

1-1 By: West S.B. No. 642  
1-2 (In the Senate - Filed February 10, 2021; March 11, 2021,  
1-3 read first time and referred to Committee on Health & Human  
1-4 Services; April 19, 2021, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;  
1-6 April 19, 2021, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	<u>X</u>			
1-10	<u>X</u>			
1-11	<u>X</u>			
1-12	<u>X</u>			
1-13	<u>X</u>			
1-14	<u>X</u>			
1-15	<u>X</u>			
1-16	<u>X</u>			
1-17	<u>X</u>			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 642 By: Perry

1-19 A BILL TO BE ENTITLED  
1-20 AN ACT

1-21 relating to the provision of mental health services for certain  
1-22 children at risk of relinquishment.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 262.351, Family Code, is amended by  
1-25 amending Subdivision (1) and adding Subdivisions (1-a) and (1-b) to  
1-26 read as follows:

1-27 (1) "Commission" means the Health and Human Services  
1-28 Commission.

1-29 (1-a) "Department" means the Department of Family and  
1-30 Protective Services.

1-31 (1-b) "Relinquishment avoidance program" means the  
1-32 Health and Human Services Commission's program that provides mental  
1-33 health services to a child with a severe emotional disturbance  
1-34 without the child entering the managing conservatorship of the  
1-35 department.

1-36 SECTION 2. Subchapter E, Chapter 262, Family Code, is  
1-37 amended by adding Section 262.353 to read as follows:

1-38 Sec. 262.353. PROCEDURE FOR RELINQUISHING CHILD TO OBTAIN  
1-39 SERVICES. (a) The commission may not require the department to  
1-40 conduct a child abuse or neglect investigation before allowing a  
1-41 child to participate in the relinquishment avoidance program unless  
1-42 there is an allegation of abuse or neglect of the child.

1-43 (b) A local mental or behavioral health authority may refer  
1-44 a child directly to the relinquishment avoidance program without  
1-45 first contacting the department.

1-46 (c) The department and the commission shall:

1-47 (1) jointly adopt comprehensive guidance for  
1-48 providers and families that describes:

1-49 (A) how to access services under the  
1-50 relinquishment avoidance program; and

1-51 (B) the child's and family's rights when the  
1-52 child's parent or legal guardian:

1-53 (i) relinquishes the child in order to  
1-54 obtain mental health services for the child; or

1-55 (ii) accesses services under the  
1-56 relinquishment avoidance program;

1-57 (2) publish the information described by Subdivision  
1-58 (1) on the agency's Internet website; and

1-59 (3) make the information described by Subdivision (1)  
1-60 available to caseworkers and families with a child who has a severe

2-1 emotional disturbance.

2-2 (d) The department and the commission shall jointly adopt  
2-3 clear and concise protocols for families at risk of relinquishing a  
2-4 child for the sole purpose of accessing mental health services for  
2-5 the child. The protocols must:

2-6 (1) include procedures for determining eligibility  
2-7 for the relinquishment avoidance program, including emergency  
2-8 eligibility procedures for children who are at immediate risk of  
2-9 relinquishment;

2-10 (2) include procedures for applying for the  
2-11 relinquishment avoidance program;

2-12 (3) identify who will manage the case of a family  
2-13 eligible for the relinquishment avoidance program;

2-14 (4) identify the funding and resources for the  
2-15 relinquishment avoidance program; and

2-16 (5) identify the role of each party involved in the  
2-17 relinquishment avoidance program, including the department, the  
2-18 commission, contracted residential treatment centers, and local  
2-19 mental and behavioral health authorities.

2-20 (e) The department and local mental and behavioral health  
2-21 authorities shall follow the protocols adopted under Subsection  
2-22 (d).

2-23 SECTION 3. This Act takes effect September 1, 2021.

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