

AN ACT

relating to the provision of mental health services for certain children at risk of relinquishment.

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

SECTION 1. Section 262.351, Family Code, is amended by amending Subdivision (1) and adding Subdivisions (1-a) and (1-b) to read as follows:

(1) "Commission" means the Health and Human Services Commission.

(1-a) "Department" means the Department of Family and Protective Services.

(1-b) "Relinquishment avoidance program" means the Health and Human Services Commission's program that provides mental health services to a child with a severe emotional disturbance without the child entering the managing conservatorship of the department.

SECTION 2. Subchapter E, Chapter 262, Family Code, is amended by adding Section 262.353 to read as follows:

Sec. 262.353. PROCEDURE FOR RELINQUISHING CHILD TO OBTAIN SERVICES. (a) The commission may not require the department to conduct a child abuse or neglect investigation before allowing a child to participate in the relinquishment avoidance program unless there is an allegation of abuse or neglect of the child.

(b) A local mental or behavioral health authority may refer

1 a child directly to the relinquishment avoidance program without
2 first contacting the department.

3 (c) The department and the commission shall:

4 (1) jointly adopt comprehensive guidance for
5 providers and families that describes:

6 (A) how to access services under the
7 relinquishment avoidance program; and

8 (B) the child's and family's rights when the
9 child's parent or legal guardian:

10 (i) relinquishes the child in order to
11 obtain mental health services for the child; or

12 (ii) accesses services under the
13 relinquishment avoidance program;

14 (2) publish the information described by Subdivision
15 (1) on the agency's Internet website; and

16 (3) make the information described by Subdivision (1)
17 available to caseworkers and families with a child who has a severe
18 emotional disturbance.

19 (d) The department and the commission shall jointly adopt
20 clear and concise protocols for families at risk of relinquishing a
21 child for the sole purpose of accessing mental health services for
22 the child. The protocols must:

23 (1) include procedures for determining eligibility
24 for the relinquishment avoidance program, including emergency
25 eligibility procedures for children who are at immediate risk of
26 relinquishment;

27 (2) include procedures for applying for the

1 relinquishment avoidance program;

2 (3) identify who will manage the case of a family
3 eligible for the relinquishment avoidance program;

4 (4) identify the funding and resources for the
5 relinquishment avoidance program; and

6 (5) identify the role of each party involved in the
7 relinquishment avoidance program, including the department, the
8 commission, contracted residential treatment centers, and local
9 mental and behavioral health authorities.

10 (e) The department and local mental and behavioral health
11 authorities shall follow the protocols adopted under Subsection
12 (d).

13 SECTION 3. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2021.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 642 passed the Senate on April 21, 2021, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 27, 2021, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 642 passed the House, with amendment, on May 18, 2021, by the following vote: Yeas 131, Nays 6, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor