

## **BILL ANALYSIS**

Senate Research Center  
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S.B. 24  
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### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Over the past several years, there has been a steady decline in abortions in Texas. With the decision rendered in *Dobbs v. Jackson Women's Health Organization*, the United States Supreme Court effectively ended a national policy of legalized abortion. Meanwhile, the Texas Legislature has taken great efforts over the last decade to provide programs to support women and children, in particular women experiencing unintended pregnancies, and helping women avoid the tragedy of abortion.

Following interim hearings related to the operations of the Texas Department of Family and Protective Services (DFPS), it has been suggested that there is an urgent need to provide more support and services for families struggling with drug addiction and other mental health issues that put them at risk for involvement in the child welfare system.

S.B. 24, the Thriving Texas Families Act, amends the Texas Family Code and the Texas Human Resources Code to consolidate family support programs, including the Prevention and Early Intervention (PEI) division at DFPS, to the "Family Support Services" division within HHSC under the Texas Government Code.

The bill also codifies the "Texas Pregnancy and Parenting Support Network" (formerly, the Alternatives to Abortion program or A2A) in order to fund services to families to promote healthy pregnancy, childbirth, and family formation; and to help families achieve economic self-sufficiency.

As proposed, S.B. 24 amends current law relating to the powers and duties of the Health and Human Services Commission and the transfer to the commission of certain powers and duties from the Department of Family and Protective Services.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the commissioner of the Department of Family and Protective Services is transferred to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 137.154, Human Resources Code) of this bill.

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 4 (Section 54.009, Health and Safety Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Transfers Chapter 265, Family Code, to Title 9, Human Resources Code, redesignates it as Chapter 137, Human Resources Code, and amends it, as follows:

#### CHAPTER 137. FAMILY SUPPORT SERVICES

##### SUBCHAPTER A. FAMILY SUPPORT SERVICES

Sec. 137.001. DEFINITIONS. Redesignates existing Section 265.001 as Section 137.002. Defines "at-risk family," "commission," "executive commissioner," and "family support

services." Deletes existing text defining "department," "division," and "prevention and early intervention services."

Sec. 137.002. New heading: FAMILY SUPPORT SERVICES. Redesignates existing Section 265.002 as Section 137.002. (a) Requires the Health and Human Services Commission (HHSC) to:

- (1) administer contracts to provide family support services to children and at-risk families;
- (2) plan, develop, and administer an integrated continuum of care system of programs providing family support services to at-risk families;
- (3) administer the referral, coordination, and collaboration of family support services under this chapter with similar, existing programs HHSC operates;
- (4) improve the responsiveness of family support 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;
- (5) provide greater accountability for family support services in order to demonstrate the impact or public benefit of a program by adopting outcome measures; and
- (6) assist local communities in the coordination and development of family support services in order to maximize federal, state, and local resources.

Deletes existing text requiring the Department of Family and Protective Services (DFPS) to operate a division to provide services for children in at-risk situations and for the families of those children and to achieve the consolidation of prevention and early intervention services within the jurisdiction of a single agency in order to avoid fragmentation and duplication of services and to increase the accountability for the delivery and administration of these services. Deletes existing text requiring the division to be called the prevention and early intervention services division (division) and to have the following duties: to plan, develop, and administer a comprehensive and unified delivery system of prevention and early intervention services to children and their families in at-risk situations; to improve the responsiveness of services for at-risk children and their families by facilitating greater coordination and flexibility in the use of funds by state and local service providers; to provide greater accountability for prevention and early intervention services in order to demonstrate the impact or public benefit of a program by adopting outcome measures; and to assist local communities in the coordination and development of prevention and early intervention services in order to maximize federal, state, and local resources.

(b) Provides that family support services under this chapter are intended to:

- (1) promote healthy outcomes and strengthen support systems for children and at-risk families;
- (2) assist at-risk families in achieving self-sufficiency and stability;
- (3) promote workforce participation; and
- (4) prevent or reduce at-risk behaviors in children and at-risk families, including behaviors that may lead to:
  - (A) child abuse or neglect;

(B) delinquency, running away, truancy, dropping out of school, or substance abuse; or

(C) involvement with the child welfare system, the juvenile justice system, or the criminal justice system.

