

BILL ANALYSIS

Senate Research Center

S.B. 355
By: West
Health & Human Services
6/6/2019
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In February 2018, President Trump signed into law the Family First Prevention Services Act (FFPSA) as part of the Bipartisan Budget Act of 2018 - H.R. 1892. The act provides federal Title IV-E funding for evidence-based prevention services for mental health, substance abuse, and in-home intensive parenting for adults whose children are at "imminent risk" (as defined by the state) of entering foster care, and also for pregnant and parenting youth in foster care. Title IV-E funds have previously only been available for children in the foster care system. From October 2019 through September 2026 the federal financial participation is 50 percent (a one-to-one match).

Unlike money Texas receives for foster care, this new funding is directed at preventing entry into foster care in the first place, and gives states latitude in developing effective prevention efforts. Under FFPSA, states can delay implementation for up to two years. Because Texas' network of prevention providers is not yet sufficient to take advantage of this opportunity, and because federal guidance has been slow in coming, Texas has opted for that route. In the meantime, the Department of Family and Protective Services (DFPS) needs to determine how best to accomplish the goals of FFPSA.

Accordingly, this bill directs DFPS to develop a strategic plan to ensure that Texas' prevention and early intervention services meet the requirements of FFPSA. The plan must:

- identify providers of mental health, substance abuse, and in-home parenting services; and
- identify methods to:
- leverage federal resources available under FFPSA;
- apply for other available federal and private funds;
- reduce duplication of services by state agencies; and
- streamline procedures for determining eligibility for such services.

The plan must also provide for the notification of appropriate legislative committees about funding opportunities and a method for responding to them, and identify opportunities to coordinate with independent researchers to assist community programs in developing trauma-informed, evidence-based services. Community stakeholders and appropriate state agencies are to be involved in identifying a network of providers and resources, and streamlining the provision of services. (Original Author's/Sponsor's Statement of Intent)

S.B. 355 amends current law relating to developing a strategic plan regarding implementation of prevention and early intervention services and community-based care and conducting a study regarding the resources provided to foster parents.

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 C, Chapter 40, Human Resources Code, by adding Section 40.079, as follows:

Sec. 40.079. STRATEGIC STATE PLAN TO IMPLEMENT COMMUNITY-BASED CARE AND FOSTER CARE PREVENTION SERVICES. (a) Requires the Department of Family and Protective Services (DFPS) to develop a strategic plan for the coordinated implementation of:

(1) community-based care as defined by Section 264.152 (Definitions), Family Code; and

(2) foster care prevention services that meet the requirements of Title VII, Div. E, Pub. L. No. 115–123.

(b) Requires the strategic plan required under this section to:

(1) identify a network of services providers to provide mental health, substance use, and in-home parenting support services for:

(A) children at risk of entering foster care;

(B) the parents and caregivers of children identified under Paragraph (A); and

(C) pregnant or parenting youth in foster care;

(2) identify methods for the statewide implementation of foster care prevention services, including implementation in DFPS regions that are transitioning to community-based care;

(3) identify resources necessary for DFPS to implement community-based care and to coordinate that implementation with the implementation of foster care prevention services, including:

(A) enhanced training related to procurement, contract monitoring and enforcement services, information technology services, and financial and legal services;

(B) a financial methodology for funding the implementation of community-based care and foster care prevention services; and

(C) resources to address the placement of children in settings eligible for federal financial participation under the requirements of Title VII, Div. E, Pub. L. No. 115–123;

(4) identify methods to:

(A) maximize resources from the federal government under Title VII, Div. E, Pub. L. No. 115–123;

(B) apply for other available federal and private funds;

(C) streamline and reduce duplication of effort by each state agency involved in providing services described by Subdivision (1);

(D) streamline the procedures for determining eligibility for services described by Subdivision (1);

(E) prescribe and terminate services described by Subdivision (1); and

(F) reduce recidivism in foster care prevention services;

(5) include a method to:

(A) notify the Senate Health and Human Services Committee, the Senate Finance Committee, the House Committee on Human Services, the House Committee on Public Health, and the House Appropriations Committee of federal and private funding opportunities; and

(B) respond to the opportunities described by Paragraph (A); and

(6) identify opportunities to coordinate with independent researchers to assist community programs in evaluating and developing trauma-informed services and promising, supported, or well-supported services and strategies under Title VII, Div. E, Pub. L. No. 115–123.

(c) Requires DFPS to consult with the Health and Human Services Commission, the Department of State Health Services, and community stakeholders in identifying the network of providers described by Subsection (b)(1).

(d) Provides that this section does not supersede or limit DFPS's duty to develop and maintain the plan under Section 264.153 (Community-Based Care Implementation Plan), Family Code.

(e) Requires DFPS to submit the plan developed under this section to the governor, the lieutenant governor, the speaker of the house of representatives, and each member of the standing committees of the senate and house of representatives having primary jurisdiction over child welfare issues not later than September 1, 2020.

(f) Provides that this section expires September 1, 2021.

SECTION 2. (a) Requires DFPS to conduct a study to evaluate whether DFPS provides foster parents with adequate resources to ensure that foster parents are able to comply with all of the regulations relating to providing care for a child in the conservatorship of DFPS.

(b) Requires DFPS, not later than September 1, 2020, to prepare and submit to the legislature a written report containing the results of the study and any recommendations for legislative or other action.

(c) Provides that this section expires September 1, 2021.

SECTION 3. Effective date: upon passage or September 1, 2019.