

SUBJECT: Requiring DFPS to conduct skills assessment for certain foster children

COMMITTEE: Human Services — favorable, without amendment

VOTE: 8 ayes — Raymond, Frank, Klick, Miller, Minjarez, Rose, Swanson, Wu

0 nays

1 absent — Keough

SENATE VOTE: On final passage, May 1 — 31-0

WITNESSES: *On House companion bill, HB 4168:*

For — Katherine Barillas, One Voice Texas; Sarah Crockett, Texas CASA; Tymothy Belseth; (*Registered, but did not testify:* Will Francis, National Association of Social Workers - Texas Chapter; Josette Saxton, Texans Care for Children; Pamela McPeters, TexProtects; James Thurston, United Ways of Texas; Knox Kimberly, Upbring; Thomas Parkinson)

Against — None

On — (*Registered, but did not testify:* Elizabeth "Liz" Kromrei, Department of Family and Protective Services)

BACKGROUND: Family Code, sec. 263.306(a-1) and sec. 263.5031 require a court to take certain actions at each permanency hearing for children in the conservatorship of the Department of Family and Protective Services (DFPS) before and after the court renders a final order, respectively.

Sec. 264.121 governs the transitional living services administered by DFPS, including the Preparation for Adult Living program. Sec 264.121(e) requires DFPS to ensure that foster youth on or before the date they turn 16 receive a copy of their birth certificate, social security card, and personal identification certificate. Sec. 264.121(e-1) requires DFPS to provide to youth who are at least 18, or have had the disabilities of

minority removed, their birth certificate, immunization records, health passport, personal identification certificate, and proof of enrollment in Medicaid, unless the youth already had the information or document.

**DIGEST:** SB 1758 would require the Department of Family and Protective Services (DFPS) to conduct an independent living skills assessment for all youth in DFPS permanent managing conservatorship (PMC) who were 14 and 15 years old and all youth in DFPS conservatorship who are at least 16 years old. DFPS would have to update the assessment annually through the youth's plan of service in coordination with the youth, the youth's caseworker, the Preparation for Adult Living (PAL) program staff, and the youth's caregiver.

The bill also would require DFPS to collaborate with stakeholders to develop a plan to standardize the PAL curriculum that ensured youth who were at least 14 years old received relevant and age-appropriate information and training. DFPS would have to report the plan to the Legislature by December 1, 2018.

For a child whose permanency goal was another planned permanent living arrangement, the bill would require the court at each permanency hearing before and after the court rendered a final order to determine:

- whether DFPS had conducted the required independent living skills assessment;
- whether DFPS had addressed the goals identified in the child's permanency plan, including the child's housing plan, and the results of the independent living skills assessment;
- if the youth was at least 16 years old, whether DFPS had provided the youth with certain identification documents as specified under Family Code, sec. 264.121(e); and
- if the youth was at least 18 years old or had the disabilities of minority removed, whether DFPS had provided the youth with certain identification and medical documents as specified under Family Code, sec. 264.121(e-1).

The bill would add a section to Family Code, ch. 263, subch. E, governing the final order for a child under DFPS care, that would require courts to verify in suits involving a child who was at least 14 years old that DFPS met the four aforementioned criteria.

At each permanency hearing before the court rendered a final order, the court would have to ask all parties present whether the child or the child's family had a Native American heritage and identify any Native American tribe with which the child could be associated.

DFPS would be required to implement SB 1758 only if the Legislature appropriated funds for the specific purposes of the bill. If the Legislature did not appropriate money to implement the bill, the department could but would not have to carry out its provisions.

The bill would take effect September 1, 2017, and would apply to a suit affecting the parent-child relationship filed before, on, or after that date. To the extent of any conflict, SB 1758 would prevail over another act of the 85th Legislature relating to nonsubstantive additions and corrections to code.

**SUPPORTERS  
SAY:**

SB 1758 would improve outcomes for foster youth and strengthen accountability for the Department of Family and Protective Services (DFPS). Reports indicate some foster youth lack adequate preparation for adulthood and are prone to unemployment and homelessness after they age out of the foster care system. Requiring DFPS to conduct an independent living skills assessment for foster children in permanent managing conservatorship who were at least 14 years old would give these children more time to transition as self-sufficient adults. The collaboration among DFPS and stakeholders to standardize the Preparation for Adult Living (PAL) program's curriculum could transform the PAL format from a classroom-type setting to a hands-on learning experience, which would be a more effective learning style for many foster children.

The bill also would enhance accountability by requiring courts to verify

that foster children received their legal documents, such as social security cards and birth certificates, and their medical history information, depending on the foster child's age. Timely receipt of these documents would help foster children apply for jobs, college, and housing, if necessary.

OPPONENTS  
SAY: No apparent opposition.

NOTES: According to the Legislative Budget Board, the bill would have a negative impact of about \$2.5 million to general revenue related funds in fiscal 2018-19.

A companion bill, HB 4168 by Turner, was reported favorably from the House Committee on Human Services and placed on the House General State Calendar for May 11.