

By: Frank

H.B. No. 4049

A BILL TO BE ENTITLED

AN ACT

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.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 265, Family Code, is transferred to Title 9, Human Resources Code, redesignated as Chapter 137, Human Resources Code, and amended to read as follows:

CHAPTER 137 [~~265~~]. FAMILY SUPPORT [~~PREVENTION AND EARLY INTERVENTION~~] SERVICES

SUBCHAPTER A. FAMILY SUPPORT [~~PREVENTION AND EARLY INTERVENTION~~] SERVICES

Sec. 137.001 [~~265.001~~]. DEFINITIONS. In this chapter:

(1) "At-risk family" means a family with at least one child and at least one of the following:

(A) a child in the family has been the subject of an investigation of abuse, neglect, or exploitation by the Department of Family and Protective Services;

(B) 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

(C) the family is experiencing other conditions that threaten the self-sufficiency or stability of the family

1 ~~["Department" means the Department of Family and Protective~~
2 ~~Services].~~

3 (2) "Commission" means the Health and Human Services
4 Commission ~~["Division" means the prevention and early intervention~~
5 ~~services division within the department].~~

6 (3) "Executive commissioner" means the executive
7 commissioner of the commission.

8 (4) "Family support ~~["Prevention and early~~
9 ~~intervention] services"~~ means programs intended to provide ~~[early]~~
10 intervention and promote safety and stability for children and
11 at-risk families ~~[or prevent at-risk behaviors that lead to child~~
12 ~~abuse, delinquency, running away, truancy, and dropping out of~~
13 ~~school].~~

14 Sec. 137.002 ~~[265.002].~~ FAMILY SUPPORT ~~[PREVENTION AND~~
15 ~~EARLY INTERVENTION] SERVICES~~ ~~[DIVISION].~~ (a) The commission
16 ~~[department]~~ shall:

17 (1) administer contracts ~~[operate a division]~~ to
18 provide family support services to to ~~[for]~~ children and ~~[in]~~ at-risk
19 ~~[situations and for the]~~ families;

20 (2) [of those children and to achieve the
21 consolidation of prevention and early intervention services within
22 the jurisdiction of a single agency in order to avoid fragmentation
23 and duplication of services and to increase the accountability for
24 the delivery and administration of these services. The division
25 shall be called the prevention and early intervention services
26 division and shall have the following duties:

27 ~~[(1) to]~~ plan, develop, and administer an integrated

1 continuum of care system of programs providing family support
2 services to at-risk families [~~a comprehensive and unified delivery~~
3 ~~system of prevention and early intervention services to children~~
4 ~~and their families in at-risk situations~~];

5 (3) administer the referral, coordination, and
6 collaboration of family support services under this chapter with
7 similar, existing programs the commission operates;

8 (4) [(2) to] improve the responsiveness of family
9 support services provided to [~~for at-risk~~] children and at-risk
10 [~~their~~] families by facilitating greater coordination and
11 flexibility in the use of funds by state and local service
12 providers;

13 (5) [(3) to] provide greater accountability for
14 family support [~~prevention and early intervention~~] services in
15 order to demonstrate the impact or public benefit of a program by
16 adopting outcome measures; and

17 (6) [(4) to] assist local communities in the
18 coordination and development of family support [~~prevention and~~
19 ~~early intervention~~] services in order to maximize federal, state,
20 and local resources.

21 (b) Family support services under this chapter are intended
22 to:

23 (1) promote healthy outcomes and strengthen support
24 systems for children and at-risk families;

25 (2) assist at-risk families in achieving
26 self-sufficiency and stability;

27 (3) promote workforce participation; and

1 (4) prevent or reduce at-risk behaviors in children
2 and at-risk families, including behaviors that may lead to:

3 (A) child abuse or neglect;

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

6 (C) involvement with the child welfare system,
7 the juvenile justice system, or the criminal justice system [~~The~~
8 ~~department's prevention and early intervention services division~~
9 ~~must be organizationally separate from the department's divisions~~
10 ~~performing child protective services and adult protective services~~
11 ~~functions~~].

12 Sec. 137.003 [~~265.003~~]. COORDINATION [~~CONSOLIDATION~~] OF
13 PROGRAMS. [~~(a)~~] In order to implement the duties provided in
14 Section 137.002 [~~265.002~~], the commission [~~department~~] shall
15 identify and coordinate with other [~~consolidate into the division~~]
16 programs the commission operates with the goal of providing family
17 support services [~~early intervention or prevention of at-risk~~
18 ~~behavior that leads to child abuse, delinquency, running away,~~
19 ~~truancy, and dropping out of school~~].

