

By: Kolkhorst

S.B. No. 837

A BILL TO BE ENTITLED

AN ACT

relating to a family preservation services program.

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

SECTION 1. The heading to Subchapter F, Chapter 262, Family Code, is amended to read as follows:

SUBCHAPTER F. FAMILY PRESERVATION SERVICES [~~PILOT~~] PROGRAM

SECTION 2. Section 262.401, Family Code, is amended by amending Subdivisions (1), (3), and (4) and adding Subdivision (6) to read as follows:

(1) "Child who is a candidate for foster care" means a child who is at imminent risk of being removed from the child's home and placed into the conservatorship of the department because:

(A) a department investigation found reason to believe abuse or neglect occurred;

(B) there is [of] a continuing danger to the child's physical health or safety caused by an act or failure to act of a person entitled to possession of the child; and

(C) [but for whom] a court of competent jurisdiction has issued an order allowing the child to remain safely in the child's home or in a kinship placement with the provision of family preservation services.

(3) "Family preservation service" means a time-limited, family-focused service, including a short-term expense service or a service subject to the Family First Prevention

1 Services Act (Title VII, Div. E, Pub. L. No. 115-123), provided to  
2 the family of a child who is:

3 (A) a candidate for foster care to prevent or  
4 eliminate the need to remove the child and to allow the child to  
5 remain safely with the child's family; or

6 (B) a pregnant or parenting foster youth.

7 (4) "Family preservation services plan" means a  
8 written plan for remedying child abuse and neglect, based on a  
9 professional assessment using evidence-based tools and strategies,  
10 listing the family preservation services, including services  
11 subject to the Family First Prevention Services Act (Title VII,  
12 Div. E, Pub. L. No. 115-123), to be provided to the family of a  
13 child who is:

14 (A) a candidate for foster care; or

15 (B) a pregnant or parenting foster youth.

16 (6) "Short-term expense service" means time-limited  
17 funding for the reimbursement of short-term expenses necessary to  
18 allow a child to remain in the child's home, including rent,  
19 transportation expenses, educational or job skills programs, or  
20 in-home support services.

21 SECTION 3. The heading to Section 262.402, Family Code, is  
22 amended to read as follows:

23 Sec. 262.402. [~~PILOT~~] PROGRAM FOR FAMILY PRESERVATION  
24 SERVICES.

25 SECTION 4. Section 262.402, Family Code, is amended by  
26 amending Subsections (a) and (d) and adding Subsection (e) to read  
27 as follows:

1 (a) The department shall establish a [~~pilot~~] program that  
2 allows the department to dispose of an investigation by:

3 (1) referring the family of a child who is a candidate  
4 for foster care for family preservation services and allowing the  
5 child to return home instead of entering foster care; or

6 (2) [~~by~~] providing family preservation services to a  
7 pregnant or parenting foster youth. [~~The department shall implement~~  
8 the pilot program in two child protective services regions in this  
9 state, one urban and one rural.]

10 (d) In implementing the [~~pilot~~] program, the department  
11 shall use:

12 (1) Title IV-E funds to:

13 (A) pay for legal representation for parents in  
14 the manner provided by Section 107.015; or

15 (B) provide to counties a matching reimbursement  
16 for the cost of the legal representation; and

17 (2) funds received under assistance programs  
18 including the Temporary Assistance for Needy Families (TANF)  
19 program or other department funds to provide short-term expense  
20 [~~enhanced in-home support~~] services to families qualifying for  
21 prevention services under this subchapter to achieve the objectives  
22 in the family preservation services plan.

23 (e) A family may not receive short-term expense services for  
24 longer than 90 days. The commissioner of the department shall by  
25 rule establish a maximum amount that a family may receive in  
26 short-term expense services under each family preservation  
27 services plan.

1 SECTION 5. Section 262.405, Family Code, is amended by  
2 adding Subsection (a-1) to read as follows:

3 (a-1) The court may not appoint a guardian ad litem to  
4 represent the best interests of a child in a suit filed under  
5 Section 262.404.

6 SECTION 6. Section 262.406, Family Code, is amended by  
7 adding Subsection (e) to read as follows:

8 (e) An order rendered under this section expires on the  
9 first anniversary of the date the order is signed.

10 SECTION 7. Section 262.407(c), Family Code, is amended to  
11 read as follows:

12 (c) The family preservation services plan must:

13 (1) include a safety risk assessment of the child who  
14 is the subject of the investigation and an assessment of the child's  
15 family;

16 (2) state the reasons the department is involved with  
17 the family;

18 (3) be narrowly tailored to address the specific  
19 reasons the department is involved with the family and the factors  
20 that make the child a candidate for foster care;

21 (4) list the specific family preservation services the  
22 family will receive under the plan, including services provided by  
23 an entity other than the department, such as the Texas Workforce  
24 Commission or a local mental health authority, and identify the  
25 manner in which those services will mitigate the child's specific  
26 risk factors and allow the child to remain safely at home;

27 (5) specify the tasks the family must complete during

1 the effective period of the plan and include a schedule with  
2 appropriate completion dates for those tasks; and

3 (6) include the name of the department or single  
4 source continuum contractor representative who will serve as a  
5 contact for the family in obtaining information related to the  
6 plan.

7 SECTION 8. Section 262.408(d), Family Code, is amended to  
8 read as follows:

9 (d) The family preservation services plan remains in effect  
10 until:

11 (1) the first anniversary of ~~[the 180th day after]~~ the  
12 date the court's order for family preservation services is signed[  
13 ~~unless renewed by an order of the court~~]; or

14 (2) the date the plan is amended or revoked by the  
15 court.

