

## **BILL ANALYSIS**

Senate Research Center  
86R25538 SCL-F

H.B. 3950  
By: Frank et al. (Kolkhorst)  
Health & Human Services  
5/16/2019  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The 85th legislature passed S.B. 11 to help improve the capacity of available quality foster homes and the management of children under the conservatorship of the Department of Family and Protective Services (DFPS). Interested parties contend that S.B. 11 directed DFPS to expand community-based care. The federal government has since enacted the Family First Prevention Services Act, to allow federal funding for foster payments to be used for certain services to prevent children from entering foster care.

H.B. 3950 seeks to create the child welfare task force to develop a statewide plan for the continued implementation of community-based care and the implementation of the Family First Act and other related prevention services for the Texas child welfare system.

H.B. amends current law relating to the establishment of a child welfare task force and provision of services in the child welfare system.

### **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. (a) Defines "commission" as the Health and Human Services Commission (HHSC). Defines "department" as the Department of Family and Protective Services (DFPS). Defines "community-based care" and "task force."

(b) Establishes the child welfare task force (task force) to develop a statewide plan for the continued implementation of community-based care and the implementation of family preservation and other related prevention services for the state's child welfare system.

(c) Provides that the task force is composed of nine voting members as follows:

(1) three members appointed by the governor;

(2) three members of the senate, appointed by the lieutenant governor; and

(3) three members of the house of representatives, appointed by the speaker of the house of representatives.

(d) Requires the chair and the vice chair of the task force to be elected by members of the task force.

(e) Provides that a task force member is not entitled to compensation for service on the task force but is entitled to reimbursement for actual and necessary expenses incurred in performing task force duties. Authorizes the task force to accept gifts, grants, and donations to pay for those expenses.

(f) Requires the task force to meet at least quarterly at the call of the chair and authorizes the task force to consider public testimony.

(g) Authorizes the task force, notwithstanding Chapter 551 (Open Meetings), Government Code, or any other law, to meet by telephone conference call, videoconference, or other similar telecommunication method. Provides that a meeting held by telephone conference call, videoconference, or other similar telecommunication method is subject to the requirements of Sections 551.125(c), (d), (e), and (f) (relating to notice, recording and location requirements of a meeting held by conference call), Government Code, relating to telephone conference call meetings of the task force.

(h) Requires the task force to develop a statewide plan for the continued implementation of community-based care and the implementation of family preservation and other related prevention services for the state's child welfare system.

(i) Requires the statewide plan to:

(1) identify sources of funding, including the development of a robust financial methodology, for the continued implementation of community-based care and family preservation and other related prevention services;

(2) include a timeline for the complete implementation of the statewide plan developed by the task force and identify additional resources DFPS will require to meet that timeline, including enhanced training related to procurement, contract monitoring and enforcement services, information technology services, and financial and legal services;

(3) identify barriers to using federal and state money and necessary purchased services to achieve greater numbers of children and youth who remain safely with their families by reviewing and effectively maximizing the prevention and early intervention services currently available in this state and any services relating to families entering the child protective services system;

(4) identify all sources of flexible funding under federal and state law that may be used to support the continued implementation of community-based care and family preservation and other related prevention services, including the following implementation issues:

(A) the placement of children in settings eligible for federal financial participation under the requirements of the federal Family First Prevention Services Act (Title VII, Div. E, Pub. L. No. 115-123);

(B) any costs related to the use of federal money transferred under the federal Family First Prevention Services Act; and

(C) any other beneficial programs or services available under the federal Family First Prevention Services Act; and

(5) identify legislative or regulatory barriers to full implementation of community-based care.

(j) Authorizes the task force to request relevant information from HHSC, DFPS, or other relevant state agencies, and requires HHSC, DFPS, or other agencies to comply with the request, unless the provision of the information is prohibited by state or federal law.

(k) Authorizes the task force, using available resources, to:

(1) contract with a third-party consultant using the procedures under Subchapter B (Consulting Services), Chapter 2254, Government Code, to assist the task force in carrying out its duties; and

(2) employ a full-time staff.

(l) Provides that the task force is administratively attached to HHSC for the purpose of contracting under Subsection (k)(1) of this section.

(m) Authorizes task force members and personnel to be appointed or employed from different catchment areas, as defined by Section 264.152 (Definitions), Family Code, in this state.

(n) Requires the task force to submit a written report on the statewide plan developed by the task force 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.

(o) Requires the task force to monitor the continued implementation of community-based care and family preservation and other related prevention services, and the implementation plan developed by DFPS under Section 264.153 (Community-Based Care Implementation Plan), Family Code.

(p) Requires the task force to submit a final evaluation of the implementation of community-based care 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 December 30, 2024.

(q) Requires that nothing in this section be construed to supersede or limit DFPS's duty to develop and maintain the plan under Section 264.153, Family Code.

(r) Provides that the task force is abolished and this Act expires December 31, 2024.

SECTION 2. Effective date: upon passage or September 1, 2019.