20 ~~[(b) The division may provide additional prevention and~~
21 ~~early intervention services in accordance with Section 265.002.~~

22 ~~[Sec. 265.004. USE OF EVIDENCE-BASED PROGRAMS FOR AT-RISK~~
23 ~~FAMILIES. (a) To the extent that money is appropriated for the~~
24 ~~purpose, the department shall fund evidence-based programs,~~
25 ~~including parenting education, home visitation, family support~~
26 ~~services, mentoring, positive youth development programs, and~~
27 ~~crisis counseling, offered by community-based organizations that~~

1 ~~are designed to prevent or ameliorate child abuse and neglect. The~~
2 ~~programs funded under this subsection may be offered by a child~~
3 ~~welfare board established under Section 264.005, a local~~
4 ~~governmental board granted the powers and duties of a child welfare~~
5 ~~board under state law, a children's advocacy center established~~
6 ~~under Section 264.402, or other persons determined appropriate by~~
7 ~~the department.~~

8 ~~[(a-1) The department shall ensure that not less than 75~~
9 ~~percent of the money appropriated for parenting education programs~~
10 ~~under Subsection (a) funds evidence-based programs or practices~~
11 ~~described by Section 265.151(b) and that the remainder of that~~
12 ~~money funds promising programs or practices described by Section~~
13 ~~265.151(c) or evidence-informed programs or practices described by~~
14 ~~Section 265.151(d).~~

15 ~~[(a-2) The department shall actively seek and apply for any~~
16 ~~available federal funds to support parenting education programs~~
17 ~~provided under this section.~~

18 ~~[(b) The department shall place priority on programs that~~
19 ~~target children whose race or ethnicity is disproportionately~~
20 ~~represented in the child protective services system.~~

21 ~~[(c) The department shall periodically evaluate the~~
22 ~~evidence-based abuse and neglect prevention programs to determine~~
23 ~~the continued effectiveness of the programs.~~

24 ~~[Sec. 265.0041. COLLABORATION WITH INSTITUTIONS OF HIGHER~~
25 ~~EDUCATION. (a) Subject to the availability of funds, the Health~~
26 ~~and Human Services Commission, on behalf of the department, shall~~
27 ~~enter into agreements with institutions of higher education to~~

1 ~~conduct efficacy reviews of any prevention and early intervention~~
2 ~~programs that have not previously been evaluated for effectiveness~~
3 ~~through a scientific research evaluation process.~~

4 ~~[(b) Subject to the availability of funds, the department~~
5 ~~shall collaborate with an institution of higher education to create~~
6 ~~and track indicators of child well-being to determine the~~
7 ~~effectiveness of prevention and early intervention services.]~~

8 Sec. 137.004 [~~265.005~~]. STRATEGIC PLAN. (a) The
9 commission [~~department~~] shall develop and implement a five-year
10 strategic plan for family support [~~prevention and early~~
11 ~~intervention~~] services. Not later than September 1 of the last
12 fiscal year in each five-year period, the commission [~~department~~]
13 shall issue a new strategic plan for the next five fiscal years
14 beginning with the following fiscal year.

15 (b) A strategic plan required under this section must:

16 (1) identify methods to leverage other sources of
17 funding or provide support for existing community-based
18 [~~prevention~~] efforts to provide family support services;

19 (2) include a needs assessment that identifies
20 programs to best target family support services to the needs of
21 underserved [~~the highest risk~~] populations and geographic areas;

22 (3) identify [~~the goals and~~] priorities and specific
23 commission actions to coordinate and provide family support
24 services to children and at-risk families [~~for the department's~~
25 ~~overall prevention efforts~~];

26 (4) identify and report on specific outcome
27 measurements by obtaining and reporting de-identified aggregate

1 data, as permitted by other law, on the number of program
2 participants who are:

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

5 (B) recipients of other services the commission
6 offers; or

7 (C) listed in the central registry of the names
8 of individuals found to have abused or neglected a child maintained
9 under Section 261.002, Family Code [~~report the results of previous~~
10 ~~prevention efforts using available information in the plan~~];

11 (5) identify additional methods of measuring program
12 effectiveness and results or outcomes;

13 (6) identify methods to collaborate with other state
14 agencies on [~~prevention~~] efforts to provide family support
15 services;

16 (7) identify specific strategies to implement the plan
17 and to develop measures for reporting on the overall progress
18 toward the plan's goals;

19 [~~identify strategies and goals for increasing the~~
20 ~~number of families receiving prevention and early intervention~~
21 ~~services each year, subject to the availability of funds, to reach~~
22 ~~targets set by the department for providing services to families~~
23 ~~that are eligible to receive services through parental education,~~
24 ~~family support, and community-based programs financed with~~
25 ~~federal, state, local, or private resources; and~~

26 [(9)] identify specific strategies to increase local
27 capacity for the delivery of family support [~~prevention and early~~

1 ~~intervention]~~ services through collaboration with communities and
2 stakeholders; and

3 (9) address methods for coordinating with other
4 commission programs under Section 137.003.

5 (c) The commission [~~department~~] shall coordinate with
6 interested parties and communities in developing the strategic plan
7 under this section.

8 (d) The commission [~~department~~] shall annually review and
9 appropriately update the strategic plan developed under this
10 section.

11 (e) The commission [~~department~~] shall post the strategic
12 plan developed under this section and any update to the plan on its
13 Internet website.

