

BILL ANALYSIS

Senate Research Center
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S.B. 355
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Health & Human Services
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In February 2018, President Trump signed into law the Family First Prevention Services Act (FFPSA) as part of the Bipartisan Budget Act of 2018 - H.R. 1892. The act provides 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" (as defined by the state) of entering foster care, and also for pregnant and parenting youth in foster care. Title IV-E funds have previously only been available for children in the foster care system. From October 2019 through September 2026 the federal financial participation is 50 percent (a one-to-one match).

Unlike money Texas receives for foster care, this new funding is directed at preventing entry into foster care in the first place, and gives states latitude in developing effective prevention efforts. Under FFPSA, states can delay implementation for up to two years. Because Texas' network of prevention providers is not yet sufficient to take advantage of this opportunity, and because federal guidance has been slow in coming, Texas has opted for that route. In the meantime, the Department of Family and Protective Services (DFPS) needs to determine how best to accomplish the goals of FFPSA.

Accordingly, this bill directs DFPS to develop a strategic plan to ensure that Texas' prevention and early intervention services meet the requirements of FFPSA. The plan must:

- identify providers of mental health, substance abuse, and in-home parenting services; and
- identify methods to:
 - leverage federal resources available under FFPSA;
 - apply for other available federal and private funds;
 - reduce duplication of services by state agencies; and
 - streamline procedures for determining eligibility for such services.

The plan must also provide for the notification of appropriate legislative committees about funding opportunities and a method for responding to them, and identify opportunities to coordinate with independent researchers to assist community programs in developing trauma-informed, evidence-based services. Community stakeholders and appropriate state agencies are to be involved in identifying a network of providers and resources, and streamlining the provision of services.

As proposed, S.B. 355 amends current law relating to developing a strategic plan to ensure the provision of prevention and early intervention services complies with federal law.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 265, Family Code, by adding Section 265.0051, as follows:

Sec. 265.0051. STRATEGIC PLAN REGARDING FEDERAL FAMILY FIRST PREVENTION SERVICES ACT. (a) Requires the Department of Family and Protective Services (DFPS) to develop a strategic plan to ensure that the provision of prevention and early intervention services meet the requirements of the federal Family First Prevention Services Act (Title VII, Div. E, Pub. L. No. 115–123).

(b) Requires the strategic plan required under this section to:

(1) identify for federal approval a network of prevention and early intervention services providers to provide mental health, substance use, and in-home parenting support services for:

(A) children at risk of entering foster care;

(B) the parents and caregivers of children identified under Paragraph (A); and

(C) pregnant or parenting youth in foster care;

(2) identify methods to maximize resources from the federal government under the federal Family First Prevention Services Act (Title VII, Div. E, Pub. L. No. 115–123), apply for available federal and private funds, streamline and reduce duplication of effort by each state agency involved in providing prevention and early intervention services, and streamline the procedures for determining eligibility for prevention and early intervention services;

(3) include a method to notify the Senate Health and Human Services Committee, the Senate Finance Committee, the House Committee on Human Services, the House Committee on Public Health, and the House Appropriations Committee of federal and private funding opportunities, and a method to respond to opportunities; and

(4) identify opportunities to coordinate with independent researchers to assist community programs in evaluating and developing trauma-informed services and promising, supported, or well-supported services and strategies under the federal Family First Prevention Services Act (Title VII, Div. E, Pub. L. No. 115-123).

(c) Requires DFPS to consult with the Health and Human Services Commission (HHSC), the Department of State Health Services (DSHS), and community stakeholders in developing the network of providers described by Subsection (b)(1).

(d) Requires DFPS to consult with the HHSC and DSHS in developing the procedure described by Subsection (b)(2).

(e) Provides that this section expires March 1, 2021.

SECTION 2. Requires DFPS, not later than September 1, 2020, to make the plan required by Section 265.0051, Family Code, as added by this Act, available to the Senate Health and Human Services Committee, the Senate Finance Committee, the House Committee on Human Services, the House Committee on Public Health, and the House Appropriations Committee.

SECTION 3. Effective date: September 1, 2019.