

AN ACT

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.

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

SECTION 1. Effective September 1, 2026, Section 521.0003(c), Government Code, is amended to read as follows:

(c) A reference to any of the following councils means the executive commissioner or the executive commissioner's designee, as appropriate, and a function of any of the following councils is a function of that appropriate person:

(1) the Health and Human Services Council;

(2) the Aging and Disability Services Council;

(3) the Assistive and Rehabilitative Services Council; or

~~(4) [subject to Chapter 316 (H.B. 5), Acts of the 85th Legislature, Regular Session, 2017, the Family and Protective Services Council, or~~

~~(5)]~~ the State Health Services Council.

SECTION 2. Effective September 1, 2026, Section 552.103(c), Health and Safety Code, is amended to read as follows:

(c) The inspector general shall submit the annual status report to the:

- 1 (1) executive commissioner;
- 2 (2) commissioner of state health services;
- 3 (3) commissioner of the Department of Family and
- 4 Protective Services;
- 5 (4) State Health Services Council;
- 6 (5) ~~[Family and Protective Services Council,~~
- 7 ~~[(6)]~~ governor;
- 8 (6) ~~[(7)]~~ lieutenant governor;
- 9 (7) ~~[(8)]~~ speaker of the house of representatives;
- 10 (8) ~~[(9)]~~ standing committees of the senate and house
- 11 of representatives with primary jurisdiction over state hospitals;
- 12 (9) ~~[(10)]~~ state auditor; and
- 13 (10) ~~[(11)]~~ comptroller.

14 SECTION 3. Effective September 1, 2026, Section 40.002(a),
15 Human Resources Code, is amended to read as follows:

16 (a) The Department of Family and Protective Services is
17 composed of ~~[the council,~~ the commissioner, an administrative
18 staff, and other employees necessary to efficiently carry out the
19 purposes of this chapter.

20 SECTION 4. Effective September 1, 2026, Sections 40.004(b)
21 and (c), Human Resources Code, are amended to read as follows:

22 (b) The commissioner ~~[, with the advice of the council,~~
23 shall prepare information of public interest describing the
24 functions of the department. The commission shall make the
25 information available to the public and appropriate state agencies.

26 (c) The commissioner shall grant an opportunity for a public
27 hearing ~~[before the council makes recommendations to the~~

~~commissioner regarding a substantive rule]~~ if a public hearing is requested by:

- (1) at least 25 persons;
- (2) a governmental entity; or
- (3) an association with at least 25 members.

SECTION 5. Subchapter B, Chapter 40, Human Resources Code, is amended by adding Section 40.031 to read as follows:

Sec. 40.031. CHILD PROTECTIVE INVESTIGATIONS ADVISORY COMMITTEE. (a) The commissioner shall establish an advisory committee on child protective investigations to improve the accuracy and standardization of the application of investigative legal requirements and department investigative policies and procedures during child abuse, neglect, and exploitation investigations relating to a person described by Section 261.001(5)(A), (B), or (C), Family Code. The advisory committee shall advise and make recommendations to the department on:

(1) developing and implementing policies and procedures and monitoring training to increase the accuracy and consistency of abuse, neglect, and exploitation investigation processes and procedures;

(2) developing and implementing a model for conducting investigations that ensures compliance with due process requirements;

(3) developing a consistent engagement model for communicating with legal advocates involved in child protective investigations and courts presiding over child protective services cases;

1 (4) developing and monitoring effective training for
2 all investigative employees;

3 (5) monitoring compliance with investigation
4 procedures and processes;

5 (6) developing and implementing a data-informed model
6 for conducting investigations; and

7 (7) providing a forum for public input on problems or
8 concerns related to investigations.

