

By: West

S.B. No. 642

A BILL TO BE ENTITLED

AN ACT

relating to the provision of mental health services for certain children at risk of relinquishment.

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

SECTION 1. Section 262.351, Family Code, is amended by amending Subdivision (1) and adding Subdivisions (1-a) and (1-b) to read as follows:

(1) "Commission" means the Health and Human Services Commission.

(1-a) "Department" means the Department of Family and Protective Services.

(1-b) "Relinquishment avoidance program" means the Health and Human Services Commission's program that provides mental health services to a child with a severe emotional disturbance without the child entering the managing conservatorship of the department.

SECTION 2. Subchapter E, Chapter 262, Family Code, is amended by adding Section 262.353 to read as follows:

Sec. 262.353. PROCEDURE FOR RELINQUISHING CHILD TO OBTAIN SERVICES. (a) The commission may not require the department to conduct a child abuse or neglect investigation before allowing a child to participate in the relinquishment avoidance program unless there is an allegation of abuse or neglect of the child.

(b) A local mental health authority may refer a child

1 directly to the relinquishment avoidance program without first  
2 contacting the department.

3 (c) The department and the commission shall:

4 (1) jointly adopt comprehensive guidance for  
5 providers and families that describes:

6 (A) how to access services under the  
7 relinquishment avoidance program; and

8 (B) the child's and family's rights when the  
9 child's parent or legal guardian relinquishes the child in order to  
10 obtain mental health services for the child;

11 (2) publish the information described by Subdivision  
12 (1) on the agency's Internet website; and

13 (3) make the information described by Subdivision (1)  
14 available to caseworkers and families with a child who has a severe  
15 emotional disturbance.

16 (d) The department and the commission shall jointly adopt  
17 clear and concise protocols for families at risk of relinquishing a  
18 child for the sole purpose of accessing mental health services for  
19 the child. The protocols must:

20 (1) include procedures for determining eligibility  
21 for the relinquishment avoidance program, including emergency  
22 eligibility procedures for children who are at immediate risk of  
23 relinquishment;

24 (2) include procedures for applying for the  
25 relinquishment avoidance program;

26 (3) identify who will manage the case of a family  
27 eligible for the relinquishment avoidance program;

1           (4) identify the funding and resources for the  
2 relinquishment avoidance program; and

3           (5) identify the role of each party involved in the  
4 relinquishment avoidance program, including the department, the  
5 commission, and local mental health authorities.

6           (e) The department and local mental health authorities  
7 shall follow the protocols adopted under Subsection (d).

8           SECTION 3. This Act takes effect September 1, 2021.