

BILL ANALYSIS

Senate Research Center
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H.B. 140
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Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Department of Family and Protective Services (DFPS) serves as the state's child protection and welfare agency and is statutorily charged with protecting children and vulnerable adults from abuse, neglect, and exploitation. The agency operates two divisions—Child Protective Investigations (CPI) and Adult Protective Investigations (API)—that are dedicated to investigating allegations of abuse, neglect and exploitation of these populations.

As such, the agency develops policy and rules for how it conducts such investigations in concert with law enforcement, the regulatory enforcement division at the Texas Health and Human Services Commission, and the courts.

Over the years, the department has faced criticism for inconsistent investigative processes. Beginning in 2013, external consultants recommended the use of a more formal model for conducting investigations and relying on structured decision-making tools. Although DFPS's investigators utilize such tools, the outcomes for investigations have been criticized by stakeholders and parents as "ad hoc."

H.B. 140 would address this issue by establishing the DFPS's Advisory Committee on Child and Adult Protective Investigations. The goal of the advisory committee would be to provide input to and advise DFPS regarding ways to improve the accuracy of its investigations and to standardize implementation of investigation legal requirements and policies and procedures in adult and child abuse, neglect and exploitation investigations.

Key Provisions:

- The bill amends Chapter 40 of Human Resources Code to establish DFPS's Advisory Committee on Child and Adult Protective Investigations.
- The advisory committee is required to support and advise DFPS on policy and procedures to achieve increased accuracy and consistency of all abuse, neglect and exploitation investigations for children and vulnerable adults.
- The advisory committee will also advise DFPS and make recommendations for enhancing a consistent investigation model, improving compliance with due process provisions of state and federal laws, and establishing standardized processes for engaging with the judiciary.
- The advisory committee shall also identify barriers or issues related to the implementation of procedures or policies to improve consistency and accuracy of investigations. The advisory committee is composed of the following 13 members, including:
 - A chair appointed by the governor;
 - A vice chair appointed by the lieutenant governor;
 - A member appointed by the speaker;
 - A district judge appointed by the governor;
 - A parent involved in a CPS legal case appointed by the commissioner; and
 - The DFPS deputy commissioner for child protective investigations and a regional director of investigation and a supervisor and investigator from urban and rural regions.
 - The DFPS commissioner must also appoint three members who are current or former:
 - county district attorney;

- attorney assigned to represent caregivers in legal cases involving DFPS;
 - attorney assigned to represent children in legal cases involving DFPS;
 - associate judge who hears or has heard child protective services legal cases; or
 - state or local law enforcement officer.
- The advisory committee shall meet quarterly in public and receive public testimony. DFPS must live stream and archive the meetings of the committee on its website.
- The advisory committee must submit each year a report to the governor, the DFPS commissioner, and the Texas Legislature data related to the number of cases that regional DFPS investigation offices handle, including the number of:
 - Phone calls made to the agency that resulted in an investigation for child or adult abuse or neglect;
 - Completed investigations for child or adult abuse or neglect and the dispositions reached;
 - Administrative closures;
 - Abbreviated investigations;
 - Children removed from the children's homes;
 - Children placed in foster care;
 - Cases in which the child was not removed from the child's home but the family received family-based safety services or family preservation services;
 - The average amount of time to complete investigations for each level of investigation;
 - The total number of administrative reviews of investigation findings and the results of those investigations for that year; and
 - The number of complaints filed with the office of consumer affairs of the department and the Office of Inspector General.
- The advisory committee will sunset on September 1, 2029.

H.B. 140 amends current law relating to the creation of the child and adult protective investigations advisory committee in the Department of Family and Protective Services.

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 B, Chapter 40, Human Resources Code, by adding Section 40.031, as follows:

Sec. 40.031. CHILD AND ADULT PROTECTIVE INVESTIGATIONS ADVISORY COMMITTEE. (a) Requires the commissioner of the Department of Family and Protective Services (commissioner; DFPS) to establish an advisory committee on child and adult protective investigations (advisory committee) to improve the accuracy and standardization of the application of investigative legal requirements and DFPS investigative policies and procedures during child or adult abuse, neglect, and exploitation investigations. Requires the advisory committee to advise DFPS on:

- (1) developing policies and procedures to increase the accuracy and consistency of abuse, neglect, and exploitation investigation processes and procedures;
- (2) developing a model for conducting investigations that ensures compliance with due process requirements;
- (3) developing a consistent engagement model for interacting with legal advocates, courts, and judicial branch procedures;
- (4) developing effective training for all investigative employees;

- (5) increasing compliance with investigation procedures and processes;
- (6) developing a data-informed model for conducting investigations; and
- (7) providing a forum for public input on problems or concerns related to investigations.