9 (b) The advisory committee shall:

10 (1) make recommendations for:

11 (A) conducting child protective investigations;

12 (B) monitoring compliance with investigative
13 requirements under state and federal law;

14 (C) developing and monitoring the implementation
15 of policies and procedures to protect the due process rights of
16 individuals subject to child abuse or neglect investigations; and

17 (D) monitoring the execution of policies and
18 procedures across all department jurisdictions for the subject of
19 an investigation;

20 (2) identify any challenges or barriers to:

21 (A) the standardization of child protective
22 investigative practices and procedures; and

23 (B) the application and implementation of legal
24 requirements and department investigative policies and procedures
25 in child abuse and neglect investigations;

26 (3) make recommendations to address issues identified
27 under Subdivision (2), including any training or other

1 accountability measures required to address those issues;

2 (4) identify and monitor challenges related to the
3 department's interaction and collaboration with any external
4 parties that participate in the investigation processes; and

5 (5) make recommendations for legal procedures for the
6 operations of parties described by Subdivision (4).

7 (c) The advisory committee is composed of the following
8 members:

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

11 (2) one member of the public appointed by the
12 lieutenant governor to represent the lieutenant governor's office
13 who shall serve as vice chair;

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

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

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

20 (6) at least one child protective investigations
21 supervisor or investigator appointed by the commissioner from each
22 of the following:

23 (A) a rural region; and

24 (B) an urban region;

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

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

4 (9) four members appointed by the commissioner with
5 consideration to individuals who have relevant experience as:

6 (A) a county district attorney;

7 (B) an attorney assigned to represent caregivers
8 in legal cases involving the department;

9 (C) an attorney assigned to represent children or
10 parents in legal cases involving the department;

11 (D) an associate judge who hears or has heard
12 child protective legal cases;

13 (E) a state or local law enforcement officer;

14 (F) a parent who has been the subject of a child
15 protective investigation;

16 (G) an individual who has been in the
17 conservatorship of the department; or

18 (H) an individual employed as a consultant to
19 represent the interests of a parent in a child protective
20 investigation.

21 (d) In appointing the members of the advisory committee
22 under Subsection (c)(9), the commissioner shall consult with the
23 chair of each standing committee of the legislature with primary
24 jurisdiction over child protective services.

25 (e) An individual may not serve on the advisory committee as
26 a member appointed under Subsection (c)(1), (2), (3), (7), (8), or
27 (9) if the individual is:

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

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

10 (f) Members of the advisory committee shall recuse
11 themselves from the committee's deliberation regarding
12 recommendations that directly relate to a case that involves the
13 member. Members of the advisory committee who are employed by the
14 department serve as nonvoting members.

15 (g) The chair of the advisory committee shall direct the
16 advisory committee and the department shall provide administrative
17 support and resources to the advisory committee as necessary for
18 the advisory committee to perform the advisory committee's duties
19 under this section.

20 (h) The advisory committee shall meet quarterly in Austin or
21 at another location determined by the chair. A meeting of the
22 advisory committee is subject to Chapter 551, Government Code. The
23 advisory committee may conduct a closed meeting in accordance with
24 Subchapter E, Chapter 551, Government Code, to discuss information
25 related to a case under review by the committee under Subsection
26 (i). The advisory committee shall:

27 (1) provide a period for public comment during at

1 least one public meeting each year;

2 (2) present recommendations made under this section to
3 improve the quality and consistency of child protective
4 investigations; and

5 (3) post public notice for meetings conducted for the
6 sole purpose of reviewing cases under Subsection (i).

7 (i) The department shall provide a random sample of closed
8 child protective investigations for advisory committee review. The
9 department shall, in accordance with this section, provide relevant
10 case information to enable the advisory committee to review the
11 case. The information provided to the advisory committee under
12 this subsection may not include identifying information for
13 individuals involved in the investigation, including an
14 individual's name, address, or date of birth.

15 (j) The following is confidential and not subject to
16 disclosure under Chapter 552:

17 (1) any information provided to the advisory committee
18 regarding a child protective investigation;

19 (2) information from investigation records, including
20 the department's determinations as a result of the investigation;
21 and

22 (3) advisory committee work product.

23 (k) The department shall adopt and implement procedures to
24 ensure that confidential information is not disclosed in violation
25 of this section.

