

By: Kolthorst

S.B. No. 1853

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to children placed in the conservatorship of the  
3 Department of Family and Protective Services, including the  
4 provision of community-based foster care.

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

6 SECTION 1. Subchapter A, Chapter 263, Family Code, is  
7 amended by adding Section 263.0022 to read as follows:

8 Sec. 263.0022. TEMPORARY EMERGENCY CARE. (a) In this  
9 section, "temporary emergency care" means the supervision and care  
10 provided by the department for a child without placement for whom  
11 the department has been appointed as the temporary or permanent  
12 managing conservator.

13 (b) The department may not advocate for and a court may not  
14 render an order placing a child in temporary emergency care if a  
15 safe and appropriate placement is available.

16 SECTION 2. Section 264.1261(b), Family Code, is amended to  
17 read as follows:

18 (b) Appropriate department management personnel from a  
19 child protective services region in which community-based care has  
20 not been implemented, in collaboration with foster care providers,  
21 faith-based organizations [~~entities~~], and child advocates in that  
22 region, shall use data collected by the department on foster care  
23 capacity needs and availability of each type of foster care and  
24 kinship placement in the region to create a plan to address the

1 substitute care capacity needs in the region. The plan must  
2 identify both short-term and long-term goals and strategies for  
3 addressing those capacity needs.

4 SECTION 3. Section 264.152, Family Code, is amended by  
5 amending Subdivision (2) and adding Subdivisions (5) and (6) to  
6 read as follows:

7 (2) "Case management" means the provision of case  
8 management services to a child for whom the department has been  
9 appointed temporary or permanent managing conservator or to the  
10 child's family, a young adult in extended foster care, a relative or  
11 kinship caregiver, or a child who has been placed in the catchment  
12 area through the Interstate Compact on the Placement of Children,  
13 and includes:

14 (A) caseworker visits with the child;  
15 (B) family and caregiver visits;  
16 (C) convening and conducting permanency planning  
17 meetings;

18 (D) the development and revision of child and  
19 family plans of service, including a permanency plan and goals for a  
20 child or young adult in care;

21 (E) the coordination and monitoring of services  
22 required by the child and the child's family or caregivers,  
23 including:

24 (i) pre-adoption and post-adoption  
25 assistance; and

26 (ii) services for children in the  
27 conservatorship of the department who must transition to

1 independent living;

2 (F) the assumption of court-related duties  
3 regarding the child, including:

4 (i) providing any required notifications or  
5 consultations;

6 (ii) preparing court reports;

7 (iii) attending judicial and permanency  
8 hearings, trials, and mediations;

9 (iv) complying with applicable court  
10 orders; and

11 (v) ensuring the child is progressing  
12 toward the goal of permanency within state and federally mandated  
13 guidelines; and

14 (G) any other function or service that the  
15 department determines necessary to allow a single source continuum  
16 contractor to assume responsibility for case management.

17 (5) "Faith-based organization" means a religious or  
18 denominational institution or organization, including an  
19 organization operated for religious, educational, or charitable  
20 purposes and operated, supervised, or controlled, in whole or in  
21 part, by or in connection with a religious organization.

22 (6) "Family preservation service" means a  
23 time-limited, family-focused service, including:

24 (A) a service subject to the Family First  
25 Prevention Services Act (Title VII, Div. E, Pub. L. No. 115-123),  
26 provided to the family of a child who is:

27 (i) a candidate for foster care to prevent

1 or eliminate the need to remove the child and to allow the child to  
2 remain safely with the child's family; or

3 (ii) a pregnant or parenting foster youth;  
4 (B) enhanced in-home support services and  
5 nonrecurring financial support to promote safe and stable families;  
6 and

7 (C) services to promote self-sufficiency and  
8 prevent further need for interaction in the child welfare system.

9 SECTION 4. The heading to Section 264.155, Family Code, is  
10 amended to read as follows:

11 Sec. 264.155. [~~REQUIRED~~] CONTRACT PROVISIONS.

12 SECTION 5. Section 264.155, Family Code, is amended by  
13 amending Subsection (a) and adding Subsection (a-1) to read as  
14 follows:

15 (a) A contract with a single source continuum contractor to  
16 provide community-based care services in a catchment area must  
17 include provisions that:

18 (1) establish a timeline for the implementation of  
19 community-based care in the catchment area, including a timeline  
20 for implementing:

21 (A) family preservation services;

22 (B) case management services for children,  
23 families, and relative and kinship caregivers receiving services in  
24 the catchment area; and

25 (C) [~~(B)~~] family reunification support services  
26 to be provided after a child receiving services from the contractor  
27 is returned to the child's family;

1           (2) establish conditions for the single source  
2 continuum contractor's access to relevant department data and  
3 require the participation of the contractor in the data access and  
4 standards governance council created under Section 264.159;

5           (3) require the single source continuum contractor to  
6 create a single process for the training and use of alternative  
7 caregivers for all child-placing agencies in the catchment area to  
8 facilitate reciprocity of licenses for alternative caregivers  
9 between agencies, including respite and overnight care providers,  
10 as those terms are defined by department rule;

