By:  Schwertner S.B. No. 910

A BILL TO BE ENTITLED

AN ACT

relating to implementation options for community-based family preservation services and the provision of certain other health and human services by certain state agency contractors and to the repeal of a prior pilot program for family-based safety services.

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

SECTION 1.  Subchapter B-1, Chapter 264, Family Code, is amended by adding Section 264.1691 to read as follows:

Sec. 264.1691.  COMMUNITY-BASED FAMILY PRESERVATION SERVICES. (a) In this section:

(1)  "Community-based family preservation services" means family preservation services provided by a community-based entity under a contract with the department.

(2)  "Family preservation services" means 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. The term includes:

(A)  family support services;

(B)  services to promote safe and stable families;

(C)  Title IV-E prevention services;

(D)  family-based safety services; and

(E)  any similar efforts of the department 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.

(b)  The department shall develop a comprehensive list of options for implementing coordinated community-based family preservation services in existing catchment areas, including:

(1)  contracting with single source continuum contractors to provide services; and

(2)  procuring service providers through a competitive bidding process.

(c)  In developing the options under Subsection (b), the department shall:

(1)  examine existing department functions related to family preservation, including assessments of child safety and child removals, and make recommendations for incorporating the functions into a contracted model;

(2)  consider the results from community needs assessments and capacity development plans conducted during the preceding 10 years; and

(3)  consider:

(A)  contingent on appropriation, including Title IV-E prevention services in the delivery of community-based family preservation services and the appropriate use of those services;

(B)  the financial modeling used to determine implementation costs, including:

(i)  start-up funding costs;

(ii)  the cost of purchased client services;

(iii)  strategies for shared financial risk; and

(iv)  rate methodology;

(C)  procedures for transitioning between case stages, including transitions from:

(i)  investigation to family preservation; and

(ii)  family preservation to foster care;

(D)  ways to maximize evidence-based services and to increase the evidence base for family preservation programs in this state;

(E)  requirements for complying with federal law to receive matching funds for certain prevention services;

(F)  appropriate performance measures for contracted services, including associated financial remedies and incentives;

(G)  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;

(H)  appropriate contract provisions to ensure a clear distinction of money, personnel, and processes for family preservation services and foster care services;

(I)  conflict resolution procedures between the department and contractors concerning:

(i)  service plans;

(ii)  services; and

(iii)  case action for children or families served by a contractor;

(J)  appropriate oversight structures to manage contract compliance, contractor performance, and child and family safety;

(K)  appropriate contract provisions to ensure community engagement, including appropriate partnerships with faith-based organizations;

(L)  recommendations for statutory changes necessary to support the department's implementation options; and

(M)  any other information the department determines necessary for legislative direction of the department's implementation of community-based family preservation services.

(d)  In developing implementation options under this section, the department shall:

(1)  incorporate relevant information obtained from previous efforts and similar service models implemented in other states;

(2)  collaborate with the Health and Human Services Commission as needed, including on:

(A)  recommendations for the provision of behavioral health and substance use services; and

(B)  appropriate rate methodology; and

(3)  allow interested persons to comment on the provision of behavioral health and substance use services.

(e)  The department may enter into any contracts the department determines necessary to comply with this section.

(f)  This section expires August 31, 2023.

SECTION 2.  The following laws are repealed:

(1)  Section 264.169, Family Code; and

(2)  Section 40.0581(f), Human Resources Code.

SECTION 3.  Not later than October 1, 2022, the Department of Family and Protective Services shall submit copies of the options described by Section 264.1691, Family Code, as added by this Act, along with any associated recommendations, to the:

(1)  governor;

(2)  lieutenant governor;

(3)  speaker of the house of representatives;

(4)  House Committee on Appropriations;

(5)  Senate Committee on Finance;

(6)  House Committee on Human Services; and

(7)  Senate Committee on Health and Human Services.

SECTION 4.  The Department of Family and Protective Services is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the department may, but is not required to, implement a provision of this Act using other appropriations that are available for that purpose.

SECTION 5.  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, 2021.