(b) Requires the advisory committee to:

(1) make recommendations for:

- (A) conducting investigations;
- (B) overseeing compliance with investigative requirements under state and federal law;
- (C) developing policies and procedures to protect the due process rights of individuals subject to:
 - (i) adult abuse or neglect investigations; and
 - (ii) child abuse or neglect investigations; and
- (D) consistently executing policies and procedures across all department jurisdictions regardless of the race, gender, age, and socioeconomic status of the subject of an investigation;

(2) identify any challenges or barriers to the standardization of investigative practices and procedures, and the application and implementation in the field of legal requirements and DFPS investigative policies and procedures in child or adult abuse and neglect investigations;

(3) make recommendations to address issues identified under Subdivision (2), including any human resource accountability measures to address those issues; and

(4) supervise any external organizations that participate in the investigation processes and make recommendations for legal procedures for the operations of those organizations.

(c) Provides that the advisory committee is composed of the following 13 members:

- (1) one member from the governor's office, who is required to serve as the chair, appointed by the governor;
- (2) one member from the lieutenant governor's office, who is required to serve as the vice chair, appointed by the lieutenant governor;
- (3) one member from the office of the speaker of the house of representatives appointed by the speaker;
- (4) one member appointed by the commissioner;
- (5) DFPS's deputy commissioner for child protective investigations;
- (6) a regional director of investigations appointed by the commissioner;
- (7) at least one child protective investigations supervisor and investigator appointed by the commissioner from a rural region and an urban region;

(8) a district judge appointed by the governor;

(9) one parent or caregiver, who has been involved in a child protective services legal case, appointed by the commissioner; and

(10) three members appointed by the commissioner who are a current or former:

(A) county district attorney;

(B) attorney assigned to represent caregivers in legal cases involving DFPS;

(C) attorney assigned to represent children in legal cases involving DFPS;

(D) associate judge who hears or has heard child protective services legal cases; or

(E) state or local law enforcement officer.

(d) Authorizes the commissioner, in appointing members of the advisory committee under Subsection (c)(10), to select only one person from each group described by Subsection (c)(10)(A)-(E).

(e) Prohibits an individual from serving on the advisory committee as a member appointed under Subsection (c)(1), (2), (3), (4), (8), (9), or (10) if the individual is:

(1) employed by a state agency or contracts with DFPS, child welfare vendors, or behavioral health providers and organizations contracted with DFPS or the Health and Human Services Commission, notwithstanding approved DFPS personnel; or

(2) related within the third degree of consanguinity of individuals who work at DFPS or for organizations that contract with DFPS or hold contracts with vendors of DFPS, including vendors in community-based care.

(f) Requires members of the advisory committee to recuse themselves from the committee's deliberation regarding recommendations that directly relate to a case that involves the member.

(g) Requires the chair of the advisory committee to direct the advisory committee and requires DFPS to provide administrative support and resources to the advisory committee as necessary for the advisory committee to perform the advisory committee's duties under this section.

(h) Requires the advisory committee to meet quarterly in Austin or at another location determined by the chair. Provides that a meeting of the advisory committee under this section is subject to Chapter 551 (Open Meetings), Government Code. Requires the advisory committee to receive public testimony at each public meeting. Requires DFPS to stream live video and audio of each advisory committee meeting over the Internet and make available on DFPS's Internet website archived video and audio of each advisory committee meeting. Requires DFPS to maintain the archived video and audio of the meeting on DFPS's Internet website until the seventh anniversary of the date of the meeting.

(i) Requires the advisory committee, not later than August 31st of each year, to submit a report to the governor, the lieutenant governor, the speaker of the house of representatives, members of the legislature, and the commissioner. Requires DFPS to publish the report on DFPS's Internet website. Requires that the report include certain information for the state and for each DFPS region.

(j) Provides that the advisory committee is abolished and this section expires on September 1, 2029.

SECTION 2. Effective date: September 1, 2025.