The 87th Legislative Session
How did it go?

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May 31st, 2021
87th Legislative Session

- The Legislature convened in January during an odd numbered year, as usual, but Session had a very different start – COVID and Winter Storm Uri dominated early conversations.
- While some processes and policies changed, the Session largely resumed at its normal pace.
- Child welfare was not an emergency item this session, but it remained very busy.
- The House and Senate child welfare priorities were different:
  - House – family preservation, primarily with children being removed for unnecessary reasons.
  - Senate – omnibus legislation that addressed the Family First Prevention Services Act, the ongoing federal lawsuit, and statewide capacity.
87th Legislative Session- SB 1

• The budget, or the General Appropriations Act, is the only constitutionally required legislation that must pass each regular session of the Legislature

• Before Session begins, state agencies present their Legislative Appropriations Request (LAR) which presents requests for funding beyond forecasted growth

• At the beginning of Session, the Senate and House each adopt their own version of the budget.

• In the final stages, members from each chamber are appointed to negotiate a final version of the budget

• That version is typically sent to the Governor for his approval
Funding Takeaways

• Community Based Care:
  • Funding to continue and advance current catchment areas (Reg 3b, 2, 1, 8b)
  • Funding for 4 new areas (Reg 3east, 4/5, 9) in the DFPS implementation plan
  • $34m in additional funding for SSCCs for capacity building to support providers through items such as rate increases, grants, and incentives

• FFPSA – Family First Transition Act Funding
  • $9.8m included for FFPSA eligible services
  • $8.9m for family preservation pilot and services
  • $9.9m in additional funding for the QRTP pilot

• Prevention & Early Intervention
  • Additional $1 m for Community Youth Development
  • Additional $5.2m for Nurse Family Partnerships
  • HOPES and FAYS did not receive additional funding

• Foster Care
  • Funding of the agency’s request for the foster care lawsuit, which does not include additional direct care or services (continuation of 24-hr supervision for GROs is included)
  • Rate increases were not included outside of CBC, but the Legislature did fund the completion of the rate methodology

• Adoption/Post-adoption
  • Adoption/post-adoption funding was not increased
Other Funding Items & Takeaways

- **Rate methodology rider** to develop and implement a new legacy and CBC methodology was included.

- Rider directing HHSC to study the need for and funding of **psychiatry services within STAR Health**.

- **Rider that directs agencies to streamline oversight** of foster care providers and families.

- **Capacity Study** to offer recommendations on how and where to improve capacity in CBC.
Bills of Interest

Investigations:

- **HB 567** by Frank: *Passed*; Raises the definition of neglect threshold and includes several provisions that prevent current removals.
- **HB 135** by Minjarez: *Passed*; Notifies AP of their right to record interview during an investigation.
- **HB 2536** by Krause: *Passed*; Allows for parents to get a second opinion from doctors without being accused of neglect.

PEI:

- **SB 452** by West: *Passed*; Broadens the requirements for Prevention and Early Intervention programs and practices to be on the evidence-based continuum.
- **SB 910** by Schwertner: *Passed*; Mandates DFPS to create a plan for the implementation of preservation services into CBC while considering the use of Title IV-E services to receive matching federal funds.
- **HB 3041** by Frank: *Passed*; Established a pilot program for the implementation of preservation services into CBC with authorized services from FFPSA.
Bills of Interest

Foster Care

- **HB 2926** by Parker: Passed; Allows for parental rights to be reinstated 2 years after termination if the child has not been adopted.

- **SB 263** by Menendez: Passed; Expands the category of relative caretakers eligible for a supplemental payment by TANF.

- **SB 1575** by Kolkhorst: Passed; Codifies judicial review requirement in federal FFPSA statute for implementation of FFPSA. Requires a study to look at need for judicial review in other license types.

- **HB 700** by J. Johnson: Passed; Allows for children to receive college credit for completing the PAL curriculum while in care, and assists youth in preparation for aging out of care.

- **HB 1387** by Harris: Passed; Allows firearms to be stored with ammunition in foster homes while firearms must still be in a locked location.
Foster Care Omnibus: SB 1896

Foster Care

• Requires HHSC, in collaboration with DFPS and SSCCs, to develop plan for increasing capacity—with particular focus on children with MH issues and creation of reserve capacity

• Flexibility/expansion for Treatment Foster Care

• State and SSCCs shall explore mentors for foster children

• Strengthens human trafficking screening and programming in residential

• Reinforces a provisional license for kinship caregivers

• Develops an "early warning system" for at-risk providers

• RTCs must have an effective and annually assessed treatment model

• Limits placements into new facilities

• Reinforces transition plans for children in GROs

• Requires implementation of additional license types (continuum of care operation, specialized child-care home, cottage home operation) by 2024
SB 1896 Cont’d.

Community Based Care

• Creates Office of CBC Transition, administratively attached to DFPS, reports to Governor
• Creates Joint Legislative Oversight Committee on CBC Transition
• Provides explicit authority for SSCCs to utilize unlicensed care, equivalent to that of DFPS
• Expands CBC definition to include preventing foster care, reunification and family preservation

STAR Health

• Requires STAR Health contract to require adequate capacity for meeting MH/BH needs
• HHSC must look at Star Health coordination and evaluation of utilization, also telehealth pilot with SSCCs; must also consider and make recommendations around fed funding options for children with BH/MH diagnoses
SB 1896, cont’d.

Other provisions

• Reinforces interoperability and adds clarification about Data Access Council
• Adds provisions from HB 3691 – Requires DFPS to transition FBSS to evidence based FFPSA prevention services by 1/1/25; requires transition plan and creation community referrals to existing PEI services.
• Requires plan/options from DFPS around separation of staff for admin reviews of investigations
• Requires DFPS to have fully electronic case management by 9/1/23
• SAO review of DFPS enforcement of performance-based contracts
• Flexibility with regard to licensing citations against orgs struggling to hire an administrator and flexibility for LCCAs (not LCPAs) who do not yet have supervisory experience
• Requires study on extending PCA-like benefits to non-kin
Bills of Interest, cont’d.

CSEY:
• **HB 2633** by A. Johnson: *Passed*; Establishes the trafficked persons grant program to provide grants for dedicated housing and treatment facilities to human trafficking victims.

Mental Health:
• **HB 4** by Price: *Passed*; Telehealth bill that makes the temporary provisions established during COVID-19, permanent.
• **SB 642** by West: *Passed*; Adjusts the RTC Diversion Program making it more accessible to families. TACFS worked with several stakeholders, including the Hogg Foundation, to allow for families to have better access to services to avoid unnecessary removals.

Other:
• **SB 863** by Blanco: *Passed*; allows residential childcare facilities to temporarily relocate during a declared disaster.
• **HB 2374** by Sanford: *Passed*; Establishes an efficiency audit for DFPS every 4 years to determine efficacy of the department, outcomes for families, and utilization of resources.
• **SB 437** by Blanco: *Passed*; Mandates HHSC to develop guidelines for the procurement and distribution of PPE for essential workers
What's Next?

• Veto Period Ends – June 20
• Federal Funding and Advocacy
• Implementation from the 87th
• Agency and policy advocacy to support the success of providers
• Special Session - TBA
Thank you!