14 [~~Sec. 265.006. PROHIBITION ON USE OF AGENCY NAME OR LOGO.~~
15 ~~The department may not allow the use of the department's name or~~
16 ~~identifying logo or insignia on forms or other materials related to~~
17 ~~the department's prevention and early intervention services that~~
18 ~~are:~~

19 ~~[(1) provided by the department's contractors; or~~

20 ~~[(2) distributed by the department's contractors to~~
21 ~~the department's clients.~~

22 [~~Sec. 265.007. IMPROVING PROVISION OF PREVENTION AND EARLY~~
23 ~~INTERVENTION SERVICES. (a) To improve the effectiveness and~~
24 ~~delivery of prevention and early intervention services, the~~
25 ~~department shall:~~

26 ~~[(1) identify geographic areas that have a high need~~
27 ~~for prevention and early intervention services but do not have~~

1 ~~prevention and early intervention services available in the area or~~
2 ~~have only unevaluated prevention and early intervention services~~
3 ~~available in the area; and~~

4 ~~[(2) develop strategies for community partners to:~~

5 ~~[(A) improve the early recognition of child abuse~~
6 ~~or neglect;~~

7 ~~[(B) improve the reporting of child abuse and~~
8 ~~neglect; and~~

9 ~~[(C) reduce child fatalities.~~

10 ~~[(b) The department may not use data gathered under this~~
11 ~~section to identify a specific family or individual.~~

12 ~~[Sec. 265.008. EVALUATION OF PREVENTION AND EARLY~~
13 ~~INTERVENTION SERVICES. (a) The department may enter into~~
14 ~~agreements with institutions of higher education to conduct~~
15 ~~efficacy reviews of any prevention and early intervention services~~
16 ~~provided under this chapter that have not previously been evaluated~~
17 ~~for effectiveness in a research evaluation. The efficacy review~~
18 ~~shall include, when possible, a cost-benefit analysis of the~~
19 ~~program to the state and, when applicable, the return on investment~~
20 ~~of the program to the state.~~

21 ~~[(b) The department may not enter into an agreement to~~
22 ~~conduct a program efficacy evaluation under this section unless:~~

23 ~~[(1) the agreement with the institution of higher~~
24 ~~education is cost neutral; and~~

25 ~~[(2) the department and institution of higher~~
26 ~~education conducting the evaluation under this section protect the~~
27 ~~identity of individuals who are receiving services from the~~

1 ~~department that are being evaluated.]~~

2 SUBCHAPTER B. FAMILY SUPPORT SERVICES PROGRAMS FOR CHILD ABUSE AND
3 NEGLECT [~~PRIMARY~~] PREVENTION [~~PROGRAMS~~]

4 Sec. 137.051 [~~265.051~~]. DEFINITIONS. In this subchapter:

5 (1) "Child abuse and neglect prevention" means family
6 support services designed to prevent child abuse and neglect before
7 the abuse or neglect occurs. The term includes infant mortality
8 prevention education programs.

9 (2) "Children's trust fund" means a child abuse and
10 neglect [~~primary~~] prevention program.

11 [~~(2) "Primary prevention" means services and~~
12 ~~activities available to the community at large or to families to~~
13 ~~prevent child abuse and neglect before it occurs. The term includes~~
14 ~~infant mortality prevention education programs.]~~

15 (3) "Operating fund" means the commission's
16 [~~Department of Family and Protective Services~~] child abuse and
17 neglect prevention operating fund account.

18 (4) "State agency" means a board, commission,
19 department, office, or other state agency that:

20 (A) is in the executive branch of the state
21 government;

22 (B) was created by the constitution or a statute
23 of this state; and

24 (C) has statewide jurisdiction.

25 (5) "Trust fund" means the commission's child abuse
26 and neglect prevention trust fund account.

27 Sec. 137.052 [~~265.052~~]. CHILD ABUSE AND NEGLECT [~~PRIMARY~~]

1 PREVENTION PROGRAMS. (a) The commission [~~department~~] shall
2 operate the children's trust fund to:

3 (1) set policy, offer resources for community
4 [~~primary~~] prevention programs, and provide information and
5 education on family support services and prevention of child abuse
6 and neglect;

7 (2) develop a state plan for expending funds for child
8 abuse and neglect [~~primary~~] prevention programs that includes an
9 annual schedule of transfers of trust fund money to the operating
10 fund;

11 (3) develop eligibility criteria for applicants
12 requesting funding for child abuse and neglect [~~primary~~] prevention
13 programs; and

14 (4) establish funding priorities for child abuse and
15 neglect [~~primary~~] prevention programs.

16 (b) The children's trust fund shall accommodate the
17 commission's [~~department's~~] existing rules and policies in
18 procuring, awarding, and monitoring contracts and grants.

19 (c) The commission [~~department~~] may:

20 (1) apply for and receive funds made available by the
21 federal government or another public or private source for
22 administering programs under this subchapter and for funding for
23 child abuse and neglect [~~primary~~] prevention programs; and

24 (2) solicit donations for child abuse and neglect
25 [~~primary~~] prevention programs.

26 Sec. 137.053 [~~265.053~~]. ADMINISTRATIVE AND OTHER COSTS.

27 (a) Administrative costs under this subchapter during any fiscal

1 year may not exceed an amount equal to 50 percent of the interest
2 credited to the trust fund during the preceding fiscal year.

3 (b) Funds expended under a special project grant from a
4 governmental source or a nongovernmental source for public
5 education or public awareness may not be counted as administrative
6 costs for the purposes of this section.

7 Sec. 137.054 [~~265.054~~]. CHILD ABUSE AND NEGLECT PREVENTION
8 TRUST FUND ACCOUNT. (a) The child abuse and neglect prevention
9 trust fund account is an account in the general revenue fund. Money
10 in the trust fund is dedicated to child abuse and neglect [~~primary~~]
11 prevention programs and family support services programs.

12 (b) The commission [~~department~~] may transfer money
13 contained in the trust fund to the operating fund at any time.
14 However, during a fiscal year the commission [~~department~~] may not
15 transfer more than the amount appropriated for the operating fund
16 for that fiscal year. Money transferred to the operating fund that
17 was originally deposited to the credit of the trust fund under
18 Section 118.022, Local Government Code, may be used only for child
19 abuse and neglect [~~primary~~] prevention programs.

