

PUBLIC COMMENTS

SB 642

HOUSE COMMITTEE ON HUMAN SERVICES

Hearing Date: May 4, 2021 8:00 AM

Eric Kunish, NAMI Central Texas Advocacy Chair
National Alliance on Mental Illness Central Texas Affiliate
Austin, TX

I support this bill! Thank you!

Marilyn Hartman
Member and Advocate, National Alliance on Mental Illness (NAMI) Central Texas
Austin, TX

I support this bill.

Julia Hatcher, Esq.
Texas Association of Family Defense Attorneys (TAFDA)
GALVESTON, TX

TAFDA supports this Bill. SB 642, the Relinquishment Avoidance Program, was originally presented as SB 44 in 2003, which was codified into TFC Section 262.352. This Section requires CPS to discuss with a family with a child who suffers from a severe emotional disturbance the option of obtaining JMC with CPS to obtain mental health treatment for the child. However, after 7 years, CPS has been unable to implement practically the purpose of this Section and allow families to engage in JMC with CPS for treatment for their children without first going through an abuse or neglect investigation. CPS crafted a policy section and a resource guide for all investigators across the state. Unfortunately, many years later, parents are still told that in order to obtain mental health treatment for their severely emotionally disturbed children, they must either: 1. relinquish their rights to CPS or 2. accept an RTB for refusal to accept parental responsibility in order to get their child into residential treatment.

In Dallas County, CPS Investigator Fernando Luciano told one of our members, child welfare attorney Christina Perrone, that in order for her to get mental health treatment for her 14-year-old adopted son, she and her husband should just relinquish him to the state or be prepared to defend a termination lawsuit. This was after more than a year of psychiatric hospitalizations, 2 residential treatment center placements, and years of care under the direction of a child psychiatrist and behavioral health counselor. Knowing her rights, Christina directed CPS to their own policies and guide books about JMC with CPS and was met with statements like, "it is highly unusual for a parent to know CPS' policies so well that you will then try to force our hand into following them." CPS is blatantly refusing to implement the very relinquishment avoidance program they advocated for in 2003.

The problem with the Relinquishment Avoidance Program isn't in the program. It is with CPS and it is systemic and statewide. The legislative history for SB 44 states in no uncertain terms that the above conduct is exactly what the bill was intended to prevent. And despite nearly a decade of work on the program, nothing within DFPS has changed.

In order to prevent parents who are not even under investigation for abuse or neglect from having to work with CPS investigators through an entire investigation and possible neglect finding, SB 642 will expedite the process of getting severely emotionally disturbed children into intensive psychiatric care. The legislation reduces and even eliminates the need for DFPS to be involved in the process. The bill requires DFPS to adopt emergency placement protocols; allows mental health agencies to refer children directly to the program through HHSC (removing DFPS entirely) avoids the often scary and unnecessary need for a drawn out

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CPS abuse or neglect investigation; and ends the threats CPS continues to make to these families.