

1-1 By: Noble (Senate Sponsor - Kolthorst) H.B. No. 140
1-2 (In the Senate - Received from the House April 28, 2025;
1-3 April 29, 2025, read first time and referred to Committee on Health
1-4 & Human Services; May 7, 2025, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 May 7, 2025, sent to printer.)

1-7	COMMITTEE VOTE				
1-8		Yea	Nay	Absent	PNV
1-9	Kolkhorst	X			
1-10	Perry	X			
1-11	Blanco	X			
1-12	Cook	X			
1-13	Hall	X			
1-14	Hancock	X			
1-15	Hughes	X			
1-16	Miles	X			
1-17	Sparks	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 140 By: Sparks

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to advisory bodies for the Department of Family and
1-22 Protective Services, including the creation of the child protective
1-23 investigations advisory committee and the abolition of the Family
1-24 and Protective Services Council.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Effective September 1, 2026, Section
1-27 521.0003(c), Government Code, is amended to read as follows:

1-28 (c) A reference to any of the following councils means the
1-29 executive commissioner or the executive commissioner's designee,
1-30 as appropriate, and a function of any of the following councils is a
1-31 function of that appropriate person:

- 1-32 (1) the Health and Human Services Council;
- 1-33 (2) the Aging and Disability Services Council;
- 1-34 (3) the Assistive and Rehabilitative Services

1-35 Council; or
1-36 (4) ~~[subject to Chapter 316 (H.B. 5), Acts of the 85th~~
1-37 ~~Legislature, Regular Session, 2017, the Family and Protective~~
1-38 ~~Services Council; or~~

1-39 ~~[(5)]~~ the State Health Services Council.

1-40 SECTION 2. Effective September 1, 2026, Section
1-41 531.0012(c), Government Code, is amended to read as follows:

1-42 (c) A reference to any of the following councils means the
1-43 executive commissioner or the executive commissioner's designee,
1-44 as appropriate, and a function of any of the following councils is a
1-45 function of that appropriate person:

- 1-46 (1) the Health and Human Services Council;
- 1-47 (2) the Aging and Disability Services Council;
- 1-48 (3) the Assistive and Rehabilitative Services

1-49 Council; or
1-50 (4) ~~[the Family and Protective Services Council; or~~
1-51 ~~[(5)]~~ the State Health Services Council.

1-52 SECTION 3. Effective September 1, 2026, Section 552.103(c),
1-53 Health and Safety Code, is amended to read as follows:

1-54 (c) The inspector general shall submit the annual status
1-55 report to the:

- 1-56 (1) executive commissioner;
- 1-57 (2) commissioner of state health services;
- 1-58 (3) commissioner of the Department of Family and
- 1-59 Protective Services;
- 1-60 (4) State Health Services Council;

(5) ~~[Family and Protective Services Council,~~
~~[(6)]~~ governor;
 (6) ~~[(7)]~~ lieutenant governor;
 (7) ~~[(8)]~~ speaker of the house of representatives;
 (8) ~~[(9)]~~ standing committees of the senate and house
 of representatives with primary jurisdiction over state hospitals;
 (9) ~~[(10)]~~ state auditor; and
 (10) ~~[(11)]~~ comptroller.

SECTION 4. Effective September 1, 2026, Section 40.002(a), Human Resources Code, is amended to read as follows:

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

SECTION 5. Effective September 1, 2026, Sections 40.004(b) and (c), Human Resources Code, are amended to read as follows:

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

(c) The commissioner shall grant an opportunity for a public 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 6. 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;
- (4) developing and monitoring effective training for all investigative employees;
- (5) monitoring compliance with investigation procedures and processes;
- (6) developing and implementing a data-informed model for conducting investigations; and
- (7) providing a forum for public input on problems or concerns related to investigations.

- (b) The advisory committee shall:
- (1) make recommendations for:
 - (A) conducting child protective investigations;
 - (B) monitoring compliance with investigative requirements under state and federal law;
 - (C) developing and monitoring the implementation of policies and procedures to protect the due process rights of individuals subject to child abuse or neglect investigations; and
 - (D) monitoring the execution of policies and procedures across all department jurisdictions for the subject of an investigation;
 - (2) identify any challenges or barriers to:

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

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

(3) make recommendations to address issues identified under Subdivision (2), including any training or other accountability measures required to address those issues;

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

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

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

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

(2) one member of the public appointed by the lieutenant governor to represent the lieutenant governor's office who shall serve as 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 department 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 each of the following:

(A) a rural region; and

(B) 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 relevant experience as:

(A) a county district attorney;

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

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

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

(E) a state or local law enforcement officer;

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

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

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

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

(e) An individual may not serve 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 the department, child welfare vendors, or behavioral health providers and organizations contracted with the department or the Health and Human Services Commission, notwithstanding approved department or judicial personnel; or

(2) related within the third degree of consanguinity to individuals who work at the department or for organizations that contract with the department or hold contracts with vendors of the

department, including vendors in community-based care.

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

(g) The chair of the advisory committee shall direct the advisory committee and the department shall 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) The advisory committee shall meet quarterly in Austin or at another location determined by the chair. A meeting of the advisory committee is subject to Chapter 551, Government Code. The advisory committee may conduct a closed meeting in accordance with Subchapter E, Chapter 551, Government Code, to discuss information related to a case under review by the committee under Subsection (i). The advisory committee shall:

(1) provide a period for public comment during at least one public meeting each year;

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

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

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

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

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

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

(3) advisory committee work product.

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

(l) Not later than September 30 of each year, the advisory committee shall submit a report to the governor, the lieutenant governor, the speaker of the house of representatives, members of the legislature, and the commissioner. The department shall publish the report on the department's Internet website. The report must include the following information for the state and for each department region for the two state fiscal years preceding the state fiscal year in which the report is published:

(1) the number of:

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

(B) completed investigations for child abuse or neglect;

(C) each type of case disposition;

(D) administrative closures;

(E) abbreviated investigations;

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

(G) children placed in foster care;

(H) 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;

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

(J) cases per investigator in specialized investigative units;

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

(3) the average amount of time to complete investigations for each level of investigation;

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

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

(6) any identified challenges to:

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

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

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

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

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

SECTION 7. Effective September 1, 2026, Sections 40.045(e) and (i), Human Resources Code, are amended to read as follows:

(e) Not later than March 1 of the state fiscal year in which an efficiency audit is required under this section, the commissioner, in collaboration with ~~[the council,]~~ the department's chief financial officer~~[,]~~ and the department's internal audit director, shall select an external auditor to conduct the efficiency audit.

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

SECTION 8. Effective September 1, 2026, the following provisions of the Human Resources Code are repealed:

(1) Section 40.001(2-a);

(2) Section 40.021;

(3) Section 40.022;

(4) Section 40.023;

(5) Section 40.024;

(6) Section 40.025; and

(7) Section 40.026.

SECTION 9. Except as otherwise provided by this Act, this Act takes effect September 1, 2025.

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