20 (c) Interest earned on the trust fund shall be credited to
21 the trust fund.

22 (d) The trust fund is exempt from the application of Section
23 403.095, Government Code.

24 (e) All marriage license fees and other fees collected for
25 and deposited in the trust fund and interest earned on the trust
26 fund balance shall be appropriated each biennium only to the
27 operating fund for child abuse and neglect [~~primary~~] prevention

1 programs and family support services programs.

2 Sec. 137.055 [~~265.055~~]. COMMISSION [~~DEPARTMENT~~] OPERATING
3 FUND ACCOUNT. (a) The operating fund is an account in the general
4 revenue fund.

5 (b) Administrative and other costs allowed in Section
6 137.053 [~~265.053~~] shall be taken from the operating fund. The
7 commission [~~department~~] may transfer funds contained in the
8 operating fund to the trust fund at any time.

9 (c) The legislature may appropriate the money in the
10 operating fund to carry out the provisions of this subchapter.

11 (d) The operating fund is exempt from the application of
12 Section 403.095, Government Code.

13 [~~Sec. 265.056. CONTRIBUTIONS. (a) The department may~~
14 ~~solicit contributions from any appropriate source.~~

15 [~~(b) Any other contributions for child abuse and neglect~~
16 ~~primary prevention or other prevention and early intervention~~
17 ~~programs shall be deposited into a separate designated fund in the~~
18 ~~state treasury and shall be used for that designated purpose.~~

19 [~~(c) A person may contribute funds to either the trust fund,~~
20 ~~the operating fund, or a fund designated by the department for a~~
21 ~~specific child abuse and neglect primary prevention or other~~
22 ~~prevention or early intervention purpose.~~

23 [~~(d) If a person designates that a contribution is intended~~
24 ~~as a donation to a specific fund, the contribution shall be~~
25 ~~deposited in the designated fund.]~~

26 Sec. 137.056 [~~265.057~~]. COMMUNITY YOUTH DEVELOPMENT
27 GRANTS. (a) Subject to available funding, the commission

1 ~~[department]~~ shall award community youth development grants to
2 communities identified by incidence of crime. The commission
3 ~~[department]~~ shall give priority in awarding grants under this
4 section to areas of the state in which there is a high incidence of
5 juvenile crime.

6 (b) The purpose of a grant under this section is to assist a
7 community in alleviating conditions in the family and community
8 that lead to juvenile crime.

9 SUBCHAPTER C. NURSE-FAMILY PARTNERSHIP COMPETITIVE GRANT PROGRAM

10 Sec. 137.101 [~~265.101~~]. DEFINITIONS. In this subchapter:

11 (1) "Competitive grant program" means the
12 nurse-family partnership competitive grant program established
13 under this subchapter.

14 (2) "Partnership program" means a nurse-family
15 partnership program.

16 Sec. 137.102 [~~265.102~~]. OPERATION OF NURSE-FAMILY
17 PARTNERSHIP COMPETITIVE GRANT PROGRAM. (a) The commission
18 ~~[department]~~ shall operate a nurse-family partnership competitive
19 grant program for [~~through which~~] the commission to [~~department~~
20 ~~will~~] award grants for the implementation of nurse-family
21 partnership programs, or the expansion of existing programs, and
22 for the operation of those programs for a period of not less than
23 two years.

24 (b) The commission [~~department~~] shall award grants under
25 the program to applicants, including applicants operating existing
26 programs, in a manner that ensures that the partnership programs
27 collectively[+]

1 ~~[(1)]~~ operate in multiple communities that are
2 geographically distributed throughout this state ~~[, and~~
3 ~~[(2) provide program services to approximately 2,000~~
4 ~~families]~~.

5 Sec. 137.103 ~~[265.103]~~. PARTNERSHIP PROGRAM REQUIREMENTS.
6 A partnership program funded through a grant awarded under this
7 subchapter must:

8 (1) strictly adhere to the program model developed by
9 the Nurse-Family Partnership National Service Office, including
10 any clinical, programmatic, and data collection requirements of
11 that model;

12 (2) require that registered nurses regularly visit the
13 homes of low-income, first-time mothers participating in the
14 program to provide services designed to:

15 (A) improve pregnancy outcomes;

16 (B) improve child health and development;

17 (C) improve family economic self-sufficiency and
18 stability; ~~and]~~

19 (D) reduce the incidence of child abuse and
20 neglect;

21 (E) increase workforce participation; and

22 (F) reduce reliance on state and federal public
23 assistance programs;

24 (3) require that nurses who provide services through
25 the program:

26 (A) receive training from the office of the
27 attorney general at least once each year on procedures by which a

1 person may voluntarily acknowledge the paternity of a child and on
2 the availability of child support services from the office;

3 (B) provide a mother with information about the
4 rights, responsibilities, and benefits of establishing the
5 paternity of her child, if appropriate;

6 (C) provide assistance to a mother and the
7 alleged father of her child if the mother and alleged father seek to
8 voluntarily acknowledge paternity of the child, if appropriate; and

9 (D) provide information to a mother about the
10 availability of child support services from the office of the
11 attorney general; and

12 (4) require that the regular nurse visits described by
13 Subdivision (2) begin not later than a mother's 28th week of
14 gestation and end when her child reaches two years of age.

