

BILL ANALYSIS

C.S.H.B. 1237
By: White
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Department of Family and Protective Services (DFPS) ran a disproportionality analysis in 2018, providing information on the racial and ethnic breakdown of children within the child protective services system in the seven largest counties in Texas. The analysis uses the Origination Disparity Index (ODI) for African Americans, Hispanics, and others. Overall, disproportionality was most pronounced for African American children. Although there was some localized disproportionality for every race and ethnicity, the general nature, extent, and magnitude differed. Currently, African American children in Texas are nearly twice as likely to be removed from their homes as white children. This adverse disproportionality has been steadily increasing in recent years, highlighting the need for a direct intervention by DFPS. C.S.H.B. 1237 seeks to empower the commissioner of DFPS to identify and address a disproportionality in the demographics of the children in the state's child protective services system through research, identifying needed resources, and developing a strategic plan and measures to eliminate or reduce the disproportionality.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1237 amends the Human Resources Code to require the commissioner of the Department of Family and Protective Services (DFPS) to analyze the adverse disproportionate involvement of children who are members of a demographic group in the child protective services system, including at each stage of child protective services investigations. On identifying an adverse disproportionality, the commissioner is required to notify the governor, lieutenant governor, speaker of the house of representatives, and chairs of the applicable standing house and senate committees of the disproportionality and establish a team of representatives with expertise in different relevant subjects to do the following:

- research an evidence-based approach to address the disproportionality;
- identify resources for addressing and eliminating or reducing the disproportionality; and
- assist the commissioner in obtaining those resources from and if necessary requesting those resources from the legislature.

C.S.H.B. 1237 requires the commissioner to set a time to complete the elimination or reduction of the adverse disproportionality and measures for determining whether this elimination or reduction has been achieved. The bill requires the commissioner, as soon as practicable, to report

certain elements of the plan to eliminate or reduce the disproportionality to the governor, lieutenant governor, speaker, and applicable committee chairs and, at the conclusion of the time set by the commissioner, to report to those same individuals the results of the approach used by DFPS and the following information related to the success or failure of that approach, as applicable:

- if the approach was successful, the plan for ensuring the disproportionality is not reinstated or expanded; or
- if the approach failed, the reasons for the failure and the new strategic plan and measures DFPS will implement.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1237 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute expands the adverse disproportionalities that are to be analyzed from only the disproportionate involvement of children who are racial or ethnic minorities in the child protective services system, as in the original, to the disproportionate involvement of children who are members of any demographic group in the system.

Whereas the original required the team to develop an evidence-based approach to address the identified adverse disproportionality, the substitute requires the team instead to research such an approach. Accordingly, because the substitute requires only that such an approach be researched, rather than developed, the substitute requires the commissioner to report the strategic plan and the measures to eliminate or reduce the adverse disproportionality, whereas the original required that the commissioner report measures for determining whether the adverse disproportionality has been eliminated or reduced. Similarly, the substitute requires the report submitted after the conclusion of the time set to complete the elimination or reduction to provide a new strategic plan and measures to be implemented, if applicable, rather than new approaches as in the original.