

BILL ANALYSIS

C.S.S.B. 24
By: Kolkhorst
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current programs that offer services during pregnancy, during childhood, and to certain families are siloed within various state agencies and could be better coordinated to provide support to women and families to ensure needed services are provided without trapping them in the cycle of poverty and overreliance on government programs. Prevention and early intervention programs currently housed within the Department of Family and Protective Services can fill the void in a continuum-of-care for at-risk families in a variety of situations when coordinated alongside existing intervention services at the Health and Human Services Commission (HHSC), including the Alternatives to Abortion program currently housed in a budget rider. C.S.S.B. 24 seeks to consolidate these support programs within HHSC under the Human Resources Code. Additionally, the bill codifies the Alternatives to Abortion program and renames it the Thriving Texas Families Program in order to fund services to families to promote healthy pregnancy, childbirth, and family formation and to help families achieve economic self-sufficiency.

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 rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 13 of this bill.

ANALYSIS

C.S.S.B. 24 sets out provisions relating to the powers and duties of the Health and Human Services Commission (HHSC) and provides for the transfer to HHSC of certain powers and duties from the Department of Family and Protective Services (DFPS). Specifically, the bill consolidates certain support programs within HHSC under a new family support services program and provides for the establishment of the Thriving Texas Families Program as the continuation of the current HHSC alternatives to abortion (A2A) program.

Family Support Services

Services Consolidation; Transfer of Powers and Duties

C.S.S.B. 24 transfers Family Code provisions relating to the prevention and early intervention services currently provided by DFPS, including the nurse-family partnership competitive grant program, and Government Code provisions relating to the Texas Home Visiting Program to the portion of the Human Resources Code governing HHSC to reflect the consolidation of programs within HHSC. The bill amends the Human Resources Code to revise these transferred provisions

to account for the expanded applicability resulting from this consolidation for the expanded scope of the services provided. For these purposes, the bill defines "family support services" as programs intended to provide intervention and promote safety and stability for children and at-risk families, which are those with at least one child or a pregnant woman and for which at least one of the following is true:

- a child in the family has been the subject of an investigation of abuse, neglect, or exploitation by DFPS;
- the family or a pregnant woman in the family is experiencing conditions that increase the likelihood of involvement with the child welfare system, the criminal justice system, or the juvenile justice system; or
- the family or a pregnant woman in the family is experiencing other conditions that threaten the self-sufficiency or stability of the family or the birth or health of a baby.

C.S.S.B. 24 also transfers the following from DFPS to HHSC as part of the bill's new, consolidated family support services program:

- the operation of the program providing services for children in at-risk situations and for the families of those children;
- the responsibility to develop and implement a preventive services program to serve veterans and military families who have committed or experienced, or who are at a high risk of, family violence or abuse or neglect; and
- the operation of the Texas Home Visiting program, which was established by HHSC but has since been consolidated under DFPS.

The bill makes the program for veterans and military families permanent by removing provisions requiring that the program be established initially as a pilot project. The bill also removes the DFPS reporting requirements applicable to the program.

Accordingly, on September 1, 2024, C.S.S.B. 24 transfers all necessary powers, duties, functions, programs, employees, administrative support services, contracts, property, records, and other resources necessary to comply with the bill's provisions from DFPS to HHSC, including the child abuse and neglect prevention operating fund account and the child abuse and neglect prevention trust fund account.

HHSC Powers and Duties

C.S.S.B. 24 requires HHSC to do the following in the provision of family support services:

- administer grants and contracts to provide these services to children and at-risk families;
- plan, develop, and administer an integrated continuum of care system of programs providing these services to at-risk families;
- administer the referral, coordination, and collaboration of these services with similar, existing programs HHSC operates;
- improve the responsiveness of these services provided to children and at-risk families by facilitating greater coordination and flexibility in the use of funds by state and local service providers;
- provide greater accountability for these services in order to demonstrate the impact or public benefit of a program by adopting outcome measures; and
- assist local communities in the coordination and development of these services in order to maximize federal, state, and local resources.

In order to implement these duties, HHSC must identify and coordinate with other programs HHSC operates with the goal of providing the family support services.

C.S.S.B. 24 removes the content requirements for the biennial legislative report on state-funded prevention and early intervention programs and practices and requires instead that the report meet any requirements set by HHSC.

Intent of Family Support Services

C.S.S.B. 24 establishes that the family support services are intended to do the following:

- promote healthy outcomes and strengthen support systems for children and at-risk families;
- assist at-risk families in achieving self-sufficiency and stability;
- promote workforce participation; and
- prevent or reduce at-risk behaviors in children and at-risk families, including behaviors that may lead to:
 - child abuse or neglect;
 - delinquency, running away, truancy, dropping out of school, or substance use; or
 - involvement with the child welfare system, the juvenile justice system, or the criminal justice system.