15 Sec. 137.104 [~~265.104~~]. APPLICATION. (a) A public or
16 private entity, including a county, municipality, or other
17 political subdivision of this state, may apply for a grant under
18 this subchapter.

19 (b) To apply for a grant, an applicant must submit a written
20 application to the commission [~~department~~] on a form prescribed by
21 the commission [~~department~~] in consultation with the Nurse-Family
22 Partnership National Service Office.

23 (c) The application [~~prescribed by the department~~] must:

24 (1) require the applicant to provide data on the
25 number of low-income, first-time mothers residing in the community
26 in which the applicant proposes to operate or expand a partnership
27 program and provide a description of existing services available to

1 those mothers;

2 (2) describe the ongoing monitoring and evaluation
3 process to which a grant recipient is subject under Section 137.107
4 [~~265.109~~], including the recipient's obligation to collect and
5 provide information requested by the commission [~~department~~] under
6 Section 137.107(c) [~~265.109(c)~~]; and

7 (3) require the applicant to provide other relevant
8 information as determined by the commission [~~department~~].

9 [~~Sec. 265.105. ADDITIONAL CONSIDERATIONS IN AWARDING~~
10 ~~GRANTS. In addition to the factors described by Sections~~
11 ~~265.102(b) and 265.103, in determining whether to award a grant to~~
12 ~~an applicant under this subchapter, the department shall consider:~~

13 [~~(1) the demonstrated need for a partnership program~~
14 ~~in the community in which the applicant proposes to operate or~~
15 ~~expand the program, which may be determined by considering:~~

16 [~~(A) the poverty rate, the crime rate, the number~~
17 ~~of births to Medicaid recipients, the rate of poor birth outcomes,~~
18 ~~and the incidence of child abuse and neglect during a prescribed~~
19 ~~period in the community; and~~

20 [~~(B) the need to enhance school readiness in the~~
21 ~~community;~~

22 [~~(2) the applicant's ability to participate in ongoing~~
23 ~~monitoring and performance evaluations under Section 265.109,~~
24 ~~including the applicant's ability to collect and provide~~
25 ~~information requested by the department under Section 265.109(c);~~

26 [~~(3) the applicant's ability to adhere to the~~
27 ~~partnership program standards adopted under Section 265.106;~~

1 ~~[(4) the applicant's ability to develop broad-based~~
2 ~~community support for implementing or expanding a partnership~~
3 ~~program, as applicable; and~~

4 ~~[(5) the applicant's history of developing and~~
5 ~~sustaining innovative, high-quality programs that meet the needs of~~
6 ~~families and communities.]~~

7 Sec. 137.105 [~~265.106~~]. PARTNERSHIP PROGRAM STANDARDS.

8 The executive commissioner [~~, with the assistance of the~~
9 ~~Nurse-Family Partnership National Service Office,~~] shall adopt
10 standards for the partnership programs funded under this
11 subchapter. The standards must be consistent with [~~adhere to~~] the
12 Nurse-Family Partnership National Service Office program model
13 standards and guidelines that were developed in multiple,
14 randomized clinical trials and have been tested and replicated in
15 multiple communities.

16 Sec. 137.106 [~~265.107~~]. USE OF AWARDED GRANT FUNDS. The
17 grant funds awarded under this subchapter may be used only to cover
18 costs related to implementing or expanding and operating a
19 partnership program, including costs related to:

20 (1) administering the program;

21 (2) training and managing registered nurses who
22 participate in the program;

23 (3) paying the salaries and expenses of registered
24 nurses who participate in the program;

25 (4) paying for facilities and equipment for the
26 program; and

27 (5) paying for services provided by the Nurse-Family

1 Partnership National Service Office to ensure a grant recipient
2 adheres to the organization's program model.

3 ~~[Sec. 265.108. STATE NURSE CONSULTANT. Using money~~
4 ~~appropriated for the competitive grant program, the department~~
5 ~~shall hire or contract with a state nurse consultant to assist grant~~
6 ~~recipients with implementing or expanding and operating the~~
7 ~~partnership programs in the applicable communities.]~~

8 Sec. 137.107 [~~265.109~~]. PROGRAM MONITORING AND EVALUATION;
9 ANNUAL COMMITTEE REPORTS. (a) The commission [~~department, with~~
10 ~~the assistance of the Nurse-Family Partnership National Service~~
11 ~~Office,~~] shall:

12 (1) adopt performance indicators that are designed to
13 measure a grant recipient's performance with respect to the
14 partnership program standards adopted by the commissioner under
15 Section 137.105 [~~265.106~~];

16 (2) use the performance indicators to continuously
17 monitor and formally evaluate on an annual basis the performance of
18 each grant recipient; and

19 (3) prepare and submit an annual report, not later
20 than December 1 of each year, to the Senate Health and Human
21 Services Committee, or its successor, and the House Human Services
22 Committee, or its successor, regarding the performance of each
23 grant recipient during the preceding state fiscal year with respect
24 to providing partnership program services.