Deletes existing text requiring that DFPS's prevention and early intervention services division be organizationally separate from DFPS's divisions performing child protective services and adult protective services functions.

Sec. 137.003. New heading: COORDINATION OF PROGRAMS. Redesignates existing Section 265.003 as Section 137.003. Requires HHSC, in order to implement the duties provided in Section 137.002, to identify and coordinate with other programs HHSC operates with the goal of providing family support services. Deletes existing text requiring DFPS, in order to implement the duties provided in Section 265.002, to consolidate into the division programs with the goal of providing early intervention or prevention of at-risk behavior that leads to child abuse, delinquency, running away, truancy, and dropping out of school. Deletes existing text authorizing the division to provide additional prevention and early intervention services in accordance with Section 265.002.

Deletes existing text of Sections 265.004 (Use of Evidence-Based Programs for At-Risk Families) and 265.0041 (Collaboration With Institutions of Higher Education).

Sec. 137.004. STRATEGIC PLAN. Redesignates existing Section 265.005 as Section 137.004. (a) Requires HHSC, rather than DFPS, to develop and implement a five-year strategic plan for family support services, rather than for prevention and early intervention services. Makes a conforming change.

(b) Requires that a strategic plan required under this section:

(1) identify methods to leverage other sources of funding or provide support for existing community-based efforts to provide family support services, rather than for existing community based prevention efforts;

(2) include a needs assessment that identifies programs to best target family support services to the needs of underserved populations and geographic areas, rather than the needs of the highest risk populations and geographic areas;

(3) identify priorities and specific HHSC actions to coordinate and provide family support services to children and at-risk families, rather than identify the goals and priorities for DFPS's overall prevention efforts;

(4) 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:

(A) involved in the child welfare system, the juvenile justice system, or the criminal justice system;

(B) recipients of other services HHSC offers; or

(C) listed in the central registry of the names of individuals found to have abused or neglected a child maintained under Section 261.002 (Central Registry), Family Code;

(5) makes no changes to this subdivision;

(6) makes conforming changes to this subdivision;

(7) makes no changes to this subdivision;

(8) identify specific strategies to increase local capacity for the delivery of family support services, rather than of prevention and early intervention services, through collaboration with communities and stakeholders; and

(9) address methods for coordinating with other HHSC programs under Section 137.003.

Deletes existing text requiring that a strategic plan under this section report the results of previous prevention efforts using available information in the plan and identify strategies and goals for increasing the number of families receiving prevention and early intervention services each year, subject to the availability of funds, to reach targets set by DFPS for providing services to families that are eligible to receive services through parental education, family support, and community-based programs financed with federal, state, local, or private resources. Makes nonsubstantive changes.

(c) Makes a conforming change to this subsection.

(d) Requires HHSC to annually review and appropriately update, rather than requires DFPS to annually update, the strategic plan developed under this section.

(e) Makes a conforming change to this subsection.

Deletes existing text of Sections 265.006 (Prohibition on Use of Agency Name or Logo), 265.007 (Improving Provision of Prevention and Early Intervention Services), and Section 265.008 (Evaluation of Prevention and Early Intervention Services).

**SUBCHAPTER B. New heading: FAMILY SUPPORT SERVICES PROGRAMS FOR CHILD ABUSE AND NEGLECT PREVENTION**

Sec. 137.051. DEFINITIONS. Redesignates existing Section 265.051 as Section 137.051. Defines "child abuse and neglect prevention" and redefines "children's trust fund," "operating fund," and "trust fund." Deletes existing text defining "primary prevention."

Sec. 137.052. New heading: CHILD ABUSE AND NEGLECT PREVENTION PROGRAMS. Redesignates existing Section 265.052 as Section 137.052. (a) Requires HHSC, rather than DFPS, to operate the children's trust fund to:

(1) set policy, offer resources for community prevention programs, rather than for community primary prevention programs, and provide information and education on family support services and prevention of child abuse and neglect; and

(2)-(4) makes conforming changes to these subdivisions.