Five-Year Strategic Plan

C.S.S.B. 24 retains the requirement for and revises the required contents of a five-year strategic plan to be developed and implemented for family support services. Accordingly, the bill requires HHSC to coordinate with interested parties and communities in developing the plan and requires the plan to do the following:

- identify methods to leverage other sources of funding or provide support for existing community-based efforts to provide family support services;
- identify a needs assessment that identifies programs to best target family support services to the needs of underserved populations and geographic areas;
- identify priorities and specific HHSC actions to coordinate and provide family support services to children and at-risk families;
- identify and report on specific outcome measurements by obtaining and reporting de-identified aggregate data, as permitted by other law, on the number of program participants who are:
 - involved in the child welfare system, the juvenile justice system, or the criminal justice system;
 - recipients of other services HHSC offers; or
 - listed in the central registry of the names of individuals found to have abused or neglected a child;
- identify additional methods of measuring program effectiveness and results or outcomes;
- identify methods to collaborate with other state agencies on efforts to provide family support services;
- identify specific strategies to implement the plan and to develop measures for reporting on the overall progress toward the plan's goals;
- identify specific strategies to increase local capacity for the delivery of family support services through collaboration with communities and stakeholders; and
- address methods for coordinating with other HHSC programs.

The bill requires HHSC to annually review and appropriately update the five-year strategic plan and requires HHSC to develop and implement its initial five-year strategic plan not later than September 1, 2025.

Access to Central Child Abuse and Neglect Registry

C.S.S.B. 24 amends the Family Code to require DFPS to provide HHSC with access to the central registry of the names of individuals found to have abused or neglected a child as necessary for HHSC to perform its duties with respect to the five-year strategic plan.

Family Support Services Programs for Child Abuse and Neglect Prevention

C.S.S.B. 24 amends the Human Resources Code to update provisions governing child abuse and neglect primary prevention programs to reflect the consolidation and the change in scope to

provide instead for family support services programs for child abuse and neglect prevention. For purposes of these programs, the bill defines "child abuse and neglect prevention" as family support services designed to prevent child abuse and neglect before the abuse or neglect occurs, including child fatality prevention education programs and other activities directed at the general public to stop child abuse and neglect. The bill removes provisions authorizing the solicitation of contributions from any appropriate source for deposit to an applicable fund to support the programs. The bill retains and applicably updates the provisions regarding the award of community youth development grants to assist a community in alleviating conditions in the family and community that lead to juvenile crime.

Nurse-Family Partnership Competitive Grant Program

C.S.S.B. 24 applicably updates provisions regarding the nurse-family partnership competitive grant program, removes a provision requiring grants to be awarded under the program in a manner that ensures that partnership programs collectively provide program services to approximately 2,000 families, and removes provisions requiring certain additional considerations to be made in awarding grants. The bill includes increasing workforce participation among the intended outcomes of the services provided under a grant-funded partnership program through regular visits by registered nurses to the homes of low-income, first-time mothers participating in the program.

C.S.S.B. 24 removes the requirement for the Nurse-Family Partnership National Service Office to assist in adopting standards for grant-funded partnership programs and in program monitoring and evaluation. The bill specifies that, rather than adhering to the national service office's program model standards and guidelines, the state program standards must be consistent with those national model standards and guidelines. The bill removes the requirement for money appropriated for the grant program to be used to hire or contract with a state nurse consultant to assist grant recipients with implementing or expanding and operating the partnership programs in the applicable communities.

C.S.S.B. 24 expands the required contents of the annual report regarding the performance of each grant recipient during the preceding state fiscal year with respect to providing partnership program services by requiring the report to include:

- the number of mothers who married the father or reside in the same household with the father;
- the number of mothers who have previous involvement with the child welfare system, the criminal justice system, or the juvenile justice system; and
- the number of mothers who receive other services from HHSC.

Transferred Rulemaking Authority

C.S.S.B. 24 removes the authorization for the commissioner of DFPS to adopt rules as necessary to implement provisions regarding prevention and early intervention services. The bill transfers that authorization to the executive commissioner of HHSC but provides that the rules to be adopted are instead those necessary to implement the bill's provisions regarding the provision of family support services.

Evidence-Based Programs and Practices

C.S.S.B. 24 repeals, rather than transfers, provisions currently applicable to prevention and early intervention services establishing requirements for programs and practices on the evidence-based spectrum.

Definitions

C.S.S.B. 24 establishes that the definitions applicable to Family Code provisions regarding the parent-child relationship and a suit affecting the parent-child relationship apply also to terms

used in the new Human Resources Code chapter housing the consolidated provisions relating to family support services.