25 (b) The report required under Subsection (a)(3) must
26 include:

27 (1) the number of :

1 (A) low-income, first-time mothers to whom each
2 grant recipient provided partnership program services and, of that
3 number, the number of mothers who established the paternity of an
4 alleged father as a result of services provided under the program;

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

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

10 (D) mothers who receive other services from the
11 commission;

12 (2) the extent to which each grant recipient made
13 regular visits to mothers during the period described by Section
14 137.103(4) [~~265.103(4)~~]; and

15 (3) the extent to which each grant recipient adhered
16 to the Nurse-Family Partnership National Service Office's program
17 model, including the extent to which registered nurses:

18 (A) conducted home visitations comparable in
19 frequency, duration, and content to those delivered in Nurse-Family
20 Partnership National Service Office clinical trials; and

21 (B) assessed the health and well-being of mothers
22 and children participating in the partnership programs in
23 accordance with indicators of maternal, child, and family health
24 defined by the [~~department in consultation with the~~] Nurse-Family
25 Partnership National Service Office and required by the commission.

26 (c) On request, each grant recipient shall timely collect
27 and provide data and any other information required by the

1 commission [~~department~~] to monitor and evaluate the recipient or to
2 prepare the report required by this section.

3 Sec. 137.108 [~~265.110~~]. COMPETITIVE GRANT PROGRAM FUNDING.

4 (a) The commission [~~department~~] shall actively seek and apply for
5 any available federal funds, including federal Medicaid and
6 Temporary Assistance for Needy Families (TANF) funds, to assist in
7 financing the competitive grant program established under this
8 subchapter.

9 (b) The commission [~~department~~] may use appropriated funds
10 from the state government and may accept gifts, donations, and
11 grants of money from the federal government, local governments,
12 private corporations, or other persons to assist in financing the
13 competitive grant program.

14 SUBCHAPTER D. EVIDENCE-BASED PROGRAMS AND PRACTICES

15 Sec. 137.151 [~~265.151~~]. REQUIREMENTS FOR PROGRAMS AND
16 PRACTICES ON EVIDENCE-BASED SPECTRUM. (a) [~~(b)~~] An evidence-based
17 program or practice is a program or practice that:

18 (1) is research-based and grounded in relevant,
19 empirical knowledge and program-determined outcomes;

20 (2) has comprehensive standards ensuring the highest
21 quality service delivery with continuous improvement in the quality
22 of service delivery;

23 (3) has demonstrated significant positive outcomes;

24 (4) has been evaluated by at least one rigorous,
25 random, controlled research trial across heterogeneous populations
26 or communities with research results that have been published in a
27 peer-reviewed journal;

1 (5) substantially complies with a program or practice
2 manual or design that specifies the purpose, outcomes, duration,
3 and frequency of the program or practice services;

4 (6) employs well-trained and competent staff and
5 provides continual relevant professional development opportunities
6 to the staff; and

7 (7) is associated with an organization in this state,
8 a national organization, an institution of higher education, or a
9 national or state public health institute.

10 (b) [~~(c)~~] A promising program or practice is a program or
11 practice that:

12 (1) has an active impact evaluation of the program or
13 practice or demonstrates a schedule for implementing an active
14 impact evaluation of the program or practice;

15 (2) has been evaluated by at least one outcome-based
16 study demonstrating effectiveness or random, controlled trial in a
17 homogeneous sample;

18 (3) substantially complies with a program or practice
19 manual or design that specifies the purpose, outcomes, duration,
20 and frequency of the program or practice services;

21 (4) employs well-trained and competent staff and
22 provides continual relevant professional development opportunities
23 to the staff; and

24 (5) is research-based and grounded in relevant,
25 empirical knowledge and program- or practice-determined outcomes.

26 (c) [~~(d)~~] An evidence-informed program or practice is a
27 program or practice that:

1 (1) combines well-researched interventions with
2 clinical experience and ethics, and client preferences and culture,
3 to guide and inform the delivery of treatments and services;

4 (2) has an active impact evaluation of the program or
5 practice or demonstrates a schedule for implementing an active
6 impact evaluation of the program or practice;

7 (3) substantially complies with a program or practice
8 manual or design that specifies the purpose, outcome, duration, and
9 frequency of the program or practice services; and

10 (4) employs well-trained and competent staff and
11 provides continual relevant professional development opportunities
12 to the staff.

13 Sec. 137.152 [~~265.152~~]. OUTCOMES OF EVIDENCE-BASED FAMILY
14 SUPPORT SERVICES [~~PREVENTION AND EARLY INTERVENTION~~] PROGRAMS AND
15 PRACTICES. The commission [~~department~~] shall ensure that a family
16 support services [~~prevention and early intervention~~] program or
17 practice provided under this subchapter achieves favorable
18 behavioral outcomes in at least two of the following areas:

19 (1) improved cognitive development of children;

20 (2) increased readiness for and participation and
21 performance in school;

22 (3) reduced child abuse, neglect, and injury;

23 (4) improved child safety;

24 (5) improved social-emotional development of children
25 and youth;

26 (6) increased protective factors, including
27 nurturing, bonding, and other parenting skills;

1 (7) improved family economic self-sufficiency;

2 (8) reduced parental or youth involvement with the
3 criminal justice system; and

4 (9) increased paternal involvement and support.

5 Sec. 137.153 [~~265.153~~]. EVALUATION OF FAMILY SUPPORT
6 SERVICES [~~PREVENTION AND EARLY INTERVENTION~~] PROGRAMS AND
7 PRACTICES. (a) The commission [~~department~~] shall adopt outcome
8 indicators to measure the effectiveness of family support services
9 [~~prevention and early intervention~~] programs and practices
10 provided under this subchapter in achieving desired outcomes.

