

## **BILL ANALYSIS**

Senate Research Center  
80R8732 MCK-D

S.B. 1941  
By: Deuell  
Health & Human Services  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Under current law, placement agencies are required to examine the criminal backgrounds of persons renewing or applying for a foster home license. However, placement agencies, in consideration of the application, are not required to check whether law enforcement officers have visited a foster home on disturbance charges. The report of at least 13 children dying in foster care due to abuse or neglect by foster caregivers has created the possibility that additional examination of foster home licensees may be required.

As proposed, S.B. 1941 authorizes the Department of Family and Protective Services (DFPS) to access records relating to an applicant for a foster home license, and requires DFPS to maintain a database of those records and make the database available to the Department of Public Safety. This bill requires DFPS to contact local law enforcement agencies in the cities and counties in which an applicant has resided in the last 10 years and since the applicant's last renewal to check for domestic violence reports in the applicant's home. This bill requires law enforcement agencies to report to DFPS each time said agencies report to a call from the licensed foster home.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Department of Family and Protective Services in SECTION 3 (Section 42.0448, Human Resources Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article 5.05(b), Code of Criminal Procedure, to entitle the Department of Family and Protective Services (DFPS) to access records relating to an applicant for a foster home license.

SECTION 2. Amends Subchapter C, Chapter 40, Human Resources Code, by adding Section 40.074, as follows:

Sec. 40.074. DATABASE OF FOSTER HOMES; INFORMATION PROVIDED TO PEACE OFFICER ON REQUEST. (a) Requires DFPS to maintain a database of licensed foster homes (database). Requires the database to identify each foster home that currently provides services to a foster child. Requires the database to be updated on a regular basis.

(b) Requires DFPS to make the database available to the Department of Public Safety (DPS) for the purposes of Subsection (c).

(c) Requires DPS to establish a procedure by which a peace officer or employee of a law enforcement agency, who provides DFPS with a street address, is automatically provided information as to whether that address is licensed as a foster home under Chapter 42 (Regulation of Certain Facilities, Homes, and Agencies That Provide Child-Care Services), Human Resources Code, and whether a foster child currently resides at the address.

SECTION 3. Amends Subchapter C, Chapter 42, Human Resources Code, by adding Section 42.0448, as follows:

Sec. 42.0448. REQUIRED BACKGROUND SEARCH OF FAMILY VIOLENCE CALLS. (a) Requires DFPS, before issuance of a license or registration for a foster home, to contact the law enforcement agency for each city and county in which the applicant resided during the 10 years preceding the date of the application to determine whether the law enforcement agency responded to any domestic violence reports at the applicant's residence.

(b) Requires DFPS, before renewing a license or registration for a foster home, to contact the law enforcement agency for each city and county in which the applicant resided since the date of the last renewal to determine whether the law enforcement agency responded to any domestic violence reports at the applicant's residence.

(c) Authorizes DFPS to adopt rules to implement this section.

SECTION 4. Amends Subchapter B, Chapter 264, Family Code, by adding Section 264.1064, as follows:

Sec. 264.1064. NOTICE OF LAW ENFORCEMENT CALLS. Requires a law enforcement agency to report to DFPS each time said agency responds to a call from a licensed foster home.

SECTION 5. Requires DFPS to establish the database not later than September 1, 2008.

SECTION 6. Makes application of Section 42.0448, Human Resources Code, as added by this Act, prospective.

SECTION 7. Effective date: September 1, 2007.