(b)-(c) Makes conforming changes to these subsections.

Sec. 137.053. ADMINISTRATIVE AND OTHER COSTS. Redesignates existing Section 265.053 as Section 137.053. (a)-(b) Makes no changes to these subsections.

Sec. 137.054. CHILD ABUSE AND NEGLECT PREVENTION TRUST FUND ACCOUNT. Redesignates existing Section 265.054 as Section 137.054. (a)-(b) Makes conforming changes to these subsections.

(c)-(d) Makes no changes to these subsections.

(e) Makes a conforming change to this subsection.

Sec. 137.055. New heading: COMMISSION OPERATING FUND ACCOUNT. Redesignates existing Section 265.055 as Section 137.055. (a) Makes no changes to this subsection.

(b) Makes conforming changes to this subsection.

(c)-(d) Makes no changes to these subsections.

Deletes existing text of Section 265.056 (Contributions).

Sec. 137.056. COMMUNITY YOUTH DEVELOPMENT GRANTS. Redesignates existing Section 265.057 as Section 137.056. (a) Makes conforming changes to this subsection.

(b) Makes no changes to this subsection.

#### SUBCHAPTER C. NURSE-FAMILY PARTNERSHIP COMPETITIVE GRANT PROGRAM

Sec. 137.101. DEFINITIONS. Redesignates existing Section 265.101 as Section 137.101. Makes no changes to this section.

Sec. 137.102. OPERATION OF NURSE-FAMILY PARTNERSHIP COMPETITIVE GRANT PROGRAM. Redesignates existing Section 265.102 as Section 137.102. (a) Makes conforming and nonsubstantive changes to this subsection.

(b) Deletes existing text requiring DFPS to award grants under the program to applicants, including applicants operating existing programs, in a manner that ensures that the partnership programs collectively provide program services to approximately 2,000 families. Makes conforming and nonsubstantive changes.

Sec. 137.103. PARTNERSHIP PROGRAM REQUIREMENTS. Redesignates existing Section 265.103 as Section 137.103. Requires that a partnership program funded through a grant awarded under this subchapter meet certain requirements, including requiring that registered nurses regularly visit the homes of low-income, first-time mothers participating in the program to provide services designed to meet certain goals, including increasing workforce participation and reducing reliance on state and federal public assistance programs. Makes a nonsubstantive change.

Sec. 137.104. APPLICATION. Redesignates existing Section 265.104 as Section 137.104. (a) Makes no changes to this subsection.

(b)-(c) Makes conforming changes to these subsections.

Deletes existing text of Section 265.105 (Additional Considerations in Awarding Grants).

Sec. 137.105. PARTNERSHIP PROGRAM STANDARDS. Redesignates existing Section 265.106 as Section 137.105. Requires the executive commissioner of HHSC (executive commissioner) to adopt, rather than requires the commissioner of DFPS with the assistance of the Nurse-Family Partnership National Service Office to adopt, standards for the partnership programs funded under this subchapter. Requires that the standards be consistent with, rather than adhere to, certain standards and guidelines.

Sec. 137.106. USE OF AWARDED GRANT FUNDS. Redesignates existing Section 265.107 as Section 137.106. Makes no changes to this section.

Deletes existing text of Section 265.108 (State Nurse Consultant).

Sec. 137.107. PROGRAM MONITORING AND EVALUATION; ANNUAL COMMITTEE REPORTS. Redesignates existing Section 265.109 as Section 137.107. (a) Requires HHSC, rather than requires DFPS with the assistance of the Nurse-Family Partnership National Service Office, to take certain actions. Makes a conforming change.

(b) Requires that the report required under Subsection (a)(3) (relating to requiring HHSC to prepare and submit an annual report regarding the performance of each grant recipient during the preceding state fiscal year with respect to providing partnership program services) include:

(1) the number of:

(A) creates this paragraph from existing text;

(B) mothers who married the father or reside in the same household with the father;

(C) mothers who have previous involvement with the child welfare system, the criminal justice system, or the juvenile justice system; and

(D) mothers who receive other services from HHSC; and

(2)-(3) makes conforming changes to these subdivisions.

