

BILL ANALYSIS

C.S.S.B. 910
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Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been noted that, in order to implement the federal Family First Prevention Services Act, which provides for prevention services to address factors that could otherwise lead to charges of neglect or mistreatment and the removal of children from their homes, the Department of Family and Protective Services (DFPS) must study and develop options for the integration of qualifying prevention services into the state's community-based care foster care model. C.S.S.B. 910 seeks to establish the parameters under which DFPS is required to study and develop a list of options for implementing these family prevention services.

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. 910 amends the Family Code to require the Department of Family and Protective Services (DFPS) to study and develop a comprehensive list of options for implementing family preservation services in existing catchment areas, including contracting with single source continuum contractors to provide services and procuring service providers through a competitive bidding process. The bill defines "family preservation service" as a time-limited, family-focused service, including:

- a service subject to the federal Family First Prevention Services Act provided to the family of a child who is:
 - a candidate for foster care to prevent or eliminate the need to remove the child and to allow the child to remain safely with the child's family; or
 - a pregnant or parenting foster youth;
- enhanced in-home support services and non-recurring financial support to promote safe and stable families; and
- services to promote self-sufficiency and prevent further need for interaction in the child welfare system.

The bill requires DFPS, in developing the options, to examine existing DFPS functions related to the stage of service DFPS describes as family-based safety services, including assessments of child safety and child removals, and to make recommendations for incorporating the functions into a contracted model. The bill sets out the required considerations of DFPS in developing the options, including consideration of the results from community needs assessments and capacity development plans conducted during the preceding 10 years, as follows:

- including Title IV-E prevention services in the delivery of community-based family preservation services and the appropriate use of those services, contingent on appropriation;
- the financial modeling used to determine certain specified implementation costs;
- procedures for transitioning between case stages;
- ways to maximize evidence-based services and to increase the evidence base for family preservation programs in Texas;
- requirements for complying with federal law to receive matching funds for certain prevention services;
- appropriate performance measures for contracted services, including associated financial remedies and incentives;
- ways to incorporate and to maximize existing funding methods for and programs related to behavioral health and substance use provided by the Health and Human Services Commission (HHSC);
- appropriate contract provisions to ensure a clear distinction of money, personnel, and processes for family preservation services and foster care services;
- conflict resolution procedures between DFPS and contractors concerning service plans, services, and case action for children or families served by a contractor;
- appropriate oversight structures to manage contract compliance, contractor performance, and child and family safety;
- appropriate contract provisions to ensure community engagement, including appropriate partnerships with faith-based organizations;
- recommendations for statutory changes necessary to support DFPS's implementation options; and
- any other information DFPS determines necessary for legislative direction of DFPS's implementation of community-based family preservation services.

C.S.S.B. 910 requires DFPS, in developing the implementation options, to do the following:

- incorporate relevant information obtained from previous efforts and similar service models implemented in other states;
- collaborate with HHSC as needed; and
- allow interested persons to comment on the provision of behavioral health and substance use services.

The bill authorizes DFPS to enter into any contracts that DFPS determines necessary to comply with the bill's provisions and requires DFPS, not later than October 1, 2022, to submit copies of the options, along with any associated recommendations, to specified recipients. Implementation of a provision of this bill by DFPS is mandatory only if a specific appropriation is made for that purpose. The bill's provisions relating to the study of options for implementing family preservation services expire August 31, 2023.

C.S.S.B. 910 repeals Section 264.169, Family Code, relating to a pilot program for family-based safety services, and Section 40.0581(f), Human Resources Code.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 910 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 does not include a reference to coordinated community-based family preservation services that was included in the engrossed and does not include the definition of that term to

mean family preservation services provided by a community-based entity under a contract with DFPS.

The substitute changes the definition of "family preservation services." In the engrossed, the term was defined to mean services designed to allow children to remain in their families of origin and to ameliorate the effects or reduce the risk of abuse or neglect and included family support services, services to promote safe and stable families, Title IV-E prevention services, family-based safety services, and any similar efforts of DFPS or its designees to allow a child who has been abused or neglected or is at risk of abuse or neglect to remain in the child's home. However, in the substitute, the term is defined to mean a time-limited, family-focused service including a service subject to the federal Family First Prevention Services Act provided to the family of children who meet certain conditions, specified support to promote safe and stable families, and services to promote self-sufficiency and prevent further need for interaction in the child welfare system.

The engrossed required DFPS to develop a comprehensive list of options for implementing coordinated community-based family preservation services, whereas the substitute includes a requirement for DFPS to study that list of options in addition to developing the list of options.

The engrossed required DFPS, in developing the implementation options, to examine existing DFPS functions related to family preservation, whereas the substitute requires DFPS, in developing those options, to examine existing DFPS functions related to the stage of service DFPS describes as family-based safety services.