

House Bill 3950
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. (a) In this section:

(1) "Commission" means the Health and Human Services Commission.

(2) "Community-based care" has the meaning assigned by Section 264.152, Family Code.

(3) "Department" means the Department of Family and Protective Services.

(4) "Task force" means the child welfare task force.

(b) The child welfare task force is established to develop a statewide plan for the continued implementation of community-based care and the implementation of family preservation and other related prevention services for the state's child welfare system.

(c) The task force is composed of nine voting members as follows:

(1) three members appointed by the governor;

(2) three members of the senate, appointed by the lieutenant governor; and

(3) three members of the house of representatives, appointed by the speaker of the house of representatives.

(d) The chair and the vice chair of the task force shall be elected by members of the task force.

(e) A task force member is not entitled to compensation for service on the task force but is entitled to reimbursement for actual and necessary expenses incurred in performing task force duties. The task force may accept gifts, grants, and donations to pay for those expenses.

(f) The task force shall meet at least quarterly at the call of the chair and may consider public testimony.

SENATE VERSION (IE)

SECTION 1. (a) In this section:

(1) "Commission" means the Health and Human Services Commission.

(2) "Committee" means the Joint Committee on Child Welfare.

(3) "Community-based care" has the meaning assigned by Section 264.152, Family Code.

(4) "Department" means the Department of Family and Protective Services.

(b) The Joint Committee on Child Welfare is composed of nine voting members as follows:

(1) three members appointed by the governor;

(2) three members of the senate, appointed by the lieutenant governor; and

(3) three members of the house of representatives, appointed by the speaker of the house of representatives.

(c) The lieutenant governor and speaker of the house of representatives shall each appoint a member described by Subsection (b)(2) or (3) of this section, respectively, to serve as joint chairs of the committee.

(d) The committee shall meet at least quarterly at the call of the joint chairs and may consider public testimony.

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(g) Notwithstanding Chapter 551, Government Code, or any other law, the task force may meet by telephone conference call, videoconference, or other similar telecommunication method. A meeting held by telephone conference call, videoconference, or other similar telecommunication method is subject to the requirements of Sections 551.125(c), (d), (e), and (f), Government Code.

(h) The task force shall develop a statewide plan for the continued implementation of community-based care and the implementation of family preservation and other related prevention services for the state's child welfare system.

(i) The statewide plan must:

(1) identify sources of funding, including the development of a robust financial methodology, for the continued implementation of community-based care and family preservation and other related prevention services;

(2) include a timeline for the complete implementation of the statewide plan developed by the task force and identify additional resources the department will require to meet that timeline, including enhanced training related to procurement, contract monitoring and enforcement services, information technology services, and financial and legal services;

(3) identify barriers to using federal and state money and necessary purchased services to achieve greater numbers of children and youth who remain safely with their families by reviewing and effectively maximizing:

SENATE VERSION (IE)

(e) The committee may employ persons necessary to carry out this section through funds made available by the legislature.

(f) The committee shall monitor and report to the legislature on the following related to the implementation of community-based care and the federal Family First Prevention Services Act (Title VII, Div. E, Pub. L. No. 115-123):

(1) all sources of funding for the continued implementation of community-based care and family preservation and other related prevention services;

(2) a timeline for the complete implementation of community-based care and additional resources the department will require to meet that timeline, including enhanced training related to procurement, contract monitoring and enforcement services, information technology services, and financial and legal services;

(3) barriers to using federal and state money and necessary purchased services to achieve greater numbers of children and youth who remain safely with their families by reviewing and effectively maximizing:

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- (A) the prevention and early intervention services currently available in this state; and
- (B) any services relating to families entering the child protective services system;
- (4) identify all sources of flexible funding under federal and state law that may be used to support the continued implementation of community-based care and family preservation and other related prevention services, including the following implementation issues:
 - (A) the placement of children in settings eligible for federal financial participation under the requirements of the federal Family First Prevention Services Act (Title VII, Div. E, Pub. L. No. 115-123);
 - (B) any costs related to the use of federal money transferred under the federal Family First Prevention Services Act; and
- (C) any other beneficial programs or services available under the federal Family First Prevention Services Act; and
- (5) identify legislative or regulatory barriers to full implementation of community-based care.
- (j) The task force may request relevant information from the commission, the department, or other relevant state agencies, and the commission, the department, or other agencies shall comply with the request, unless the provision of the information is prohibited by state or federal law.
- (k) The task force, using available resources, may:

SENATE VERSION (IE)

- (A) the prevention and early intervention services currently available in this state; and
- (B) any services relating to families entering the child protective services system;
- (4) the placement of children in settings eligible for federal financial participation under the requirements of the federal Family First Prevention Services Act;
- (_) the department shall report to the joint committee:
 - (A) efforts to coordinate between the department and county child welfare boards in the provision of services; and
 - (B) efforts to maximize the resources of the department and each board; [FA1]
- (5) any other beneficial programs or services available under the federal Family First Prevention Services Act; and
- (6) legislative or regulatory barriers to full implementation of community-based care.
- (g) The committee may request relevant information from the commission, the department, or other relevant state agencies, and the commission, the department, or other agencies shall comply with the request, unless the provision of the information is prohibited by state or federal law.

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(1) contract with a third-party consultant using the procedures under Subchapter B, Chapter 2254, Government Code, to assist the task force in carrying out its duties; and

(2) employ a full-time staff.

(l) The task force is administratively attached to the commission for the purpose of contracting under Subsection (k)(1) of this section.

(m) Task force members and personnel may be appointed or employed from different catchment areas, as defined by Section 264.152, Family Code, in this state.

(n) The task force shall submit a written report on the statewide plan developed by the task force 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 September 1, 2020.

(o) The task force shall monitor the continued implementation of community-based care and family preservation and other related prevention services, and the implementation plan developed by the department under Section 264.153, Family Code.

(p) The task force shall submit a final evaluation of the implementation of community-based care 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, 2024.

SENATE VERSION (IE)

(h) The committee shall submit a written report described by Subsection (f) of this section 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 September 1, 2020.

(i) The committee shall monitor the continued implementation of community-based care and family preservation and other related prevention services, and the implementation plan developed by the department under Section 264.153, Family Code.

(j) The committee shall submit a final evaluation of the implementation of community-based care 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, 2024.

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(q) Nothing in this section shall be construed to supersede or limit the department's duty to develop and maintain the plan under Section 264.153, Family Code.

(r) The task force is abolished and this Act expires December 31, 2024.

No equivalent provision.

SENATE VERSION (IE)

(k) The committee is abolished and this Act expires December 31, 2024.

SECTION __. Subchapter C, Chapter 40, Human Resources Code, is amended by adding Section 40.079 to read as follows:

Sec. 40.079. STRATEGIC STATE PLAN TO IMPLEMENT COMMUNITY-BASED CARE AND FOSTER CARE PREVENTION SERVICES. (a) The department shall develop a strategic plan for the coordinated implementation of:

(1) community-based care as defined by Section 264.152, Family Code; and

(2) foster care prevention services that meet the requirements of Title VII, Div. E, Pub. L. No. 115-123.

(b) The strategic plan required under this section must:

(1) identify a network of 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 for the statewide implementation of foster care prevention services, including implementation in department regions that are transitioning to community-based care;

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(3) identify resources necessary for the department to implement community-based care and to coordinate that implementation with the implementation of foster care prevention services, including:

(A) enhanced training related to procurement, contract monitoring and enforcement services, information technology services, and financial and legal services;

(B) a financial methodology for funding the implementation of community-based care and foster care prevention services; and

(C) resources to address the placement of children in settings eligible for federal financial participation under the requirements of Title VII, Div. E, Pub. L. No. 115-123;

(4) identify methods to:

(A) maximize resources from the federal government under Title VII, Div. E, Pub. L. No. 115-123;

(B) apply for other available federal and private funds;

(C) streamline and reduce duplication of effort by each state agency involved in providing services described by Subdivision (1);

(D) streamline the procedures for determining eligibility for services described by Subdivision (1);

(E) prescribe and terminate services described by Subdivision (1); and

(F) reduce recidivism in foster care prevention services;

(5) include a method to:

(A) 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

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(B) respond to the opportunities described by Paragraph (A); and

(6) 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 Title VII, Div. E, Pub. L. No. 115-123.

(c) In identifying the network of providers described by Subsection (b)(1), the department shall consult with the Health and Human Services Commission, the Department of State Health Services, and community stakeholders.

(d) This section does not supersede or limit the department's duty to develop and maintain the plan under Section 264.153, Family Code.

(e) The department shall submit the plan developed under this section 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.

(f) This section expires March 1, 2020. [FA2]

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

SECTION 2. Same as House version.