11           (4) require the single source continuum contractor to  
12 maintain a diverse network of service providers that offer a range  
13 of foster capacity options and that can accommodate children from  
14 diverse cultural backgrounds;

15           (5) allow the department to conduct a performance  
16 review of the contractor beginning 18 months after the contractor  
17 has begun providing case management and family reunification  
18 support services to all children and families in the catchment area  
19 and determine if the contractor has achieved any performance  
20 outcomes specified in the contract;

21           (6) following the review under Subdivision (5), allow  
22 the department to:

23                   (A) impose financial penalties on the contractor  
24 for failing to meet any specified performance outcomes; or

25                   (B) award financial incentives to the contractor  
26 for exceeding any specified performance outcomes;

27           (7) require the contractor to give preference for

1 employment to employees of the department:

2 (A) whose position at the department is impacted  
3 by the implementation of community-based care; and

4 (B) who are considered by the department to be  
5 employees in good standing;

6 (8) require the contractor to provide preliminary and  
7 ongoing community engagement plans to ensure communication and  
8 collaboration with local stakeholders in the catchment area,  
9 including any of the following:

10 (A) community faith-based organizations  
11 [~~entities~~];

12 (B) the judiciary;

13 (C) court-appointed special advocates;

14 (D) child advocacy centers;

15 (E) service providers;

16 (F) foster families;

17 (G) biological parents;

18 (H) foster youth and former foster youth;

19 (I) relative or kinship caregivers;

20 (J) child welfare boards, if applicable;

21 (K) attorneys ad litem;

22 (L) attorneys that represent parents involved in  
23 suits filed by the department; and

24 (M) any other stakeholders, as determined by the  
25 contractor; and

26 (9) require that the contractor comply with any  
27 applicable court order issued by a court of competent jurisdiction

1 in the case of a child for whom the contractor has assumed case  
2 management responsibilities or an order imposing a requirement on  
3 the department that relates to functions assumed by the contractor.

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

9 (1) collaborate with faith-based organizations to  
10 inform prospective foster parents about:

11 (A) the need for foster parents in the community;

12 (B) the requirements for becoming a foster  
13 parent; and

14 (C) any other aspect of the foster care program  
15 that is necessary to recruit foster parents;

16 (2) provide training for prospective foster parents;  
17 and

18 (3) identify and recommend ways in which faith-based  
19 organizations may support persons as they are recruited, are  
20 trained, and serve as foster parents.

21 SECTION 6. Section 264.156(a), Family Code, is amended to  
22 read as follows:

23 (a) The department shall develop a formal review process to  
24 assess the ability of a single source continuum contractor to  
25 satisfy the responsibilities and administrative requirements of  
26 delivering foster care services and services for relative and  
27 kinship caregivers, including the contractor's ability to provide:

- 1           (1) family preservation services;
- 2           (2) case management services for children and  
3 families;
- 4           (3) [~~(2)~~] evidence-based, promising practice, or  
5 evidence-informed supports for children and families; and
- 6           (4) [~~(3)~~] sufficient available capacity for inpatient  
7 and outpatient services and supports for children at all service  
8 levels who have previously been placed in the catchment area.

9           SECTION 7. Sections 264.158(a) and (b), Family Code, are  
10 amended to read as follows:

11           (a) In each initial catchment area where community-based  
12 care has been implemented or a contract with a single source  
13 continuum contractor has been executed before September 1, 2017,  
14 the department shall transfer to the single source continuum  
15 contractor providing foster care services in that area:

- 16           (1) family preservation services;
- 17           (2) the case management of children, relative and  
18 kinship caregivers, and families receiving services from that  
19 contractor; and
- 20           (3) [~~(2)~~] family reunification support services to be  
21 provided after a child receiving services from the contractor is  
22 returned to the child's family for the period of time ordered by the  
23 court.

24           (b) The commission shall include a provision in a contract  
25 with a single source continuum contractor to provide foster care  
26 services and services for relative and kinship caregivers in a  
27 catchment area to which community-based care is expanded after



1 September 1, 2017, that requires the transfer to the contractor of  
2 the provision of:

3 (1) family preservation services;

4 (2) the case management services for children,  
5 relative and kinship caregivers, and families in the catchment area  
6 where the contractor will be operating; and

7 (3) [~~(2)~~] family reunification support services to be  
8 provided after a child receiving services from the contractor is  
9 returned to the child's family.

10 SECTION 8. Sections 264.113(a), (b), and (c), Family Code,  
11 are repealed.

12 SECTION 9. (a) Section 263.0022, Family Code, as added by  
13 this Act, applies to a placement review hearing of a child  
14 regardless of the date on which the Department of Family and  
15 Protective Services is named the child's managing conservator.

16 (b) Sections 264.152, 264.155, 264.156(a), and 264.158(a)  
17 and (b), Family Code, as amended by this Act, apply only to a  
18 contract with a single source continuum contractor entered into on  
19 or after the effective date of this Act. A contract with a single  
20 source continuum contractor entered into before the effective date  
21 of this Act is governed by the law in effect on the date the contract  
22 was entered into, and the former law is continued in effect for that  
23 purpose.

24 SECTION 10. This Act takes effect September 1, 2023.