Thriving Texas Families Program

Establishment

C.S.S.B. 24 amends the Health and Safety Code to require HHSC to establish the Thriving Texas Families Program as a continuation of its current A2A program to facilitate the operation of a statewide support network that provides community outreach, consultation, and care coordination for women with an unexpected pregnancy. The bill requires that the program do the following:

- promote healthy pregnancy and childbirth;
- promote childbirth as an alternative to abortion;
- increase access to resources that promote family and child development;
- encourage family formation;
- help parents establish and implement successful parenting techniques;
- increase the number of families who achieve economic self-sufficiency; and
- provide a local approach and personalized support to pregnant women to promote childbirth in all instances of pregnancy.

Program Providers

C.S.S.B. 24 requires HHSC to contract with network contractors to establish a statewide network of service providers, including pregnancy support centers, adoption assistance providers, and maternity homes, to provide program services and requires HHSC to use the contract providers to ensure that services are available throughout Texas. The bill requires HHSC, in developing the statewide network, to contract, to the extent practicable, with providers who have a history of working with HHSC in similar programs. The bill authorizes HHSC to contract with the service providers to provide program services and prohibits HHSC or any network contractors from providing family planning services through the network.

Program Services

C.S.S.B. 24 establishes that the following services must be provided through the program:

- counseling and mentoring on pregnancy, education, parenting skills, adoption services, life skills, and employment readiness topics;
- care coordination for prenatal, perinatal, and postnatal services, including connecting participants to health services;
- educational materials and information about pregnancy, parenting, and adoption services;
- referrals to governmental and social service programs, including child care, transportation, housing, and state and federal benefit programs;
- classes on life skills, personal finance, parenthood, stress management, job training, job readiness, job placement, and educational attainment;
- provision of supplies for infant care and pregnancy, including car seats, cribs, maternity clothes, infant diapers, and formula; and
- housing services.

The bill establishes that a service provider participating in the program may not be required to provide all such services and further establishes that a network contractor may provide housing services through a maternity home.

Eligibility for Program Services

C.S.S.B. 24 makes the following Texas residents eligible for program services:

- a pregnant woman;
- the biological father of an unborn child;
- the biological parent or adoptive parent of a child who is 36 months of age or younger;
- an approved adoptive parent of an unborn child;
- a former participant who has experienced the loss of a child;
- a parent or legal guardian of a pregnant minor who is a program client;
- the parent, legal guardian, or adult caregiver of a child who is 36 months of age or younger; and
- a parent who experienced a miscarriage or loss of a child not more than 90 days before the parent begins participation in the services offered through the program.

Provision of Services; Performance Outcomes

C.S.S.B. 24 requires HHSC and its network contractors to contract with service providers to assess the needs of the participants and implement a plan to provide services to address the participants' most critical needs. The bill authorizes a service provider participating in the program to refer a program client to a service provider not participating in the program for medical services otherwise covered by the program but prohibits services received through the referral from being paid for using program funds. The bill establishes that HHSC and its network contractors may contract only with service providers whose performance outcomes include one of the following:

- improving healthy pregnancy and childbirth outcomes;
- improving child health development;
- assisting families in achieving economic self-sufficiency and stability;
- increasing workforce participation; or
- promoting marriage and family formation for participating parents.

The bill requires HHSC to identify indicators to measure those performance outcomes and require periodic reporting on the outcomes by network contractors and participating service providers.

Impact Evaluation

C.S.S.B. 24 requires HHSC to periodically conduct impact evaluations to measure the effects of services on participants receiving services through the program and to report on measured performance outcomes. The bill requires HHSC to contract with an external third party to perform the impact evaluations and requires that HHSC select the impact evaluator through a competitive bidding process. The selected evaluator must have a demonstrated history in evaluating social services programs using an integrated holistic impact approach and data modeling. The bill prohibits HHSC from entering into an interagency agreement to conduct an impact evaluation.

Funding

C.S.S.B. 24 requires HHSC, to the greatest extent possible, to seek private funding to supplement and match funding provided through the program. The bill prohibits HHSC or a service provider from using funding provided through the program to perform, induce, assist, or refer an abortion or from granting funds to an abortion provider or an affiliate of an abortion provider. The bill prohibits HHSC from using more than three percent of funding allocated to the program to administer the program and procure evaluator services. For purposes of the program, the bill defines abortion by reference to the Texas Abortion Facility Reporting and Licensing Act.

Reports; Audits

C.S.S.B. 24 requires HHSC to compile reports provided by network contractors and service providers and to audit a sampling of the reports to ensure validity. The bill requires HHSC to annually issue a report that includes the following:

- the total number of network contractors and service providers, sorted by geographical region served;
- the total number of individuals served by each provider, sorted by age and sex;
- the total amount of expenditures, sorted by method of finance;
- the value of the contracts with each network contractor and service provider;
- any outcome measures reported to HHSC by network contractors and service providers;
- any performance outcomes reported to HHSC; and
- the results of any impact evaluation.

