (2) not later than August 1, 2018, and jointly with the
9 Legislative Budget Board, report the results and recommendations of
10 the study to the legislature.

11 (d) This section expires December 31, 2019.



850644

17 MAY -8 PM 12:16
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: Walle

1 Amend C.S.H.B. No. 39 (house committee report) by adding the
2 following appropriately numbered SECTIONS to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION _____. Subchapter B, Chapter 531, Government Code,
5 is amended by adding Section 531.0481 to read as follows:

6 Sec. 531.0481. CASELOAD LIMIT GOALS FOR CERTAIN
7 CASEWORKERS. Notwithstanding Section 531.048(d) and to the extent
8 appropriated money is available for the purpose, the commission or
9 Department of Family and Protective Services, as appropriate, shall
10 work toward ensuring that the average caseload for the following
11 categories of caseworkers does not exceed the number specified by
12 this section:

13 (1) for caseworkers conducting child protective
14 services investigations, an average of 15 cases at any time;

15 (2) for child protective services caseworkers
16 providing family-based safety services, an average of 10 cases at
17 any time;

18 (3) for child protective services caseworkers
19 providing services through conservatorship programs, an average of
20 20 cases at any time;

21 (4) for child protective services caseworkers
22 providing services through foster and adoption programs, an average
23 of 20 cases at any time;

24 (5) for child-care licensing inspectors, an average
25 caseload of 64 nonresidential child-care facilities or registered
26 family homes at any time;

27 (6) for child-care licensing day-care investigators,
28 an average caseload of 17 investigations at any time; and

29 (7) for adult protective services specialists

1 providing adult protective services through in-home programs, an
2 average of 22 cases at any time.

3 SECTION _____. Subchapter C, Chapter 40, Human Resources
4 Code, is amended by adding Section 40.073 to read as follows:

5 Sec. 40.073. ABUSE, NEGLECT, AND EXPLOITATION HOTLINE:
6 CALL PROCESSING GOALS. (a) With respect to the hotline maintained
7 by the department for purposes of receiving reports under Section
8 261.103, Family Code, and Section 48.051, to the extent
9 appropriated money is available for the purpose, the department
10 shall work toward ensuring that:

11 (1) the average hold time for calls to the hotline does
12 not exceed five minutes; and

13 (2) the call abandonment rate for each state fiscal
14 year does not exceed 25 percent.

15 (b) The executive commissioner by rule shall adopt the
16 methodology to be used to calculate the call abandonment rate
17 referred to in Subsection (a)(2).

18 SECTION _____. Not later than December 1, 2018:

19 (1) the Health and Human Services Commission and the
20 Department of Family and Protective Services shall jointly submit a
21 report to the standing committees of the senate and house of
22 representatives having primary jurisdiction over those state
23 agencies regarding the agencies' progress in achieving the caseload
24 limit goals described in Section 531.0481, Government Code, as
25 added by this Act; and

26 (2) the Department of Family and Protective Services
27 shall submit a report to the committees described in Subdivision
28 (1) of this section regarding the department's progress in
29 achieving the call processing goals described in Section 40.073,
30 Human Resources Code, as added by this Act.



17 MAY -8 AM 11:55
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: _____

White
[Signature]

1 Amend C.S.H.B. No. 39 (house committee report) by adding the
2 following appropriately numbered SECTION to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION _____. Section 264.203(a), Family Code, is amended
5 to read as follows:

6 (a) Except as provided by Subsection (d), if the court
7 makes findings under Section 262.201(b) or 262.205(b), the
8 department may request that the court [~~on request of the department~~
9 ~~may~~] order the parent, managing conservator, guardian, or other
10 member of the subject child's household to:

11 (1) participate in the services the department
12 provides or purchases for:

13 (A) alleviating the effects of the abuse or
14 neglect that has occurred; or

15 (B) reducing the reasonable likelihood that the
16 child may be abused or neglected in the immediate or foreseeable
17 future; and

18 (2) permit the child and any siblings of the child to
19 receive the services.



850637

17 MAY -8 AM 11:53

HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: Bill Zedler

1 Amend C.S.H.B. No. 39 (house committee report) on page 2,
2 line 16, after the underlined period, by inserting the following:
3 A physician or other health care provider conducting the medical
4 examination under this section may not administer a vaccination as
5 part of the examination.