

BILL ANALYSIS

Senate Research Center

S.B. 1575
By: Kolkhorst
Health & Human Services
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law requires a court to determine if a child should be removed from their home and placed in the conservatorship of the State of Texas. The Family First Prevention Services Act (FFPSA) restructured federal funding for child welfare to promote services that prevent children from entering foster care and reduce the use of congregate care.

S.B. 1575 seeks to align Texas with FFPSA by requiring judicial review, notification of certain residential treatment placements, and a study of best practices for residential treatment center placement for children in foster care.

S.B. 1575 amends current law relating to assessment and oversight of children placed by the Department of Family and Protective Services in a qualified residential treatment program and a study regarding residential treatment center placements.

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 263, Family Code, by adding Section 263.00201, as follows:

Sec. 263.00201. REVIEW OF PLACEMENT IN QUALIFIED RESIDENTIAL TREATMENT PROGRAM. (a) Defines "qualified residential treatment program."

(b) Requires a court, not later than the 60th day after the date the Department of Family and Protective Services (DFPS) places a child in a qualified residential treatment program, to:

(1) consider any assessment, determination, and documentation made by a qualified individual in accordance with 42 U.S.C. Section 675a(c) regarding the child's placement;

(2) determine whether the child's needs can be met through placement in a foster home and, if not, whether:

(A) placing the child in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment; and

(B) placement in a qualified residential treatment program is consistent with the short-term and long-term goals for the child, as specified in the child's permanency plan; and

(3) approve or disapprove the placement.

(c) Requires that any written documentation prepared for the review of the child's placement under this section and any documentation regarding the determination and approval or disapproval of the placement in a qualified residential treatment

program by the court under Subsection (b) be included in and made part of the child's permanency plan.

(d) Requires DFPS, as long as a child remains in a qualified residential treatment program, to at the status review hearing and each permanency hearing held with respect to the child provide the court with information:

(1) demonstrating that:

(A) ongoing assessment of the strengths and needs of the child continues to support the determination that the needs of the child cannot be met through placement in a foster home;

(B) placement in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment; and

(C) the placement is consistent with the short-term and long-term goals for the child, as specified in the child's permanency plan;

(2) documenting the specific treatment or service needs that will be met for the child in the placement and the length of time the child is expected to need the treatment or services; and

(3) documenting the efforts made by DFPS to prepare the child to return home or to be placed in a foster home or with a fit and willing relative, legal guardian, or adoptive parent.

(e) Authorizes DFPS to include the information required by Subsection (d) in any report DFPS is required to provide to the court before the hearing.

(f) Authorizes the review of a child's placement in a qualified residential treatment program to be conducted through a remote proceeding. Defines "remote proceeding" for purposes of this subsection.

SECTION 2. Amends Section 264.018(a)(5), Family Code, to redefine "significant event" for purposes of Section 264.018 (Required Notifications), to include a placement in a qualified residential treatment program as that term is defined by 42 U.S.C. Section 672(k)(4).

SECTION 3. Amends Subchapter B, Chapter 264, Family Code, by adding Section 264.1077, as follows:

Sec. 264.1077. STUDY REGARDING RESIDENTIAL TREATMENT CENTER PLACEMENT. (a) Requires the Supreme Court of Texas Children's Commission, in collaboration with DFPS, to establish and oversee a work group to examine the oversight of and best practices related to residential treatment center placements, including placements in qualified residential treatment programs as that term is defined by 42 U.S.C. Section 672(k)(4). Requires the work group to consider topics and changes to current practices the work group determines necessary to ensure the appropriate use of and to improve the transition into and out of residential treatment center placements, including:

(1) statutorily required judicial review of residential treatment center placements;

(2) fiscal implications of additional judicial review for residential treatment center placements;

(3) methods for improving the state's practices regarding the duration of residential treatment center placements, including best practices for transition planning and involving family and other relevant participants in preparing the child for a subsequent placement;

(4) proposed statutory changes regarding appropriate judicial findings, evidence required to be submitted by DFPS, and recommendations for

information to be gathered from the child's attorney or guardian ad litem;
and

(5) model court orders determined to be appropriate for the legal requirements for a particular placement.

(b) Requires the Supreme Court of Texas Children's Commission, not later than October 1, 2022, to submit a report to the legislature regarding the findings and recommendations from the work group established by Subsection (a).

(c) Provides that this section expires September 1, 2023.

SECTION 4. Effective date: September 1, 2021.