

## **BILL ANALYSIS**

S.B. 1930  
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Juvenile Justice & Family Issues  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Serious safety issues for children have been highlighted in residential treatment centers (RTCs) across Texas. The Senate Special Committee on Child Protective Services recommendations in 2021 included the development of a plan to keep kids safer and improve the quality of RTCs. Research from the Annie E. Casey Foundation shows that foster care facilities, such as RTCs, may hamper healthy child development, make it harder for children to find permanent homes, and cost up to 10 times more than placement with a foster family. According to the Department of Family and Protective Services, only five percent of children in Texas foster care are placed in RTCs. However, one-third of all abuse, neglect, or exploitation occurs in the foster care system in an RTC.

S.B. 1930 seeks to ensure children in foster care spend more time with families rather than in facilities and to strengthen protections for children who are in foster care facilities by setting out new duties for attorneys ad litem regarding children placed in a residential treatment center or qualified residential treatment program. The bill provides for parental participation in meetings regarding their child's treatment in an RTC and for a court's consideration of the child's progress and placement in the child's best interest.

### **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**

S.B. 1930 amends the Family Code to make revisions to the policies and procedures regarding children placed by the Department of Family and Protective Services (DFPS) in a residential treatment center or qualified residential treatment program. The bill requires a guardian ad litem appointed for a child for purposes of special appointments, child custody evaluations, and adoption evaluations to seek to elicit in a developmentally appropriate manner the child's opinion of and concerns regarding the child's current or proposed placement. The bill defines a "residential treatment center," for purposes of statutory provisions relating to the review of placement of children under care of DFPS, as a licensed general residential operation that provides treatment services.

S.B. 1930 does the following with respect to a child who is or may be placed in a residential treatment center, a qualified residential treatment program, or a similar treatment setting:

- requires the guardian ad litem appointed for the child to:

- review any available information regarding whether the placement is appropriate to meet the child's specific needs;
- meet in person with the child before providing a recommendation regarding the placement that is in the child's best interest; and
- provide to the court by report or testimony a recommendation regarding that placement; and
- authorizes the guardian ad litem, as appropriate, to:
  - request a placement conference; and
  - participate in any conferences conducted by DFPS or the child's treatment team related to initial and ongoing placement in a residential treatment center, qualified residential treatment program, or similar treatment setting unless there is good cause shown for excluding the guardian ad litem.

S.B. 1930 sets out the following additional requirements for a guardian ad litem, with respect to a child who is considered for placement in a residential treatment center, a qualified residential treatment program, or a similar treatment setting:

- review any available information related to the child's needs, including the child and adolescent needs and strengths assessment, any psychological evaluations, discharge notices from current or past placements, recent incident reports, and counseling notes;
- review any available information regarding whether the placement is appropriate to meet the child's specific needs;
- meet with the child before any hearing to allow the attorney ad litem to prepare for the hearing in accordance with the child's expressed representation objectives and elicit, in a developmentally appropriate manner, the child's opinion of and concerns regarding the child's current or proposed placement;
- advise the child in a developmentally appropriate manner regarding the DFPS request or recommendation for placement and the likelihood of the request being granted; and
- advocate to the court for the child's specific desires regarding the requested placement by representing the child's expressed objectives of representation.

Moreover, the bill authorizes the attorney ad litem, as appropriate, to request a placement conference and to participate in any conferences conducted by DFPS or the child's treatment team related to initial and ongoing placement in a residential treatment center, qualified residential treatment program, or similar treatment setting.

S.B. 1930 includes a case staffing related to a placement in a residential treatment center or qualified residential treatment program among the case staffing conducted by DFPS in which an attorney ad litem appointed to represent the interests of a parent is entitled to participate.

S.B. 1930 requires the court, if a child is placed or is referred to and awaiting placement in a residential treatment center, to determine whether, as follows:

- the child's needs can be met through placement in a family-like setting;
- the recommended or existing program can provide the most effective and appropriate level of care for the child;
- the recommended or existing program is the least restrictive setting consistent with the child's best interest and individual needs; and
- the placement is consistent with the short-term and long-term goals for the child, as specified by the child's permanency plan.

The bill authorizes the court, in making such a determination, to consider the following information:

- medical, psychological, or psychiatric assessments;
- the child's current treatment plan and progress being made;
- any significant medical, legal, or behavioral incidents involving the child;
- the reasons for the child's discharge from any previous placement or the child's current placement;
- the programs available at the facility to address the child's needs;

- the program's plan to discharge the child after treatment;
- whether there are other programs that more effectively meet the child's needs; and
- any other information that would assist the court in making the determination.

S.B. 1930 includes among findings the court must make, after review of a service plan filed by DFPS, findings as to whether, based on the court's determinations, continued placement is appropriate if the child is placed in a residential treatment center or a qualified residential treatment program. The bill requires the court, at each permanency hearing before and after a final order is rendered, to review the permanency progress report to determine, based on the court's determination relating to the review of a child's placement, whether a child's continued placement in a residential treatment center or a qualified residential treatment program is appropriate, as applicable. For purposes of statutory provisions relating to notice by DFPS of a significant event affecting a child in DFPS conservatorship, the bill expands the definition of "significant event" to include placement in a residential treatment center, including meetings or conferences to determine the appropriateness of such a placement.

**EFFECTIVE DATE**

September 1, 2023.