

By: West, et al.  
(Hinojosa)

S.B. No. 642

Substitute the following for S.B. No. 642:

By: Noble

C.S.S.B. No. 642

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the provision of mental health services for certain  
3 children at risk of relinquishment.

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

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

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

10 (1-a) "Department" means the Department of Family and  
11 Protective Services.

12 (1-b) "Relinquishment avoidance program" means the  
13 Health and Human Services Commission's program that provides mental  
14 health services to a child with a severe emotional disturbance  
15 without the child entering the managing conservatorship of the  
16 department.

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

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

24 (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.