

A BILL TO BE ENTITLED

AN ACT

1
2 relating to implementation options for the provision of
3 community-based family preservation services and certain other
4 health and human services by certain state agencies or contractors
5 and to the repeal of a prior pilot program for family-based safety
6 services.

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

8 SECTION 1. Subchapter B-1, Chapter 264, Family Code, is
9 amended by adding Section 264.1691 to read as follows:

10 Sec. 264.1691. COMMUNITY-BASED FAMILY PRESERVATION
11 SERVICES. (a) In this section:

12 (1) "Community-based family preservation services"
13 means family preservation services provided by a community-based
14 entity under a contract with the department.

15 (2) "Family preservation services" means services
16 designed to maintain children in their families of origin and
17 ameliorate the effects of abuse or neglect, or reduce the risk of
18 abuse or neglect. The term includes:

19 (A) family support services;

20 (B) services to promote safe and stable families;

21 (C) Title IV-E prevention services;

22 (D) family-based safety services; and

23 (E) any similar efforts of the department or its
24 designees to maintain a child who:

1 (i) has been abused or neglected in the
2 child's home; or

3 (ii) is at direct risk of abuse or neglect
4 in the child's home.

5 (b) The department shall develop a comprehensive list of
6 options for how to implement coordinated community-based family
7 preservation services through:

8 (1) contract with current single-source continuum
9 contractors in existing catchment areas; and

10 (2) competitive procurement for contractors in
11 existing catchment areas.

12 (c) In developing the list of options under Subsection (b),
13 the department shall:

14 (1) compare existing department functions related to
15 family preservation, including assessments of child safety and
16 child removals, and examine how these functions would be completed
17 in a contracted model;

18 (2) consider the results from previous community needs
19 assessments and capacity development plans conducted within the
20 last 10 years; and

21 (3) consider:

22 (A) Title IV-E prevention services in the
23 delivery of community-based family preservation services and,
24 contingent upon appropriation, the appropriate use of these
25 services;

26 (B) financial modeling to be used to determine
27 cost for implementation, including the costs of:

- 1 (i) startup funding;
2 (ii) purchased client services;
3 (iii) strategies for shared financial risk;
4 and
5 (iv) rate methodology;
6 (C) procedures related to transitions between
7 case stages, including:
8 (i) from investigations to family
9 preservation; and
10 (ii) from family preservation to foster
11 care;
12 (D) how to maximize evidence-based services and
13 methods to increase the evidence base for Texas family preservation
14 programs;
15 (E) requirements necessary to comply with
16 federal statutes in order to receive matching funds for certain
17 prevention services;
18 (F) appropriate performance measures for
19 contracted services, including associated financial remedies and
20 incentives;
21 (G) how to maximize existing funding streams and
22 programs related to behavioral health and substance use within the
23 Health and Human Services Commission;
24 (H) appropriate contract provisions to ensure a
25 clear distinction of funds, personnel, and processes for family
26 preservation services and foster care services;
27 (I) conflict resolution procedures between the

1 department and any contractors concerning:

2 (i) service plans;

3 (ii) services; and

4 (iii) case action for any children or
5 families served by a contractor;

6 (J) appropriate oversight structures to manage
7 contract compliance, contractor performance, and child and family
8 safety;

9 (K) appropriate contract provisions to ensure
10 community engagement, including appropriate partnerships with
11 faith-based organizations;

12 (L) recommendations for statutory changes
13 necessary to support the department's implementation options; and

14 (M) any other information the department
15 determines necessary to inform the legislature about how to direct
16 the department on the implementation of community-based family
17 preservation services.

18 (d) In developing implementation options under this
19 section, the department shall incorporate relevant information
20 already developed through prior efforts. The department shall also
21 consider similar service models in other states.

22 (e) In developing implementation options under this
23 section, the department shall collaborate with the Health and Human
24 Services Commission as needed, including on:

25 (1) recommendations for the provision of behavioral
26 health and substance use services; and

27 (2) appropriate rate methodology.

1 (f) In developing implementation options under this
2 section, the department shall allow for stakeholder input on the
3 provision of behavioral health and substance use services.

4 (g) The department may contract for any or all of the
5 requirements of this section.

6 (h) This section expires August 31, 2023.

7 SECTION 2. The following laws are repealed:

8 (1) Section 264.169, Family Code; and

9 (2) Section 40.0581(f), Human Resources Code.

10 SECTION 3. Not later than October 1, 2022, the Department of
11 Family and Protective Services shall submit copies of the options
12 described by Section 264.1691, Family Code, as added by this Act,
13 along with any associated recommendations, to the:

14 (1) governor;

15 (2) lieutenant governor;

16 (3) speaker of the house of representatives;

17 (4) House Committee on Appropriations;

18 (5) Senate Committee on Finance;

19 (6) House Committee on Human Services; and

20 (7) Senate Committee on Health and Human Services.

21 SECTION 4. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2021.