(c) Makes a conforming change to this subsection.

Sec. 137.108. COMPETITIVE GRANT PROGRAM FUNDING. Redesignates existing Section 265.110 as Section 137.108. (a)-(b) Makes conforming changes to these subsections.

#### SUBCHAPTER D. EVIDENCE-BASED PROGRAMS AND PRACTICES

Sec. 137.151. REQUIREMENTS FOR PROGRAMS AND PRACTICES ON EVIDENCE-BASED SPECTRUM. Redesignates existing Section 265.151 as Section 137.151. (a) Redesignates existing Subsection (b) as Subsection (a).

(b) Redesignates existing Subsection (c) as Subsection (b).

(c) Redesignates existing Subsection (d) as Subsection (c).

Sec. 137.152. New heading: OUTCOMES OF EVIDENCE-BASED FAMILY SUPPORT SERVICES PROGRAMS AND PRACTICES. Redesignates existing Section 265.152 as Section 137.152. Makes conforming changes to this section.

Sec. 137.153. New heading: EVALUATION OF FAMILY SUPPORT SERVICES PROGRAMS AND PRACTICES. Redesignates existing Section 265.153 as Section 137.153. (a)-(d) Makes conforming changes to these subsections.

Deletes existing text of Section 265.154 (Reports to Legislature).

Sec. 137.154. RULES. Redesignates existing Section 265.155 as Section 137.154. Authorizes the executive commissioner, rather than the commissioner of DFPS, to adopt rules as necessary to implement this subchapter.

SECTION 2. Amends Section 261.002, Family Code, by adding Subsection (d), to require DFPS to provide HHSC with access to the central registry as necessary for HHSC to perform its duties under Section 137.004, Human Resources Code.

SECTION 3. Amends Section 40.0025(b), Human Resources Code, to make conforming changes.

SECTION 4. Amends Subtitle B, Title 2, Health and Safety Code, by adding Chapter 54, as follows:

CHAPTER 54. TEXAS PREGNANCY AND PARENTING SUPPORT NETWORK

Sec. 54.001. DEFINITIONS. Defines "abortion" and "network contractor."

Sec. 54.002. ESTABLISHMENT. (a) Requires HHSC to establish the Texas Pregnancy and Parenting Support Network to:

- (1) promote healthy pregnancy and childbirth;
- (2) increase access to resources that promote family and child development;
- (3) encourage family formation; and
- (4) increase the number of families who achieve economic self-sufficiency.

(b) Requires HHSC to establish a statewide network of service providers, including pregnancy support centers, adoption assistance providers, and maternity homes, to provide the services described by Section 54.003. Authorizes HHSC to contract with the service providers to provide the services in accordance with this chapter.

Sec. 54.003. SERVICES. (a) Requires HHSC, using the statewide network of service providers established under Section 54.002, to ensure that services described by this chapter are available throughout this state.

(b) Requires that services provided through the network include:

- (1) counseling and mentoring on pregnancy, education, parenting skills, adoption services, life skills, and employment readiness topics;
- (2) care coordination for prenatal services, including connecting participants to health services provided through the network;
- (3) educational materials and information about pregnancy, parenting, and adoption services;
- (4) referrals to governmental and social service programs, including child care, transportation, housing, and state and federal benefit programs;
- (5) classes on life skills, personal finance, parenthood, stress management, job training, job readiness, job placement, and educational attainment;
- (6) provision of supplies for infant care and pregnancy, including car seats, cribs, maternity clothes, infant diapers, and formula; and
- (7) housing and support services in maternity homes.

(c) Prohibits HHSC or network contractors from providing family planning services through the network.