11 (b) The commission [~~department~~] may work directly with the
12 model developer of a family support services [~~prevention and early~~
13 ~~intervention~~] program or practice to identify appropriate outcome
14 indicators for the program or practice and to ensure that the
15 program or practice substantially complies with the model.

16 (c) The commission [~~department~~] shall develop internal
17 processes to share information with family support services
18 [~~prevention and early intervention service~~] providers to assist the
19 commission [~~department~~] in analyzing the performance of the
20 programs or practices.

21 (d) The commission [~~department~~] shall use information
22 obtained under this section to:

23 (1) monitor family support services [~~prevention and~~
24 ~~early intervention~~] programs and practices;

25 (2) continually improve the quality of the programs
26 and practices; and

27 (3) evaluate the effectiveness of the programs and

1 practices.

2 ~~[Sec. 265.154. REPORTS TO LEGISLATURE. (a) Not later than~~
3 ~~December 1 of each even-numbered year, the department shall prepare~~
4 ~~and submit a report on state-funded prevention and early~~
5 ~~intervention programs and practices to the standing committees of~~
6 ~~the senate and house of representatives with jurisdiction over~~
7 ~~child protective services.~~

8 ~~[(b) A report submitted under this section must include:~~

9 ~~[(1) a description of the prevention and early~~
10 ~~intervention programs and practices implemented and of the models~~
11 ~~associated with the programs and practices;~~

12 ~~[(2) information on the families served by the~~
13 ~~programs and practices, including the number of families served and~~
14 ~~their demographic information;~~

15 ~~[(3) the goals and achieved outcomes of the~~
16 ~~implemented programs and practices;~~

17 ~~[(4) information on the cost for each family served,~~
18 ~~including any available third-party return-on-investment analysis;~~
19 ~~and~~

20 ~~[(5) information explaining the percentage of money~~
21 ~~spent on evidence-based programs and practices, on promising~~
22 ~~programs and practices, and on evidence-informed programs and~~
23 ~~practices.]~~

24 Sec. 137.154 [~~265.155~~]. RULES. The executive
25 commissioner [~~of the department~~] may adopt rules as necessary to
26 implement this subchapter.

27 SECTION 2. Section 261.002, Family Code, is amended by

1 adding Subsection (d) to read as follows:

2 (d) The department shall provide the Health and Human
3 Services Commission with access to the central registry as
4 necessary for the commission to perform its duties under Section
5 137.004, Human Resources Code.

6 SECTION 3. Section 40.0025(b), Human Resources Code, is
7 amended to read as follows:

8 (b) In accordance with Subchapter A-1, Chapter 531,
9 Government Code, and notwithstanding any other law, the department
10 performs only functions, including the statewide intake of reports
11 and other information, related to the following services:

12 (1) child protective services, including services
13 that are required by federal law to be provided by this state's
14 child welfare agency;

15 (2) adult protective services, other than
16 investigations of the alleged abuse, neglect, or exploitation of an
17 elderly person or person with a disability:

18 (A) in a facility operated, or in a facility or by
19 a person licensed, certified, or registered, by a state agency; or

20 (B) by a provider that has contracted to provide
21 home and community-based services; and

22 (3) family support [~~prevention and early~~
23 ~~intervention~~] services functions, including:

24 (A) family support [~~prevention and early~~
25 ~~intervention~~] services as defined under Section 137.001 [~~265.001,~~
26 ~~Family Code~~]; and

27 (B) programs that:

- 1 (i) provide parent education;
2 (ii) promote healthier parent-child
3 relationships; or
4 (iii) prevent family violence.

5 SECTION 4. Subtitle B, Title 2, Health and Safety Code, is
6 amended by adding Chapter 54 to read as follows:

7 CHAPTER 54. TEXAS PREGNANCY AND PARENTING SUPPORT NETWORK

8 Sec. 54.001. DEFINITIONS. In this chapter:

9 (1) "Abortion" has the meaning assigned by Section
10 245.002.

11 (2) "Network contractor" means a person who contracts
12 with the commission to provide or coordinate the provision of
13 services under this chapter.

14 Sec. 54.002. ESTABLISHMENT. (a) The commission shall
15 establish the Texas Pregnancy and Parenting Support Network to:

16 (1) promote healthy pregnancy and childbirth;

17 (2) increase access to resources that promote family
18 and child development;

19 (3) encourage family formation; and

20 (4) increase the number of families who achieve
21 economic self-sufficiency.

22 (b) The commission shall establish a statewide network of
23 service providers, including pregnancy support centers, adoption
24 assistance providers, and maternity homes, to provide the services
25 described by Section 54.003. The commission may contract with the
26 service providers to provide the services in accordance with this
27 chapter.

1 Sec. 54.003. SERVICES. (a) Using the statewide network of
2 service providers established under Section 54.002, the commission
3 shall ensure that services described by this chapter are available
4 throughout this state.

5 (b) Services provided through the network include:

6 (1) counseling and mentoring on pregnancy, education,
7 parenting skills, adoption services, life skills, and employment
8 readiness topics;

9 (2) care coordination for prenatal services,
10 including connecting participants to health services provided
11 through the network;

12 (3) educational materials and information about
13 pregnancy, parenting, and adoption services;

14 (4) referrals to governmental and social service
15 programs, including child care, transportation, housing, and state
16 and federal benefit programs;

17 (5) classes on life skills, personal finance,
18 parenthood, stress management, job training, job readiness, job
19 placement, and educational attainment;

20 (6) provision of supplies for infant care and
21 pregnancy, including car seats, cribs, maternity clothes, infant
22 diapers, and formula; and

23 (7) housing and support services in maternity homes.

