A BILL TO BE ENTITLED

AN ACT

relating to a request for admission to a specialty inpatient
stabilization treatment program by the Department of Family and
Protective Services of certain minors in the managing
conservatorship of the department.

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

SECTION 1. Section 572.001, Health and Safety Code, is
amended by amending Subsection (c-2) and adding Subsections (c-5),
(c-6), (c-7), and (c-8) to read as follows:

(c-2) The Department of Family and Protective Services may
request the admission to an inpatient mental health facility of a
minor in the managing conservatorship of that department only if:

(1) a physician states the physician's opinion, and
the detailed reasons for that opinion, that the minor is a person:

(A) with mental illness or who demonstrates symptoms of a serious emotional disorder; and

(B) who presents a risk of serious harm to
self or others if not immediately restrained or hospitalized; or

(2) for a minor who is at least 13 years of age and not
older than 17 years of age, a court, after reviewing any relevant
evidence, including a physician's opinion and detailed reasons for
that opinion, determines that the minor is a person whose mental
health has deteriorated to the point where the minor would benefit
from admission into a specialty inpatient stabilization treatment
program designed specifically to meet the mental health needs of minors who need further treatment to successfully transition into a residential treatment program or another less restrictive foster care setting.

(c-5) The admission of a minor to a specialty inpatient stabilization treatment program under Subsection (c-2) is subject to review by a court under Section 263.002, Family Code.

(c-6) If a minor is or may be placed in a specialty stabilization treatment program under Subsection (c-2), the court shall determine whether:

(1) the child's needs can be met through placement in a family-like setting;

(2) the placement can provide the most effective and appropriate level of care for the child; and

(3) the placement is the least restrictive setting consistent with the child's best interest and individual needs.

(c-7) In making a determination under Subsection (c-6), the court may consider:

(1) medical, psychological, or psychiatric assessments;

(2) the child's current treatment plan and progress made under that plan;

(3) any significant medical, legal, or behavioral incidents involving the child;

(4) the reasons for the child's discharge from any previous placement or the child's current placement;

(5) the programs available at the facility to address
the child's needs;

(6) the facility's plan to discharge the child after treatment;

(7) whether other programs may meet the child's needs more effectively; and

(8) any other information that would assist the court in making its determination.

(c-8) Not later than December 1 of each year, the Department of Family and Protective Services shall submit a report to the governor, lieutenant governor, and speaker of the house of representatives regarding the admission of minors to a specialty inpatient stabilization treatment program under Subsection (c-2), including:

(1) the number of total minors admitted to the program;

(2) which courts decided to admit a minor to the program;

(3) the location of each program where a minor was admitted; and

(4) the outcomes of minors admitted to each facility, including:

(A) the number of minors served;

(B) the average length of inpatient admission;

(C) the outcomes of minors discharged from the program; and

(D) any recommendations to improve the program.

SECTION 2. This Act takes effect immediately if it receives
H.B. No. 4091

1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2023.