

By: Schwertner

S.B. No. 910

A BILL TO BE ENTITLED

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

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

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

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

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

14 (2) "Family preservation services" means services
15 designed to allow children to remain in their families of origin and
16 to ameliorate the effects or reduce the risk of abuse or neglect.

17 The term includes:

18 (A) family support services;

19 (B) services to promote safe and stable families;

20 (C) Title IV-E prevention services;

21 (D) family-based safety services; and

22 (E) any similar efforts of the department or its
23 designees to allow a child who has been abused or neglected or is at
24 risk of abuse or neglect to remain in the child's home.

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

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

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

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

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

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

17 (3) consider:

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

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

23 (i) start-up funding costs;

24 (ii) the cost of purchased client services;

25 (iii) strategies for shared financial risk;

26 and

27 (iv) rate methodology;

- 1 (C) procedures for transitioning between case
2 stages, including transitions from:
- 3 (i) investigation to family preservation;
4 and
- 5 (ii) family preservation to foster care;
- 6 (D) ways to maximize evidence-based services and
7 to increase the evidence base for family preservation programs in
8 this state;
- 9 (E) requirements for complying with federal law
10 to receive matching funds for certain prevention services;
- 11 (F) appropriate performance measures for
12 contracted services, including associated financial remedies and
13 incentives;
- 14 (G) ways to incorporate and to maximize existing
15 funding methods for and programs related to behavioral health and
16 substance use provided by the Health and Human Services Commission;
- 17 (H) appropriate contract provisions to ensure a
18 clear distinction of money, personnel, and processes for family
19 preservation services and foster care services;
- 20 (I) conflict resolution procedures between the
21 department and contractors concerning:
- 22 (i) service plans;
23 (ii) services; and
24 (iii) case action for children or families
25 served by a contractor;
- 26 (J) appropriate oversight structures to manage
27 contract compliance, contractor performance, and child and family

1 safety;

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

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

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

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

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

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

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

19 (B) appropriate rate methodology; and

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

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

24 (f) This section expires August 31, 2023.

25 SECTION 2. The following laws are repealed:

26 (1) Section 264.169, Family Code; and

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

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

- 5 (1) governor;
- 6 (2) lieutenant governor;
- 7 (3) speaker of the house of representatives;
- 8 (4) House Committee on Appropriations;
- 9 (5) Senate Committee on Finance;
- 10 (6) House Committee on Human Services; and
- 11 (7) Senate Committee on Health and Human Services.

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

19 SECTION 5. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2021.