

BILL ANALYSIS

Senate Research Center

S.B. 1853
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In recent years Texas has struggled to find adequate placements for certain children in its foster care system. Texas courts have statutory review of foster placements and the Department of Family and Protective Services (DFPS) requests approval from judges to place a child in various foster care settings, such as a foster home or group residential operation.

Current practices at DFPS allow children to refuse their placements, which often results in children staying in a hotel monitored by DFPS staff, for example. Moreover, some judges have ordered children into temporary emergency placements despite the availability of a suitable, regulated foster care placement.

Meanwhile, the Family First Prevention Services Act provides funding and approval for children at risk of entering foster care to be served by DFPS in the home using evidenced-based services. DFPS engages in these services currently under its "family preservation" stage of service, however, statutory guidance for community-based care (CBC) is not clear that providers may also provide "in-home" family preservation services as an alternative to foster care. Additionally, the current CBC statutes lack clarity on whether CBC providers may offer adoption-related services and extended foster care services.

S.B. 1853 addresses these issues by prohibiting judges from rendering orders that would place a foster child in temporary emergency care when a suitable residential placement is available. It also clarifies that CBC providers can offer "family preservation" services, pre-adoption and post-adoption assistance, and services for children in the conservatorship of DFPS who must transition to independent living. It further authorizes CBC providers to develop or continue to develop faith-based partnerships to support children in conservatorship.

As proposed, S.B. 1853 amends current law relating to children placed in the conservatorship of the Department of Family and Protective Services, including the provision of community-based foster care.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 263, Family Code, by adding Section 263.0022, as follows:

Sec. 263.0022. TEMPORARY EMERGENCY CARE. (a) Defines "temporary emergency care."

(b) Prohibits the Department of Family and Protective Services (DFPS) from advocating for and a court from rendering an order placing a child in temporary emergency care if a safe and appropriate placement is available.

SECTION 2. Amends Section 264.1261(b), Family Code, as follows:

(b) Requires appropriate DFPS management personnel from a child protective services region in which community-based care has not been implemented, in collaboration with foster care providers, faith-based organizations, rather than faith-based entities, and child advocates in that region, to use certain data collected by DFPS to create a plan to address the substitute care capacity needs in the region.

SECTION 3. Amends Section 264.152, Family Code, by amending Subdivision (2) and adding Subdivisions (5) and (6), to redefine "case management" and to define "faith-based organization" and "family preservation service."

SECTION 4. Amends the heading to Section 264.155, Family Code, to read as follows:

Sec. 264.155. CONTRACT PROVISIONS.

SECTION 5. Amends Section 264.155, Family Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Requires that a contract with a single source continuum contractor to provide community-based care services in a catchment area include provisions that:

- (1) establish a timeline for the implementation of community-based care in the catchment area, including a timeline for implementing certain services, including family preservation services;
- (2)-(7) makes no changes to these subdivisions;
- (8) makes a conforming change to this subdivision; and
- (9) makes no changes to this subdivision.

Makes nonsubstantive changes.

(a-1) Authorizes a contract with a single source continuum contractor to provide community-based care services in a catchment area to include provisions that require the contractor to develop a program to recruit and retain foster parents from faith-based organizations, including requirements for the contractor to:

- (1) collaborate with faith-based organizations to inform prospective foster parents about the need for foster parents in the community, the requirements for becoming a foster parent, and any other aspect of the foster care program that is necessary to recruit foster parents;
- (2) provide training for prospective foster parents; and
- (3) identify and recommend ways in which faith-based organizations are authorized to support persons as they are recruited, are trained, and serve as foster parents.

SECTION 6. Amends Section 264.156(a), Family Code, as follows:

(a) Requires DFPS to develop a formal review process to assess the ability of a single source continuum contractor to satisfy the responsibilities and administrative requirements of delivering foster care services and services for relative and kinship caregivers, including the contractor's ability to provide certain services, including family preservation services.

SECTION 7. Amends Sections 264.158(a) and (b), Family Code, as follows:

(a) Requires DFPS, in each initial catchment area where community-based care has been implemented or a contract with a single source continuum contractor has been executed before September 1, 2017, to transfer to the single source continuum contractor providing foster care services in that area certain responsibilities, including family preservation services.

(b) Makes a conforming change.

SECTION 8. Repealers: Sections 264.113(a) (relating to defining "faith-based organization") and (b) (relating to requiring DFPS to develop a program to recruit and retain foster parents from faith-based organizations), Family Code.

Repealer: Section 264.113(c) (relating to requiring DFPS to work with OneStar Foundation to expand the program to recruit and retain foster parents from faith-based organizations to increase the number of foster families available for DFPS and its private providers), Family Code.

SECTION 9. (a) Provides that Section 263.0022, Family Code, as added by this Act, applies to a placement review hearing of a child regardless of the date on which DFPS is named the child's managing conservator.

(b) Makes application of Sections 264.152, 264.155, 264.156(a), and 264.158(a) and (b), Family Code, as amended by this Act, prospective.

SECTION 10. Effective date: September 1, 2023.