

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 140
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Health & Human Services
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Committee Report (Substituted)

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, DFPS 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 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 the Human Resources Code to establish the DFPS 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 DFPS and the Office of Inspector General.
- The advisory committee will sunset on September 1, 2029.

What does the Committee Substitute Change?

- Removes the application of the advisory committee to only focus on "child protective" investigations removing the references to "adult" protective services.
- Clarifies the duties of the advisory to including monitoring of and implementing various process improvements such as investigation training or practice models.
- Changes the appointments to allow the inclusion of recommendations from the chairs of the standing legislative committees with jurisdiction over DFPS.
- Applies confidentiality rules to the advisory committee to allow DFPS to share information on specific investigation cases and allow the committee to meet in closed session to protect the privacy of children and their families.
- Clarifies that DFPS staff who serve on the advisory committee do not have voting rights.
- Repeals the Family and Protective Services Council, which has similar duties and simply was reconstituted when DFPS was pulled from the Health and Human Services Commission in the 85th Legislature.

C.S.H.B. 140 amends current law relating to advisory bodies for the Department of Family and Protective Services, including the creation of the child protective investigations advisory committee and the abolition of the Family and Protective Services Council.

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 Section 521.0003(c), Government Code, effective September 1, 2026, as follows:

- (c) Deletes existing text providing that a reference to the Family and Protective Services Council (council), subject to Chapter 316 (H.B. 5), Acts of the 85th Legislature, Regular Session, 2017, means the executive commissioner or the executive commissioner's

designee, as appropriate, and a function of the council is a function of that appropriate person. Makes nonsubstantive changes.

SECTION 2. Amends Section 531.0012(c), Government Code, effective September 1, 2026, to make conforming and nonsubstantive changes.

SECTION 3. Amends Section 552.103(c), Health and Safety Code, effective September 1, 2026, to make conforming and nonsubstantive changes.

SECTION 4. Amends Section 40.002(a), Human Resources Code, effective September 1, 2026, to make a conforming change.

SECTION 5. Amends Sections 40.004(b) and (c), Human Resources Code, effective September 1, 2026, to make conforming changes.

SECTION 6. Amends Subchapter B, Chapter 40, Human Resources Code, by adding Section 40.031, as follows:

Sec. 40.031. CHILD 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 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 relating to a person described by certain provisions of Section 261.001(Definitions), Family Code. Requires the advisory committee to advise and make recommendations to DFPS on certain subjects.

(b) Requires the advisory committee to take certain actions.

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

(1) one member of the public appointed by the governor to represent the governor's office who is required to serve as the chair;

(2) one member of the public appointed by the lieutenant governor to represent the lieutenant governor's office who is required to serve as the vice chair;

(3) one member of the public appointed by the speaker of the house of representatives to represent the speaker's office;

(4) the DFPS employee charged with oversight of child protective investigations appointed by the commissioner;

(5) a regional director of investigations appointed by the commissioner;

(6) at least one child protective investigations supervisor or investigator appointed by the commissioner from a rural region and an urban region;

(7) a district judge who has experience presiding over suits affecting the parent-child relationship appointed by the governor;

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

(9) four members appointed by the commissioner with consideration to individuals who have certain relevant experience.

(d) Requires the commissioner, in appointing members of the advisory committee under Subsection (c)(9), to consult with the chair of each standing committee of the legislature with primary jurisdiction over child protective services.

(e) Prohibits an individual from serving on the advisory committee as a member appointed under Subsection (c)(1), (2), (3), (7), (8), or (9) 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 or judicial personnel; or

(2) related within the third degree of consanguinity to 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. Provides that members of the advisory committee who are employed by DFPS serve as nonvoting members.

(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 is subject to Chapter 551 (Open Meetings), Government Code. Authorizes the advisory committee to conduct a closed meeting in accordance with Subchapter E (Procedures Related to Closed Meetings), Chapter 551, Government Code, to discuss information related to a case under review by the advisory committee under Subsection (i). Requires the advisory committee to provide a period for public comment during at least one public meeting each year, present recommendations made under this section to improve the quality and consistency of child protective investigations, and post public notice for meetings conducted for the sole purpose of reviewing cases under Subsection (i).

(i) Requires DFPS to provide a random sample of closed child protective investigations for advisory committee review. Requires DFPS, in accordance with this section, to provide relevant case information to enable the advisory committee to review the case. Prohibits the information provided to the advisory committee under this subsection from including identifying information for individuals involved in the investigation, including an individual's name, address, or date of birth.

(j) Provides that certain information is confidential and not subject to disclosure under Chapter 552 (Public Information).

(k) Requires DFPS to adopt and implement procedures to ensure that confidential information is not disclosed in violation of this section.

(l) Requires the advisory committee, not later than September 30 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 for the state two state fiscal years preceding the state fiscal year in which the report is published.

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

SECTION 7. Amends Sections 40.045(e) and (i), Human Resources Code, effective September 1, 2026, to make conforming changes.

SECTION 8. Repealer, effective September 1, 2026: Section 40.001(2-a) (relating to defining "council"), Human Resources Code.

Repealers: Sections 40.021 (Family and Protective Services Council) and 40.022 (Appointments), Human Resources Code.

Repealers: Sections 40.023 (Training Program for Council Members) and 40.024 (Terms; Vacancy), Human Resources Code.

Repealers: Sections 40.025 (Reimbursement for Expenses) and 40.026 (Presiding Officer; Other Officers; Meetings), Human Resources Code.

SECTION 9. Effective date, except as otherwise provided by this Act: September 1, 2025.