

BILL ANALYSIS

Senate Research Center
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S.B. 1575
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law requires a court to determine if a child should be removed from their home and placed in the conservatorship of the State of Texas. The Family First Prevention Services Act (FFPSA) restructured federal funding for child welfare to promote services that prevent children from entering foster care and reduce the use of congregate care.

S.B. 1575 seeks to align Texas with FFPSA by requiring both the courts and the Department of Family and Protective Services to review and determine if a residential treatment center placement is the appropriate and best placement for a child in foster care.

As proposed, S.B. 1575 amends current law relating to assessment and oversight of children placed by the Department of Family and Protective Services in a residential treatment center.

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 A, Chapter 263, Family Code, by adding Section 263.00201, as follows:

Sec. 263.00201. REVIEW OF PLACEMENT IN RESIDENTIAL TREATMENT CENTER. (a) Requires a court, not later than the 60th day after the date the Department of Family and Protective Services (DFPS) places a child in a residential treatment center, to:

- (1) consider the assessment, determination, and documentation made by a qualified individual under Section 264.1077(b) regarding the child's placement;
- (2) determine whether the child's needs can be met through placement in a cottage family home or an agency foster home and, if not, whether:
 - (A) placing the child in a residential treatment center provides the most effective and appropriate level of care for the child in the least restrictive environment; and
 - (B) placement in a residential treatment facility is consistent with the short-term and long-term goals for the child, as specified in the child's permanency plan; and
- (3) approve or disapprove the placement.

(b) Requires that the written documentation prepared by a qualified individual under Sections 264.1077(e) and (f) and any documentation regarding the determination and approval or disapproval of the placement in a residential treatment center by the court under Subsection (a) be included in and made part of the child's permanency plan.

(c) Requires DFPS, as long as a child remains in a residential treatment center, to submit evidence at each status review and each permanency hearing held with respect to the child:

(1) demonstrating that:

(A) ongoing assessment of the strengths and needs of the child continues to support the determination that the needs of the child cannot be met through placement in a cottage family home or an agency foster home;

(B) placement in a residential treatment center provides the most effective and appropriate level of care for the child in the least restrictive environment; and

(C) the placement is consistent with the short-term and long-term goals for the child, as specified in the child's permanency plan;

(2) documenting the specific treatment or service needs that will be met for the child in the placement and the length of time the child is expected to need the treatment or services; and

(3) documenting the efforts made by DFPS to prepare the child to return home or to be placed in a cottage family home or an agency foster home or with a fit and willing relative, legal guardian, or adoptive parent.

(d) Requires DFPS, for a child who is at least 13 years of age and is placed in a residential treatment center for more than 12 consecutive months or 18 nonconsecutive months and for a child who is younger than 13 years of age and is placed in a residential treatment center for more than 6 consecutive or nonconsecutive months, to submit to the Administration for Children and Families of the United States Department of Health and Human Services:

(1) the most recent version of the evidence and documentation described by Subsection (c); and

(2) the signed approval of the commissioner of DFPS (commissioner) for the continued placement of the child in that setting.

SECTION 2. Amends Subchapter B, Chapter 264, Family Code, by adding Section 264.1077, as follows:

Sec. 264.1077. RESIDENTIAL CARE PLACEMENT: ASSESSMENT. (a) Defines "qualified individual."

(b) Requires a qualified individual, not later than the 30th day after the date DFPS places a child in a residential treatment center, in collaboration with the child's family and permanency team, to:

(1) assess the strengths and needs of the child using an age-appropriate, evidence-based, validated, and functional assessment tool approved by the Administration for Children and Families of the United States Department of Health and Human Services;

(2) determine whether the needs of the child can be met by the child's family members or through placement in a cottage family home or an agency foster home;

(3) if the child's needs cannot be met under Subdivision (2), determine whether one of the following settings would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short-term and long-term goals for the child, as specified in the permanency plan for the child:

(A) a qualified residential treatment program as defined in the federal Family First Prevention Services Act (Title VII, Div. E, Pub. L. No. 115-123);

(B) a setting specializing in providing prenatal, postpartum, or parenting support for foster youth;

(C) for a child who is at least 18 years of age, a supervised setting in which the child lives independently; or

(D) a setting providing high-quality residential care and supportive services to children and youth who have been found to be, or are at risk of becoming, sex trafficking victims; and

(4) develop a list of specific short-term and long-term mental and behavioral health goals for the child.

(c) Requires DFPS to assemble a family and permanency team for the child that consists of appropriate biological family members, other relatives of the child, individuals who have a long-standing and significant relationship with a child or the child's family, and, as appropriate, professionals who are a resource to the child's family, including teachers, medical or mental health providers who have treated the child, and clergy. Authorizes a child who is 14 years of age or older to recommend individuals to serve on the child's family and permanency team.

(d) Requires DFPS to document in the child's permanency plan:

(1) the reasonable and good faith effort of DFPS to identify and include on the child's family and permanency team the individuals described in Subsection (c);

(2) the contact information for members of the child's family and permanency team, as well as contact information for other family members and individuals who have a long-standing and significant relationship with a child or the child's family who are not part of the family and permanency team;

(3) evidence that meetings of the child's family and permanency team, including meetings relating to the assessment required under Subsection (b), are held at a time and place convenient for the child's family;

(4) if reunification is the goal for the child, evidence demonstrating that the parent from whom the child was removed provided input regarding the members of the child's family and permanency team;

(5) evidence that the results of the assessment required under Subsection (b) are determined in collaboration with the child's family and permanency team;

(6) the child's family and permanency team's placement preferences relative to the assessment that recognizes that children should be placed with their siblings unless a court finds that such a placement is contrary to the child's best interest; and

(7) if the placement preferences of the child's family and permanency team and the child are not the placement setting recommended by the qualified individual conducting the assessment under Subsection (b), the reason that the preferences of the team and of the child were not recommended.

(e) Requires the qualified individual, if the qualified individual conducting the assessment under Subsection (b) determines the child should not be placed in a cottage family home or an agency foster home, to specify in writing the reasons that the needs of the child cannot be met by the child's family or in a cottage

family home or an agency foster home. Prohibits the qualified individual from citing a shortage or lack of cottage family homes or an agency foster homes as an acceptable reason for determining that the needs of the child cannot be met in a cottage family home or an agency foster home.

(f) Requires the qualified individual, if the qualified individual conducting the assessment under Subsection (b) determines the child should be placed in a residential treatment center, to specify in writing the reasons that the recommended placement in a residential treatment center is the setting that will provide the child with the most effective and appropriate level of care in the least restrictive environment and how that placement is consistent with the short-term and long-term goals for the child, as specified in the child's permanency plan.

(g) Authorizes DFPS to submit a request to the Administration for Children and Families of the United States Department of Health and Human Services to allow DFPS to appoint DFPS employees or persons connected to, or affiliated with, a facility as qualified individuals to perform the assessments described by Subsection (b). Requires that the request certify that DFPS will require the person appointed to perform an assessment to maintain objectivity with respect to determining the most effective and appropriate placement for a child.

SECTION 3. Effective date: September 1, 2021.