16 SECTION 9. Section 262.409(e), Family Code, is amended to  
17 read as follows:

18 (e) The amended family preservation services plan is in  
19 effect until:

20 (1) the first anniversary of ~~[the 180th day after]~~ the  
21 date the court's order for family preservation services is signed[  
22 ~~unless renewed by an order of the court~~]; or

23 (2) the date the amended plan is modified or revoked by  
24 the court.

25 SECTION 10. Sections 262.415(a) and (b), Family Code, are  
26 amended to read as follows:

27 (a) The department may contract with one or more persons to

1 provide family preservation services under the [~~pilot~~] program. In  
2 a child protective services region in this state in which  
3 community-based care under Subchapter B-1, Chapter 264, has been  
4 implemented [~~and in which the pilot program is implemented~~], the  
5 department may contract with the single source continuum contractor  
6 to provide family preservation services under the [~~pilot~~] program.  
7 The term of a contract under this section may not exceed three years  
8 and may be extended only one time for not more than one year.

9 (b) The contract with the person selected to provide family  
10 preservation services must include performance-based measures that  
11 require the person to show that as a result of the services:

12 (1) fewer children enter foster care in the [~~pilot~~  
13 ~~program~~] region in comparison to other regions of this state;

14 (2) fewer children are removed from their families  
15 after receiving the services in the [~~pilot program~~] region in  
16 comparison to other regions of this state; and

17 (3) fewer children enter foster care in the five years  
18 following completion of the services in the [~~pilot program~~] region  
19 in comparison to other regions of this state.

20 SECTION 11. Section 262.416, Family Code, is amended to  
21 read as follows:

22 Sec. 262.416. LIMITS [~~LIMIT~~] ON FINANCE OF SERVICES. (a)  
23 If a court order for services under this subchapter includes  
24 services that are not subject to the Family First Prevention  
25 Services Act (Title VII, Div. E., Pub. L. No. 115-123), the order  
26 must identify a method of financing for the services and the local  
27 jurisdiction that will pay for the services.

1        (b) The commissioner of the department by rule shall  
2 establish funding limits for family preservation services provided  
3 under each family preservation services plan and lifetime funding  
4 limits for family preservation services provided to a single  
5 family.

6        SECTION 12. Section 262.417, Family Code, is amended to  
7 read as follows:

8        Sec. 262.417. REPORT TO LEGISLATURE. (a) Not later than  
9 the first anniversary of the date the department commences the [~~a~~  
10 ~~pilot~~] program under this subchapter and every two years after that  
11 date, the department shall contract with an entity based in this  
12 state that is independent of the department and has demonstrated  
13 expertise in statistical, financial, logistical, and operational  
14 analysis to evaluate the implementation of the [~~pilot~~] program  
15 under this subchapter, assess its progress, and report its findings  
16 to the appropriate standing committees of the legislature having  
17 jurisdiction over child protective services and foster care  
18 matters. The report must include:

19            (1) a detailed description of the actions taken by the  
20 department to ensure the successful implementation of the [~~pilot~~]  
21 program;

22            (2) a detailed analysis of the role each of the  
23 following entities has in the [~~pilot~~] program:

24                    (A) the courts;

25                    (B) legal representatives;

26                    (C) the investigations division of the  
27 department; and

1 (D) the department or other entity implementing  
2 the [~~pilot~~] program;

3 (3) an analysis of any barrier to the successful  
4 implementation of the [~~pilot~~] program and recommendations for  
5 overcoming those barriers;

6 (4) data on the performance-based outcomes described  
7 by Subsection (b) and achieved in each [~~the~~] child protective  
8 services region [~~in which the pilot program is implemented~~]; and

9 [~~a detailed comparison of outcomes achieved in the~~  
10 ~~child protective services region in which the pilot program is~~  
11 ~~implemented with outcomes achieved in other child protective~~  
12 ~~services regions,~~

13 [~~(6)~~] a detailed description of the costs of the [~~pilot~~]  
14 program and services provided[, ~~and~~

15 [~~(7) recommendations on whether to expand services~~  
16 ~~described in this subchapter to other child protective services~~  
17 ~~regions in this state based on the outcomes and performance of the~~  
18 ~~pilot program].~~

19 (b) Performance-based outcomes for evaluating the [~~pilot~~]  
20 program must include:

21 (1) the number of children served;

22 (2) the number of families served;

23 (3) the percentage of children who do not have a  
24 reported finding of abuse, neglect, or exploitation;

25 (4) the percentage of children served who did not  
26 enter foster care at case closure;

27 (5) the percentage of children served who did not



1 enter foster care within six months and one year of the date the  
2 case was closed;

3 (6) the number of families who received family  
4 preservation services under the [~~pilot~~] program for whom the  
5 department opens an investigation of abuse or neglect involving the  
6 family before the second anniversary of the date the case was  
7 closed; and

8 (7) the average length of time services are provided  
9 from the entry of an order for family preservation services to case  
10 dismissal.

11 SECTION 13. Subchapter F, Chapter 262, Family Code, is  
12 amended by adding Section 262.418 to read as follows:

13 Sec. 262.418. EXPIRATION OF PROGRAM. This subchapter  
14 expires September 1, 2033.

15 SECTION 14. (a) Section 262.402(b), Family Code, is  
16 repealed.

17 (b) Section 262.413, Family Code, is repealed.

18 SECTION 15. This Act takes effect September 1, 2025.