24 (c) The commission or network contractors may not provide
25 family planning services through the network.

26 Sec. 54.004. ELIGIBILITY. Network services are available
27 to a resident of this state who is:

- 1 (1) a pregnant woman;
 - 2 (2) the biological father of an unborn child;
 - 3 (3) the biological parent of a child who is 36 months
4 of age or younger;
 - 5 (4) an adoptive parent of a child who is 36 months of
6 age or younger;
 - 7 (5) an approved adoptive parent of an unborn child;
 - 8 (6) a former participant who has experienced the loss
9 of a child;
 - 10 (7) a parent or legal guardian of a pregnant minor who
11 is a network client;
 - 12 (8) a network client who is the parent, legal
13 guardian, or adult caregiver of a child who is 36 months of age or
14 younger; and
 - 15 (9) a parent who experienced a miscarriage or loss of a
16 child not more than 90 days before the parent begins participation
17 in the services offered through the network.
- 18 Sec. 54.005. PROVISION OF SERVICES. The commission and its
19 network contractors shall contract with service providers to assess
20 the needs of the participants and implement a plan to provide
21 services to address the participants' most critical needs.
- 22 Sec. 54.006. PERFORMANCE OUTCOMES. (a) The commission and
23 its network contractors may contract only with service providers
24 whose performance outcomes include:
- 25 (1) improving healthy pregnancy and childbirth
26 outcomes;
 - 27 (2) improving child health and psychological

1 development;

2 (3) assisting families in achieving economic
3 self-sufficiency and stability;

4 (4) increasing workforce participation;

5 (5) reducing reliance on state and federal public
6 assistance programs; and

7 (6) promoting marriage and family formation for
8 participating parents.

9 (b) The commission shall identify indicators to measure the
10 performance outcomes under Subsection (a) and require periodic
11 reporting on the outcomes by network contractors and participating
12 service providers.

13 Sec. 54.007. IMPACT EVALUATION. (a) The commission shall
14 periodically conduct impact evaluations to measure the effects of
15 services on participants receiving services through the network and
16 to report on measured performance outcomes.

17 (b) The commission shall contract with an external third
18 party to perform impact evaluations under this chapter.

19 (c) The commission shall coordinate with network
20 contractors in selecting the impact evaluator. The evaluator must
21 have a demonstrated history in evaluating social services programs
22 using an integrated holistic impact approach and data modeling.

23 (d) The commission may not use more than three percent of
24 funding allocated to the network to procure the services of an
25 evaluator under this section.

26 (e) The commission may not enter into an interagency
27 agreement to conduct an evaluation under this section.

1 Sec. 54.008. REPORTS; AUDITS. (a) The commission shall
2 compile reports provided by network contractors and service
3 providers under Section 54.006 and audit a sampling of the reports
4 to ensure validity.

5 (b) The commission shall annually issue a report that
6 includes:

7 (1) the total number of network contractors and
8 service providers, sorted by geographical region served;

9 (2) the total number of individuals served by each
10 provider, sorted by age and sex;

11 (3) the total amount of expenditures, sorted by method
12 of finance;

13 (4) the value of the contracts with each network
14 contractor and service provider;

15 (5) any outcome measures reported to the commission by
16 network contractors and service providers;

17 (6) any performance outcomes reported to the
18 commission under Section 54.006; and

19 (7) the results of any impact evaluation conducted
20 under Section 54.007.

21 Sec. 54.009. RULES. (a) The executive commissioner may
22 adopt rules to implement this chapter.

23 (b) The executive commissioner may not adopt a rule that
24 violates Chapter 110, Civil Practice and Remedies Code, or Chapter
25 45, Human Resources Code.

26 Sec. 54.010. FUNDING. (a) The commission shall, to the
27 greatest extent possible, seek federal, governmental, and private

1 funding to supplement and match funding provided through the
2 network.

3 (b) The commission or a service provider may not:

4 (1) use funding provided through the network to
5 perform, induce, assist, or refer an abortion; or

6 (2) grant funds to an abortion provider or an
7 affiliate of an abortion provider.

8 SECTION 5. Section 118.022(b), Local Government Code, is
9 amended to read as follows:

10 (b) The comptroller shall deposit the money received under
11 Subsection (a)(1) to the credit of the child abuse and neglect
12 prevention trust fund account established under Section 137.054
13 [~~40.105~~], Human Resources Code.

14 SECTION 6. (a) On September 1, 2024, all powers, duties,
15 functions, programs, employees, administrative support services,
16 contracts, property, records, and other resources necessary to
17 comply with this Act are transferred from the Department of Family
18 and Protective Services to the Health and Human Services
19 Commission, including the operating fund and trust fund under
20 Subchapter B, Chapter 137, Human Resources Code, as amended by this
21 Act.

22 (b) The Health and Human Services Commission shall, not
23 later than September 1, 2025, develop and implement its initial
24 five-year strategic plan under Section 137.004, Human Resources
25 Code, as amended by this Act. The initial plan must additionally
26 include plans to develop and implement the system of family support
27 programs under Section 137.002(a)(2), Human Resources Code, as

1 amended by this Act.

2 SECTION 7. This Act takes effect September 1, 2023.