

BILL ANALYSIS

C.S.H.B. 1796
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Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Chapter 51 of the Human Resources Code outlines the services family violence centers across Texas are required to provide. This portion of statute has not been updated in over 20 years. In that time, best practices when working with survivors of domestic violence and their families has evolved and changed. Research over the past 20 years has indicated that when services are offered in a framework that is voluntary and trauma-informed efficacy increases. According to the Texas Advocacy Project, one of every three Texans will experience domestic violence in their lifetime. The Texas Council on Family Violence reports that in 2022, 6,113 Texans were served by family violence programs in Texas while another 1,122 requests for services were denied daily due to lack of resources. They also report a 750 percent increase in virtual services provided due to the pandemic. Updating Chapter 51 to include services that many family violence centers and survivors cite as needed is necessary in order to holistically meet the needs of this population. C.S.H.B. 1796 seeks to provide for this update.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1796 amends the Human Resources Code to include among the eligibility requirements a family violence shelter center or a family violence nonresidential center must satisfy to be eligible to contract with the Health and Human Services Commission (HHSC) to provide family violence services the center demonstrating that it is using a voluntary and trauma-informed advocacy service model. The bill revises the requirement that, under such a contract, the primary purpose of a center is to provide services to victims of family violence to require that the services provided be voluntary and trauma-informed. With respect to the specific services provided under the contract, the bill does the following:

- adds to the list of required services:
 - counseling services; and
 - peer support services led by victims of family violence, including activities and other efforts that facilitate connections and the creation of community among victims of family violence;
- removes requirements for the services provided to specifically include the following:
 - information about educational arrangements for children;
 - information about training for and seeking employment; and
 - cooperation with criminal justice officials;

- requires that advocacy focused on the following be provided:
 - economic and housing stability;
 - physical, behavioral, and mental health; and
 - the needs of children who are victims and the children of victims;
- replaces the requirement to provide legal assistance in the civil and criminal justice systems with a requirement to provide advocacy focused on the civil and criminal legal systems;
- expands the scope of the requirement to provide intervention services to require that crisis and intervention services be provided;
- requires that the safety planning services provided be ongoing and be provided in collaboration with the self-stated priorities and needs of the victim of family violence;
- specifies that the community education that must be provided is education about family violence and family violence prevention efforts; and
- removes the requirement to provide a referral system to existing community services and a volunteer recruitment and training program.

The bill requires the contracts with HHSC to specify that participation in services by a victim of family violence is voluntary and to prohibit the persons operating a family violence center from requiring a victim of family violence to participate in other services as a condition of receiving shelter. The bill specifies that, in regard to a service or service model, "trauma-informed" means that the service or service model is provided in a manner that recognizes and responds to the signs and symptoms of trauma in, and the risks of trauma to, a victim of family violence to better support the victim and promote the victim's choice, trust, dignity, connection, and healing.

C.S.H.B. 1796 expands the acts classified as "family violence" for purposes of the provisions governing family violence centers to include the following:

- an act by a member of a family or household against another member of the family or household that is intended to result in sexual assault or that is a threat that reasonably places the member in fear of sexual assault; and
- dating violence, which means an act, other than a defensive measure to protect oneself, by an individual against another individual with whom the actor has or has had a dating relationship and that is:
 - intended to result in physical harm, bodily injury, assault, or sexual assault;
 - a threat that reasonably places an individual in fear of imminent physical harm, bodily injury, assault, or sexual assault; or
 - intended to inflict emotional harm, including an act of emotional abuse.

C.S.H.B. 1796 applies only to a contract entered into or amended on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2024.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 1796 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute revises the provision of the introduced requiring a family violence center to demonstrate that the center is using a culturally relevant and trauma-informed advocacy service model in order to be eligible for a contract with HHSC by omitting the requirement that the service model be culturally relevant and by requiring that the service model be one that is voluntary. The substitute makes the same changes to the provision in the introduced requiring a contract to require that the services provided by a family violence center as its primary purpose

be culturally relevant and trauma-informed. Accordingly, the substitute omits the definition of "culturally relevant" present in the introduced and also sets out a definition of what constitutes "trauma-informed" that was absent from the introduced.

Regarding the changes made by the bill to the services a family violence center must provide under a contract with HHSC, the substitute revises the provisions in the introduced as follows:

- whereas the introduced removed from statute the requirements to specifically provide access to emergency medical care and access to emergency transportation, the substitute retains these requirements;
- with respect to the requirement in the introduced to provide peer support services, the substitute specifies that the services must be led by victims of family violence and expands the intended outcome of the services from facilitating connections among victims of family violence to also include the creation of community among such victims;
- the substitute includes a specification absent from the introduced for the safety planning services provided to be ongoing services;
- whereas the introduced included advocacy among the intervention services that must be provided, the substitute instead includes advocacy as its own standalone category of service;
- whereas the introduced specified that the intervention services provided must be for economic and housing stability, obtaining treatment for physical, behavioral, and mental health, and the needs of children who are victims and the children of victims, the substitute does not and instead includes these among the topics on which the advocacy services provided must be focused; and
- whereas the introduced removed from statute the requirement to provide legal assistance in the civil and criminal justice systems, including certain specified forms of assistance, and instead included participating in the civil and criminal justice systems as the final purpose for which intervention services are to be provided, the substitute does not include this participation and instead retains as one of the focal points of the advocacy services required to be provided the civil and criminal legal systems, including the same specified forms of assistance.

The substitute includes a requirement absent from the introduced for the contracts to specify that participation in services by a victim of family violence is voluntary.

The substitute changes the bill's effective date from September 1, 2023, as in the introduced, to September 1, 2024. Moreover, whereas the introduced applied only to a contract entered into on or after the bill's effective date the substitute applies also to contracts amended on or after the bill's effective date.