26 (l) Not later than September 30 of each year, the advisory
27 committee shall submit a report to the governor, the lieutenant

1 governor, the speaker of the house of representatives, members of
2 the legislature, and the commissioner. The department shall
3 publish the report on the department's Internet website. The
4 report must include the following information for the state and for
5 each department region for the two state fiscal years preceding the
6 state fiscal year in which the report is published:

7 (1) the number of:

8 (A) phone calls made to the agency that resulted
9 in an investigation for child abuse or neglect;

10 (B) completed investigations for child abuse or
11 neglect;

12 (C) each type of case disposition;

13 (D) administrative closures;

14 (E) abbreviated investigations;

15 (F) children removed from the child's home;

16 (G) children placed in foster care;

17 (H) cases in which the child was not removed from
18 the child's home but the family received family-based safety
19 services or family preservation services;

20 (I) cases per investigator in unspecialized
21 investigative units; and

22 (J) cases per investigator in specialized
23 investigative units;

24 (2) the average employment rate for unspecialized
25 investigators and supervisors and specialized investigators and
26 supervisors;

27 (3) the average amount of time to complete

1 investigations for each level of investigation;

2 (4) the total number of administrative reviews of
3 investigation findings and the results of those investigations for
4 that year;

5 (5) the number of complaints filed with the office of
6 consumer affairs of the department and the Office of Inspector
7 General;

8 (6) any identified challenges to:

9 (A) the standardization of an investigative
10 training program; and

11 (B) the application and implementation in the
12 field or of legal requirements and department investigative
13 policies and procedures in child abuse and neglect investigations;

14 (7) the committee's recommendations for improving any
15 identified challenges under Subdivision (6), including any human
16 resource accountability measures to address those issues; and

17 (8) recommendations for legislative or other action
18 related to human resource accountability measures for individuals
19 investigating or supervising the investigation of cases of
20 suspected child abuse or neglect.

21 (m) The advisory committee is abolished and this section
22 expires on September 1, 2029.

23 SECTION 6. Effective September 1, 2026, Sections 40.045(e)
24 and (i), Human Resources Code, are amended to read as follows:

25 (e) Not later than March 1 of the state fiscal year in which
26 an efficiency audit is required under this section, the
27 commissioner, in collaboration with ~~[the council]~~ the

1 department's chief financial officer~~[7]~~ and the department's
2 internal audit director, shall select an external auditor to
3 conduct the efficiency audit.

4 (i) Not later than November 1 of the calendar year an
5 efficiency audit is conducted, the auditor shall prepare and submit
6 a report of the audit and recommendations for efficiency
7 improvements to the governor, the Legislative Budget Board, the
8 state auditor, the commissioner, ~~[the council,]~~ and the chairs of
9 the House Human Services Committee and the Senate Health and Human
10 Services Committee.

11 SECTION 7. Effective September 1, 2026, the following
12 provisions of the Human Resources Code are repealed:

- 13 (1) Section 40.001(2-a);
- 14 (2) Section 40.021;
- 15 (3) Section 40.022;
- 16 (4) Section 40.023;
- 17 (5) Section 40.024;
- 18 (6) Section 40.025; and
- 19 (7) Section 40.026.

20 SECTION 8. Except as otherwise provided by this Act, this
21 Act takes effect September 1, 2025.

President of the Senate

Speaker of the House

I certify that H.B. No. 140 was passed by the House on April 25, 2025, by the following vote: Yeas 129, Nays 2, 3 present, not voting; that the House concurred in Senate amendments to H.B. No. 140 on May 19, 2025, by the following vote: Yeas 117, Nays 7, 1 present, not voting; and that the House adopted H.C.R. No. 156 authorizing certain corrections in H.B. No. 140 on May 25, 2025, by the following vote: Yeas 116, Nays 7, 3 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 140 was passed by the Senate, with amendments, on May 9, 2025, by the following vote: Yeas 31, Nays 0; and that the Senate adopted H.C.R. No. 156 authorizing certain corrections in H.B. No. 140 on May 27, 2025, by a viva-voce vote.

Secretary of the Senate

APPROVED: _____

Date

Governor