

Chapter 1139

H.B. No. 2764

1 AN ACT  
2 relating to minimum standards and caregiver training for substitute  
3 care providers for children in the conservatorship of the  
4 Department of Family and Protective Services.

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

6 SECTION 1. Section 42.042, Human Resources Code, is amended  
7 by adding Subsections (b-1) and (t) to read as follows:

8 (b-1) Not later than the earlier of December 31, 2020, or  
9 the date the commission conducts the next review required by  
10 Subsection (b), the commission shall create and implement a process  
11 to simplify, streamline, and provide for greater flexibility in the  
12 application of the minimum standards to licensed child-placing  
13 agencies, agency foster homes, and adoptive homes with the goal of  
14 increasing the number of foster and adoptive homes in this state.  
15 This subsection expires September 1, 2021.

16 (t) The commission by rule shall grant to each child-placing  
17 agency and each single source continuum contractor the authority to  
18 waive certain minimum standards related to preservice training,  
19 annual training, or other requirements that are not directly  
20 related to caring for the child for:

21 (1) the child's foster or prospective adoptive parent;

22 or

23 (2) foster homes that have no citations or violations  
24 reported to the commission.

1 SECTION 2. Section 42.0537, Human Resources Code, is  
2 amended by amending Subsections (a) and (b) and adding Subsections  
3 (d), (e), and (f) to read as follows:

4 (a) The department and each single source continuum  
5 contractor shall include a provision in each contract with a  
6 child-placing agency with whom children in the managing  
7 conservatorship of the department are placed that requires the  
8 child-placing agency to provide [~~at least 35 hours of~~]  
9 competency-based, preservice training to a potential caregiver  
10 before the child-placing agency verifies or approves the caregiver  
11 as a foster or adoptive home. Except as provided by Subsection (d),  
12 the amount of training required by this subsection may not exceed 35  
13 hours.

14 (b) The department shall adopt policies to ensure that each  
15 potential caregiver receives [~~at least 35 hours of~~]  
16 competency-based, preservice training before the department  
17 verifies or approves the caregiver as a foster or adoptive home.  
18 Except as provided by Subsection (d), the amount of training  
19 required by this subsection may not exceed 35 hours.

20 (d) The department and each single source continuum  
21 contractor providing foster care placement or case management  
22 services may include in each contract with a child-placing agency  
23 with whom children in the managing conservatorship of the  
24 department are placed provisions that:

25 (1) require the child-placing agency to, before  
26 verifying or approving a prospective caregiver as a foster or  
27 adoptive home, provide to the prospective caregiver

1 competency-based, preservice training in addition to other  
2 training required under this section, based on the needs of the  
3 child being placed, including training regarding:

4 (A) the treatment of:

5 (i) children with complex medical needs;

6 (ii) children with emotional disorders;

7 (iii) children with intellectual or  
8 developmental disabilities; and

9 (iv) victims of human trafficking; and

10 (B) any other situation the department  
11 determines would require additional training; and

12 (2) allow the child-placing agency to provide  
13 training, in addition to other training required under this section  
14 for a prospective caregiver, that:

15 (A) meets the eligibility standards for federal  
16 financial participation under the requirements of the federal  
17 Family First Prevention Services Act (Title VII, Div. E, Pub. L.  
18 No. 115-123);

19 (B) meets the standards set by a nationally  
20 recognized accrediting organization; or

21 (C) meets the standards described by Paragraphs  
22 (A) and (B).

23 (e) The department may require training in addition to other  
24 training required under this section described by Subsection  
25 (d)(2), as appropriate, for certified child-placing agencies  
26 operated by the department.

27 (f) A child-placing agency may issue a provisional

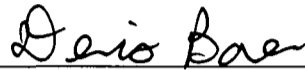
1 verification as provided by Section 42.053(e) to a prospective  
2 foster caregiver while the caregiver completes the training  
3 required under Subsection (d).

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

7 SECTION 4. This Act takes effect September 1, 2019.

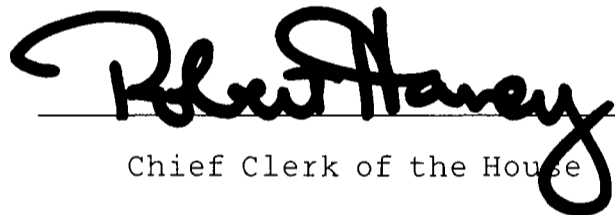


President of the Senate



Speaker of the House

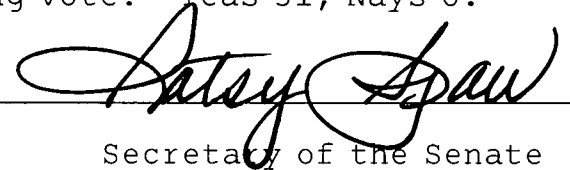
I certify that H.B. No. 2764 was passed by the House on May 3, 2019, by the following vote: Yeas 132, Nays 10, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 2764 on May 24, 2019, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 2764 on May 26, 2019, by the following vote: Yeas 142, Nays 1, 2 present, not voting.



Chief Clerk of the House

H.B. No. 2764

I certify that H.B. No. 2764 was passed by the Senate, with amendments, on May 22, 2019, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 2764 on May 26, 2019, by the following vote: Yeas 31, Nays 0.

  
Secretary of the Senate

APPROVED: 6-11-2019  
Date

  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
10:00 AM O'CLOCK

JUN 14 2019

  
Secretary of State