

## **BILL ANALYSIS**

S.B. 1575  
By: Kolkhorst  
Human Services  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The federal 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. The FFPSA presents opportunities and challenges for child protective services cases, by expanding federal funding to support children and families and working to prevent the need for foster care placements, but also restricting the types of foster care placements in residential facilities that are eligible for federal reimbursement. To be eligible for reimbursement, a residential facility must become a qualified residential treatment program. The FFPSA also requires enhanced judicial oversight not currently codified in state law of the initial placement and subsequent placement reviews of children placed in these qualified residential treatment programs. S.B. 1575 seeks to align Texas with the FFPSA by codifying that requisite judicial review, providing notification of certain residential treatment placements, and requiring a study to be conducted of best practices for residential treatment center placements for children in foster care.

### **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**

S.B. 1575 amends the Family Code to require a court to do the following 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, as that term is defined by federal law:

- consider any assessment, determination, and documentation made by a qualified individual in accordance with federal law regarding the child's placement;
- determine whether the child's needs can be met through placement in a foster home and, if not, whether:
  - 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
  - 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
- approve or disapprove the placement.

Any written documentation prepared for the review of the child's placement and any documentation regarding the determination and approval or disapproval of the placement in a

qualified residential treatment program by the court must be included in and made part of the child's permanency plan.

S.B. 1575 requires DFPS, as long as a child remains in a qualified residential treatment program, at the status review hearing and each permanency hearing held with respect to the child to provide the court with the following:

- information demonstrating that:
  - 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;
  - 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
  - the placement is consistent with the short-term and long-term goals for the child, as specified in the child's permanency plan;
- information 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
- information 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.

The bill authorizes DFPS to include that information in any report DFPS is required to provide to the court before the hearing.

S.B. 1575 authorizes the review of a child's placement in a qualified residential treatment program to be conducted through a remote proceeding, as defined by the bill. The bill includes placement in such a program among the significant events affecting a child in DFPS conservatorship that trigger certain notice requirements.

S.B. 1575 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. The work group must 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 the following:

- statutorily required judicial review of residential treatment center placements;
- fiscal implications of additional judicial review for residential treatment center placements;
- methods for improving the state's practices regarding the duration of residential treatment center placements;
- 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
- model court orders determined to be appropriate for the legal requirements for a particular placement.

Not later than October 1, 2022, the commission must submit a report to the legislature regarding the findings and recommendations from the work group. These provisions expire September 1, 2023.

#### **EFFECTIVE DATE**

September 1, 2021.