

By: Zaffirini

S.B. No. 2077

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the provision of protective services and the conduct of
3 certain investigations through the adult protective services
4 program of the Department of Family and Protective Services.

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

6 SECTION 1. Section 40.002(b), Human Resources Code, as
7 effective September 1, 2017, is amended to read as follows:

8 (b) Except as provided by Section 40.0025, the department
9 shall:

10 (1) provide protective services for children and
11 elderly persons and persons with disabilities, including
12 investigations of alleged abuse, neglect, or exploitation by a
13 provider the department has authority to investigate under Section
14 48.252 or under Section 261.404, Family Code [~~in facilities of the~~
15 ~~Department of State Health Services and the Department of Aging and~~
16 ~~Disability Services or the successor agency for either of those~~
17 ~~agencies];~~

18 (2) provide family support and family preservation
19 services that respect the fundamental right of parents to control
20 the education and upbringing of their children;

21 (3) license, register, and enforce regulations
22 applicable to child-care facilities, child-care administrators,
23 and child-placing agency administrators; and

24 (4) implement and manage programs intended to provide

1 early intervention or prevent at-risk behaviors that lead to child
2 abuse, delinquency, running away, truancy, and dropping out of
3 school.

4 SECTION 2. Section 40.0025(b), Human Resources Code, is
5 amended to read as follows:

6 (b) In accordance with Subchapter A-1, Chapter 531,
7 Government Code, and notwithstanding any other law, the department
8 performs only functions, including the statewide intake of reports
9 and other information, related to the following services:

10 (1) child protective services, including services
11 that are required by federal law to be provided by this state's
12 child welfare agency;

13 (2) adult protective services, including
14 investigations conducted by adult protective services under
15 Section 48.252 or under Section 261.404, Family Code ~~[other than~~
16 ~~investigations of the alleged abuse, neglect, or exploitation of an~~
17 ~~elderly person or person with a disability:~~

18 ~~[(A) in a facility operated, or in a facility or~~
19 ~~by a person licensed, certified, or registered, by a state agency;~~
20 ~~or~~

21 ~~[(B) by a provider that has contracted to provide~~
22 ~~home and community-based services]; and~~

23 (3) prevention and early intervention services
24 functions, including:

25 (A) prevention and early intervention services
26 as defined under Section 265.001, Family Code; and

27 (B) programs that:

- 1 (i) provide parent education;
- 2 (ii) promote healthier parent-child
- 3 relationships; or
- 4 (iii) prevent family violence.

5 SECTION 3. Section 531.02011, Government Code, is amended
6 to read as follows:

7 Sec. 531.02011. PHASE TWO: FINAL TRANSFERS TO COMMISSION.
8 On the dates specified in the transition plan required under
9 Section 531.0204, the following functions are transferred to the
10 commission as provided by this subchapter:

11 (1) all functions of each state agency and entity
12 subject to abolition under Section 531.0202(b) that remained with
13 the agency or entity after the initial transfer of functions under
14 Section 531.0201 or a transfer of administrative support services
15 functions under Section 531.02012;

16 (2) regulatory functions and functions related to
17 state-operated institutions of the Department of State Health
18 Services; and

19 (3) regulatory functions of the Department of Family
20 and Protective Services, other than regulatory functions of the
21 department's adult protective services program involving
22 investigations conducted under Section 48.252, Human Resources
23 Code, or Section 261.404, Family Code.

24 SECTION 4. Section 531.02013, Government Code, is amended
25 to read as follows:

26 Sec. 531.02013. FUNCTIONS REMAINING WITH CERTAIN AGENCIES.
27 The following functions are not subject to transfer under Sections

1 531.0201 and 531.02011:

2 (1) the functions of the Department of Family and
3 Protective Services, including the statewide intake of reports and
4 other information, related to the following:

5 (A) child protective services, including
6 services that are required by federal law to be provided by this
7 state's child welfare agency;

8 (B) adult protective services, including
9 investigations conducted by adult protective services under
10 Section 48.252, Human Resources Code, or Section 261.404, Family
11 Code [~~other than investigations of the alleged abuse, neglect, or~~
12 ~~exploitation of an elderly person or person with a disability:~~

13 [~~(i) in a facility operated, or in a~~
14 ~~facility or by a person licensed, certified, or registered, by a~~
15 ~~state agency; or~~

16 [~~(ii) by a provider that has contracted to~~
17 ~~provide home and community-based services]; and~~

18 (C) prevention and early intervention services;
19 and

20 (2) the public health functions of the Department of
21 State Health Services, including health care data collection and
22 maintenance of the Texas Health Care Information Collection
23 program.

24 SECTION 5. This Act takes effect September 1, 2017.