

BILL ANALYSIS

Senate Research Center

S.B. 423
By: Nelson
Health & Human Services
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 423 allows the Department of Family and Protective Services (DFPS) to create an alternate track for low-risk cases to promote collaboration with families and to ensure child safety, to increase successful reunifications, and to decrease recidivism.

Currently, DFPS must investigate all cases of alleged abuse and neglect of Texas children by their caregivers. This bill creates a second track, called alternative response, for less severe cases, mostly neglect. This will allow DFPS to help those families to obtain appropriate services without designating a "perpetrator." However, serious abuse cases or cases involving children aged five and younger will not be eligible for alternative response and will be sent immediately to a traditional investigation.

S.B. 423 amends current law relating to the flexible response system for investigations of child abuse or neglect reports by the Department of Family and Protective Services.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 2 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 261.3015, Family Code, as follows:

Sec. 261.3015. FLEXIBLE RESPONSE SYSTEM. (a) Requires the Department of Family and Protective Services (DFPS), in assigning priorities and prescribing investigative procedures based on the severity and immediacy of the alleged harm to a child under Section 261.301(d) (relating to requiring DFPS to by rule assign priorities and prescribing investigative procedures based on the severity and immediacy of the alleged harm to a child), to establish a flexible response system to allow DFPS to make the most effective use of resources to investigate and respond to reported cases of abuse and neglect, rather than to make the most effective use of resources by investigating serious cases of abuse and neglect and by screening out less serious cases of abuse and neglect if DFPS makes a certain determination. Deletes existing text authorizing DFPS to administratively close less serious cases without providing services or making a referral to another entity for assistance.

(b) Authorizes DFPS, notwithstanding Section 261.301 (Investigation of Report), in accordance with this section and DFPS rules, to conduct an alternative response to a report of abuse or neglect if the report does not:

- (1) allege sexual abuse of a child;
- (2) allege abuse or neglect that caused the death of a child; or
- (3) indicate a risk of serious physical injury or immediate serious harm to a child.

(c) Authorizes DFPS to administratively close a reported case of abuse and neglect without completing the investigation or alternative response and without providing services or making a referral to another entity for assistance if DFPS determines, after contacting a professional or other credible source, that the child's safety can be assured without further investigation, response, services, or assistance.

(d) Provides that, in determining how to classify a reported case of abuse or neglect under the flexible response system, the child's safety is the primary concern. Authorizes the classification of a case to be changed as warranted by the circumstances. Deletes existing Subsection (a-1) relating to providing that a case, for purposes of Subsection (a), is considered to be a less serious case of abuse or neglect if the circumstances of the case do not indicate an immediate risk of abuse or neglect that could result in the death of or serious harm to the child who is the subject of the case. Deletes the existing Subsection (b) designation. Makes conforming and nonsubstantive changes.

(e) Requires that an alternative response to a report of abuse or neglect include certain information.

(f) Prohibits an alternative response to a report of abuse or neglect from including a formal determination of whether the alleged abuse or neglect occurred.

(g) Redesignates existing Subsection (c) as Subsection (g). Authorizes DFPS to implement the alternative response in one or more of DFPS's administrative regions before implementing the system statewide, rather than implementing the flexible response system by establishing a pilot program in a single DFPS service region. Requires DFPS to study the results of the system in the regions where the system has been implemented in determining the method by which to implement the system statewide.

SECTION 2. Requires the executive commissioner of the Health and Human Services Commission, not later than December 1, 2013, to adopt rules necessary to implement Section 261.3015, Family Code, as amended by this Act.

SECTION 3. Effective date: September 1, 2013.