

BILL ANALYSIS

Senate Research Center
84R7268 MK-D

H.B. 1309
By: Turner, Sylvester (Schwertner)
Health & Human Services
5/8/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 1309 relates to who should be included upon notification of the death of a child in foster care. H.B. 1309 requires the Department of Family and Protective Services (DFPS) to notify those House and Senate members who live in the county in which the child was placed in foster care, and the county in which the conservatorship (affecting the parent-child relationship) lawsuit is pending. DFPS must notify these members within five days of the date on which DFPS is first made aware of the fatality.

Currently, DFPS notifies specific persons and offices of a DFPS fatality but does not always notify the legislators in whose districts the fatality occurred. As a result, legislators often hear about these fatalities from sources such as constituents, advocacy groups, or media outlets.

H.B. 1309 ensures that legislators whose counties/districts are directly affected are made aware of such a fatality within five days of DFPS' knowledge. DFPS has indicated that fewer child fatalities occur in managing conservatorship (approximately forty annually) as compared to system-wide (approximately 800 annually).

H.B. 1309 amends current law relating to the notification of certain legislators of the death of a child in foster care.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 264, Family Code, by adding Section 264.0121, as follows:

Sec. 264.0121. NOTICE TO LEGISLATORS OF FOSTER CHILD'S DEATH. Requires the Department of Family and Protective Services (DFPS), not later than the fifth day after the date DFPS is notified of the death of a child for whom DFPS has been appointed managing conservator, to provide the information described by Section 261.203(a) (relating to the information DFPS is required to release not later than the fifth day after the date DFPS receives a request for information about a child fatality with respect to which DFPS is conducting an investigation of alleged abuse or neglect) for the child to the state senators and state representatives who represent:

- (1) the county in which the child's placement at the time of the child's death was located; and
- (2) the county in which a suit affecting the parent-child relationship involving the child is pending.

SECTION 2. Effective date: upon passage or September 1, 2015.