Sec. 54.004. ELIGIBILITY. Provides that network services are available to a resident of this state who is:

- (1) a pregnant woman;
- (2) the biological father of an unborn child;
- (3) the biological parent of a child who is 36 months of age or younger;
- (4) an adoptive parent of a child who is 36 months of age or younger;
- (5) an approved adoptive parent of an unborn child;
- (6) a former participant who has experienced the loss of a child;
- (7) a parent or legal guardian of a pregnant minor who is a network client;
- (8) a network client who is the parent, legal guardian, or adult caregiver of a child who is 36 months of age or younger; and
- (9) 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 network.

Sec. 54.005. PROVISION OF SERVICES. 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.

Sec. 54.006. PERFORMANCE OUTCOMES. (a) Authorizes HHSC and its network contractors to contract only with service providers whose performance outcomes include:

- (1) improving healthy pregnancy and childbirth outcomes;
- (2) improving child health and psychological development;
- (3) assisting families in achieving economic self-sufficiency and stability;
- (4) increasing workforce participation;
- (5) reducing reliance on state and federal public assistance programs; and
- (6) promoting marriage and family formation for participating parents.

(b) Requires HHSC to identify indicators to measure the performance outcomes under Subsection (a) and require periodic reporting on the outcomes by network contractors and participating service providers.

Sec. 54.007. IMPACT EVALUATION. (a) Requires HHSC to periodically conduct impact evaluations to measure the effects of services on participants receiving services through the network and to report on measured performance outcomes.

(b) Requires HHSC to contract with an external third party to perform impact evaluations under this chapter.

(c) Requires HHSC to coordinate with network contractors in selecting the impact evaluator. Requires the evaluator to have a demonstrated history in evaluating social services programs using an integrated holistic impact approach and data modeling.

(d) Prohibits HHSC from using more than three percent of funding allocated to the network to procure the services of an evaluator under this section.



(e) Prohibits HHSC from entering into an interagency agreement to conduct an evaluation under this section.

Sec. 54.008. REPORTS; AUDITS. (a) Requires HHSC to compile reports provided by network contractors and service providers under Section 54.006 and audit a sampling of the reports to ensure validity.

(b) Requires HHSC to annually issue a report that includes:

- (1) the total number of network contractors and service providers, sorted by geographical region served;
- (2) the total number of individuals served by each provider, sorted by age and sex;
- (3) the total amount of expenditures, sorted by method of finance;
- (4) the value of the contracts with each network contractor and service provider;
- (5) any outcome measures reported to HHSC by network contractors and service providers;
- (6) any performance outcomes reported to HHSC under Section 54.006; and
- (7) the results of any impact evaluation conducted under Section 54.007.

Sec. 54.009. RULES. (a) Authorizes the executive commissioner to adopt rules to implement this chapter.

(b) Prohibits the executive commissioner from adopting a rule that violates Chapter 110 (Religious Freedom), Civil Practice and Remedies Code, or Chapter 45 (Protection of Rights of Conscience for Child Welfare Services Providers), Human Resources Code.

Sec. 54.010. FUNDING. (a) Requires HHSC, to the greatest extent possible, to seek federal, governmental, and private funding to supplement and match funding provided through the network.

(b) Prohibits HHSC or a service provider from:

- (1) using funding provided through the network to perform, induce, assist, or refer an abortion; or
- (2) granting funds to an abortion provider or an affiliate of an abortion provider.

SECTION 5. Amends Section 118.022(b), Local Government Code, to make a conforming change.

SECTION 6. (a) Provides that all powers, duties, functions, programs, employees, administrative support services, contracts, property, records, and other resources necessary to comply with this Act, on September 1, 2024, are transferred from DFPS to HHSC, including the operating fund and trust fund under Subchapter B, Chapter 137, Human Resources Code, as amended by this Act.

(b) Requires HHSC, not later than September 1, 2025, to develop and implement its initial five-year strategic plan under Section 137.004, Human Resources Code, as amended by this Act. Requires that the initial plan additionally include plans to develop

and implement the system of family support programs under Section 137.002(a)(2), Human Resources Code, as amended by this Act.

SECTION 7. Effective date: September 1, 2023.