Rulemaking for Program Implementation; Prohibited Contract Terms

C.S.S.B. 24 authorizes the executive commissioner of HHSC to adopt rules to implement the program but prohibits the executive commissioner from adopting a rule that violates Civil Practice and Remedies Code provisions establishing religious freedom protections or Human Resources Code provisions protecting the rights of conscience for child welfare services providers. Moreover, the bill prohibits a contract entered into under the bill's provisions relating to the program from including a provision that violates those Civil Practice and Remedies Code and Human Resources Code provisions.

Conforming Changes

C.S.S.B. 24 amends the Code of Criminal Procedure and Local Government Code to make conforming changes.

Repealed Provisions

C.S.S.B. 24 repeals the following provisions of the Family Code:

- the heading to Chapter 265;
- the heading to Subchapter D, Chapter 265; and
- Section 265.151.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 24 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

With respect to the consolidation of family support services, the substitute revises the provisions in the engrossed as follows:

- includes a provision not in the engrossed establishing that the definitions in Family Code provisions relating to the parent-child relationship and a suit affecting the parent-child relationship apply to the terms used in the new chapter in the Human Resources Code housing the consolidated provisions;
- expands the definition of "at-risk family" as set out in the engrossed to include qualifying families with at least one pregnant woman, whereas the definition in the engrossed was limited only to a qualifying family with a child;

- whereas the engrossed required HHSC to administer contracts to provide family support services to children and at-risk families, the substitute requires HHSC also to administer grants for this purpose;
- omits the provision from the engrossed including reducing reliance on state and federal public assistance programs among the intended outcomes of the services provided under a grant-funded partnership program through regular visits by registered nurses to the homes of low-income, first-time mothers participating in the program;
- whereas the engrossed removed from statute the requirement for a biennial legislative report to be submitted on state-funded prevention and early intervention programs and practices, the substitute retains this reporting requirement and includes a requirement absent from the engrossed that the report must meet any requirements set by HHSC; and
- provides also for the inclusion of the Texas Home Visiting program in the consolidated family support services program, whereas the engrossed did not.

Whereas the engrossed transferred to the new Human Resources Code chapter a provision currently applicable to prevention and early intervention services establishing requirements for programs and practices on the evidence-based spectrum, the substitute instead repeals this provision.

The substitute revises the provisions of the engrossed providing for the continuation of the A2A program through the establishment of the Texas Pregnancy and Parenting Support Network to change the name of that network to the Thriving Texas Families Program and to include a specification that the purpose of establishing this program is to facilitate the operation of a statewide support network that provides community outreach, consultation, and care coordination for women with an unexpected pregnancy. The substitute further revises the provisions of the engrossed as follows:

- includes as purposes of the program promoting childbirth as an alternative to abortion and helping parents establish and implement successful parenting techniques, which were not purposes included for the network in the engrossed;
- requires that the program services include care coordination for prenatal, perinatal, and postnatal services, whereas the engrossed required the network only to provide care coordination for prenatal services;
- replaces the requirement for the network to provide housing and support services in maternity homes with a requirement for the program simply to provide housing services but includes an authorization for a network contractor to provide housing services through a maternity home;
- includes a provision not in the engrossed establishing that a service provider participating in the program may not be required to provide all required program services;
- revises the provision in the engrossed making a network client who is the parent, legal guardian, or adult caregiver of a child who is 36 months of age or younger eligible for services by omitting the specification that the person is a client;
- includes a provision not in the engrossed authorizing a service provider participating in the program to refer a program client to a service provider not participating in the program for medical services otherwise covered by the program and a provision prohibiting the services received through the referral from being paid for using program funds;
- whereas the engrossed conditioned the authority of HHSC or its network contractors to contract with a particular services provider on that provider having performance outcomes that include all of a particular list of outcomes set out by the bill, the substitute conditions this authority instead on the provider having performance outcomes that include at least one of the listed outcomes;
- omits improving psychological development and reducing long-term reliance on state and federal public assistance programs from that aforementioned list of performance outcomes;

- replaces the requirement for HHSC to coordinate with network contractors in selecting the impact evaluator with a requirement for HHSC to select the evaluator through a competitive bidding process;
- whereas the engrossed prohibited HHSC from using more than three percent of the funding allocated to the network to procure the services of an impact evaluator, the substitute prohibits HHSC from using more than three percent of the allocated funding to administer the bill's provisions relating to the program and procuring evaluator services; and
- includes a provision not in the engrossed regarding prohibited contract terms.