

## **BILL ANALYSIS**

C.S.S.B. 355  
By: West  
Human Services  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Although federal Title IV-E funds historically have been made available only to children in the foster care system, President Trump signed into law the Family First Prevention Services Act in 2018 with the goal of preventing children from entering into the foster care system in the first place by providing federal Title IV-E funding for evidence-based prevention services for mental health, substance abuse, and in-home intensive parenting for adults whose children are at imminent risk of entering foster care. Because the state's network of service providers is not yet sufficient to take advantage of the opportunities afforded by this act, and because federal guidance has been lacking, the state has opted to delay implementation with the hope of taking time to determine how best to accomplish the goals of the Family First Prevention Services Act. C.S.S.B. 355 seeks to assist in this regard by directing the Department of Family and Protective Services to develop a strategic plan for the coordinated implementation of community-based care and foster care prevention services that meet the requirements of that act.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.S.B. 355 amends the Human Resources Code to require the Department of Family and Protective Services (DFPS) to develop a strategic plan for the coordinated implementation of community-based care, as defined by the Family Code, and foster care prevention services that meet the requirements of the federal Family First Prevention Services Act. The bill sets out the plan's required components and certain related requirements for DFPS. The bill requires DFPS to submit the plan not later than December 30, 2019, to the governor, the lieutenant governor, the speaker of the house of representatives, and each member of the standing committees of the senate and house of representatives having primary jurisdiction over child welfare issues. The bill's provisions expire March 1, 2020, and expressly do not supersede or limit the duty of DFPS to develop and maintain the community-based care implementation plan.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

### **COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE**

While C.S.S.B. 355 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute changes the goal of the strategic plan from the implementation of foster care prevention services that meet certain federal requirements to the coordinated implementation of community-based care and such foster care prevention services. The substitute includes additional required components for the plan.

The substitute does not include a requirement for DFPS to consult with the Health and Human Services Commission and the Department of State Health Services in developing the procedure under the plan for determining eligibility for certain mental health, substance use, and in-home parenting support services.

The substitute includes a provision establishing that the bill's provisions do not supersede or limit the duty of DFPS to develop and maintain the community-based care implementation plan.

The substitute does not include a requirement for DFPS to make the plan available to certain specified committees of the senate and house of representatives not later than September 1, 2020. The substitute includes a requirement for DFPS instead to submit the plan to the governor, the lieutenant governor, the speaker of the house of representatives, and each member of the standing committees of the senate and house of representatives having primary jurisdiction over child welfare issues not later than December 30, 2019.

The substitute changes the date on which the bill's provisions expire from March 1, 2021, to March 1, 2020.

The substitute revises the bill's effective date provision by providing for a possible immediate effect.