87R21806 MLH-D

By:  Parker, Thompson of Harris, Sanford, H.B. No. 3493

     Minjarez, et al.

Substitute the following for H.B. No. 3493:

By:  Hinojosa C.S.H.B. No. 3493

A BILL TO BE ENTITLED

AN ACT

relating to prevention and early intervention services by the Department of Family and Protective Services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  The purpose for this Act is to improve the delivery of prevention and early intervention services for certain children while maximizing the efficient use of taxpayer dollars through a community-based approach.

SECTION 2.  Section 265.007, Family Code, is amended to read as follows:

Sec. 265.007.  IMPROVING PROVISION OF PREVENTION AND EARLY INTERVENTION SERVICES. (a) In this section, "adverse childhood experience" means a potentially traumatic event that occurs in the life of a person younger than 18 years of age, including:

(1)  abuse, as defined by Section 261.001;

(2)  family violence, as defined by Section 71.004;

(3)  neglect, as defined by Section 261.001;

(4)  the death of a parent or guardian; and

(5)  a member of the person's household:

(A)  having a substance use disorder or mental illness; or

(B)  being incarcerated.

(a-1)  To improve the effectiveness and delivery of prevention and early intervention services, the department shall:

(1)  identify geographic areas that have a high need for prevention and early intervention services but do not have prevention and early intervention services available in the area or have only unevaluated prevention and early intervention services available in the area; [~~and~~]

(2)  develop a request for information to assist the department in the development of the strategic plan described in Section 265.005 to improve prevention and early intervention services;

(3)  send the request for information developed under Subdivision (2) to a diverse set of stakeholders and providers throughout the state, including:

(A)  state and local agencies and nonprofit organizations that work directly with children and families;

(B)  child welfare service providers;

(C)  early childhood education programs;

(D)  public schools;

(E)  medical and mental health service providers;

(F)  family support and social services providers;

(G)  the law enforcement, judicial, and criminal justice communities;

(H)  faith-based organizations;

(I)  the intellectual or developmental disability community;

(J)  families and children impacted by child abuse, neglect, and other adverse childhood experiences;

(K)  the business and philanthropic communities; and

(L)  single source continuum contractors; and

(4)  in collaboration with the Health and Human Services Commission, the Department of State Health Services, the Texas Education Agency, the Texas Workforce Commission, and the Office of the Attorney General:

(A)  develop an inventory of programs and services that are funded by the state that contribute to the prevention of child abuse, neglect, and other adverse childhood experiences;

(B)  develop an inventory of programs and services that are provided by other entities, including entities listed under Subdivision (3), that contribute to the prevention of adverse childhood experiences;

(C)  facilitate opportunities to increase collaboration for the effective expenditure of available federal and state funds and better leverage public and private partnerships to increase efficiency; and

(D)  develop strategies for community partners to:

(i) [~~(A)~~]  improve the early recognition of child abuse or neglect;

(ii) [~~(B)~~]  improve the reporting of child abuse and neglect; [~~and~~]

(iii) [~~(C)~~]  reduce child fatalities;

(iv)  improve the ability of community partners to distinguish situations in which a child is in imminent danger from situations in which the child and child's family would be better served by providing community-based services; and

(v)  implement cross-sector, evidence-based practices that prevent adverse childhood experiences.

(b)  The entities listed in Subsection (a-1)(4) shall use a community awareness approach to implement the strategies and recommendations developed under this section.

(c)  The department may not use data techniques, including predictive analytics, risk-based modeling, and other similar assessments, to:

(1)  identify or target services under this section to a specific family or individual; or

(2)  diagnose the health of or assess the health risks to an individual without the individual's consent to take part in a diagnosis or assessment under this section.

(d)  Except as provided by other law, the department may not provide services to a minor for the purpose of addressing adverse childhood experiences without informed parental consent.

(e)  The department may not use data gathered under this section to:

(1)  identify a specific family or individual; or

(2)  infringe on an individual's or family's right to privacy.

(f)  An entity listed in Subsection (a-1)(3) may not provide to the department any information under Subsection (a-1)(2) that may be used to identify a specific family or individual for the purpose of offering services under this section. If the department receives such information, the department may not use the information to implement this section.

SECTION 3.  Not later than December 1, 2022, the Department of Family and Protective Services shall submit a report to the legislature and the governor that includes:

(1)  a summary of community feedback, available data, best practices, and implementable changes within the entities listed in Section 265.007(a-1)(4), Family Code, as added by this Act, with regard to the progress of efforts made under Section 265.007, Family Code, as amended by this Act; and

(2)  specific short-term and long-term statutory, administrative, and budget-related recommendations for reforms necessary to improve the delivery of prevention and intervention services across state agencies.

SECTION 4.  This Act takes effect September 1, 2021.