

By: Coleman

H.B. No. 4041

A BILL TO BE ENTITLED

AN ACT

relating to establishing family drug courts in counties.

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

SECTION 1. FINDINGS. The House Committee on County Affairs held several hearings across Texas in 2016 where the Committee heard testimony from many CPS stakeholders around Texas. The Committee found that substance abuse is a major factor in the removal of many children from their homes by CPS. The Committee found that substance abuse by a parent was a factor in nearly two thirds of removals. To properly address the CPS crisis in Texas the Legislature needs to address the root causes of child removals, such as substance abuse. The Committee also found that family drug courts such as the Parenting in Recovery/Family Drug Treatment program in Travis County has contributed successfully in reducing the number of children needing to be removed from their homes by CPS. Family drug courts are able to do this by working with the parents to help treat their substance abuse and improve their parenting skills, all while the children remain in the home.

SECTION 2. Chapter 122, Government Code, is amended by adding Section 122.005 and 122.0051 to read as follows:

Sec. 122.005. FAMILY DRUG COURT STUDY. (a) Not later than September 1, 2018, the commissioners court of each county that has not established a family drug court program shall study the effect the creation of a family drug court would have in the county. The

1 sheriff and, as applicable, the county attorney, district attorney,  
2 or criminal district attorney shall assist in conducting the study.  
3 Input from the following persons located in the county as  
4 applicable shall be requested: judges, CPS caseworkers and  
5 supervisors, attorney ad litem, guardian ad litem, treatment  
6 providers, child/family therapists, treatment providers, peer  
7 recovery coach providers, domestic violence advocates, housing  
8 partners, drug court coordinators, drug court services managers,  
9 drug court case managers. The study must analyze the effectiveness  
10 of:

11 (1) creating a court that specializes in cases in  
12 which a parent or person standing in parental relation suffers from  
13 drug addiction; and

14 (2) case management used by a family drug court  
15 program, including the involvement of Department of Family and  
16 Protective Services caseworkers, court-appointed case managers,  
17 and court-appointed special advocates, to rehabilitate a parent or  
18 person standing in parental relation who has had a child removed  
19 from the parent's or person's care by the department, or under  
20 investigation to determine if a child should be removed from the  
21 parent's or person's care by the department.

22 (b) This section expires January 1, 2019.

23 Sec. 122.0051. GRANT FUNDING FOR FAMILY DRUG COURTS. (a)  
24 The county family drug court fund is a dedicated account in the  
25 general revenue fund.

26 (b) The county family drug court fund consists of:

27 (1) appropriations of money to the fund by the

1 legislature; and

2 (2) gifts, grants, including grants from the federal  
3 government, and other donations received for the fund.

4 (c) The Health and Human Service Commission may provide  
5 counties who submit their study conducted under subsection 122.005  
6 for consideration with funds to set up and administer a family drug  
7 court in their

8 SECTION 3. The Health and Human Services Commission shall  
9 adopt rules regarding the criteria for awarding grants described  
10 under subsection 122.0051 by January 1, 2018.

11 SECTION 4. This Act takes effect September 1, 2017.