

## **BILL ANALYSIS**

S.B. 423  
By: Nelson  
Human Services  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Under current procedures, the Department of Family and Protective Services (DFPS) must investigate all cases of alleged abuse and neglect of Texas children by their caregivers. Interested parties assert that providing for a second track, or alternative response, for certain less severe cases would allow DFPS to help those families obtain appropriate services without making a final determination that abuse or neglect occurred. S.B. 423 seeks to create such an alternate track for low-risk cases in order to promote collaboration with families, to ensure child safety, to increase successful reunifications, and to decrease recidivism.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 2 of this bill.

### **ANALYSIS**

S.B. 423 amends the Family Code to remove provisions requiring the Department of Family and Protective Services (DFPS) to establish a flexible response system to allow DFPS to screen out certain less serious cases of abuse and neglect and to administratively close those cases without providing services or making a referral to another entity for assistance. The bill instead requires DFPS, in accordance with the bill's provisions and applicable rules, to conduct an alternative response to a report of abuse or neglect if the report does not allege sexual abuse of a child, allege abuse or neglect that caused the death of a child, or indicate a risk of serious physical injury or immediate serious harm to a child. The bill authorizes DFPS to administratively close a reported case of abuse or neglect without completing the investigation or alternative response and without providing services or making a referral to another entity for assistance upon DFPS's determination, after contacting a professional or other credible source, that the child's safety can be assured without further investigation, response, services, or assistance. The bill establishes 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.

S.B. 423 requires an alternative response to a report of abuse or neglect to include a safety assessment of the child who is the subject of the report, an assessment of the child's family, and, in collaboration with the child's family, identification of any necessary and appropriate service or support to reduce the risk of future harm to the child. The bill prohibits an alternative response to a report of abuse or neglect from including a formal determination of whether the alleged abuse or neglect occurred. The bill removes a provision authorizing DFPS to implement the flexible response system by establishing a pilot program in a single DFPS service region and instead authorizes DFPS to implement the alternative response in one or more of DFPS's administrative regions before implementing the system statewide.

S.B. 423 requires the executive commissioner of the Health and Human Services Commission, not later than December 1, 2013, to adopt rules necessary to implement the bill's provisions.

**EFFECTIVE DATE**

September 1, 2013.