

SUBJECT: Alternative response system for investigations of child abuse or neglect

COMMITTEE: Human Services — favorable, without amendment

VOTE: 7 ayes — Raymond, N. Gonzalez, Klick, Naishtat, Rose, Sanford,  
Scott Turner

0 nays

2 absent — Fallon, Zerwas

SENATE VOTE: On final passage, April 4 — 30 - 0

WITNESSES: For — (*Registered, but did not testify*: Katherine Barillas, One Voice Texas; Stephanie LeBleu, Texas CASA; Madeline McClure, TexProtects, the Texas Association for the Protection of Children; Lauren Rose, Texans Care for Children; Aaron Setliff, The Texas Council on Family Violence; Glenn Stockard, Texas Association Against Sexual Assault; Donna Wood)

Against — None

On — (*Registered, but did not testify*: Elizabeth Kromrei, Department of Family and Protective Services)

BACKGROUND: Family Code, sec. 261.3015 authorizes the Department of Family and Protective Services (DFPS) to use a flexible response system to screen out less serious cases of abuse and neglect if the department determines, after contacting a professional or other credible source, that the child's safety can be assured without further investigation.

The department may administratively close the less serious cases without providing services or making a referral to another entity for assistance. A case is considered to be a less serious case of abuse or neglect if the circumstances of the case do not indicate an immediate risk of abuse or neglect that could result in the death of or serious harm to the child in the report.

The Family Code also authorizes DFPS to implement the flexible response

system as a pilot program in a single department service region. The results from the pilot study could be used to determine the method by which to implement the system statewide.

**DIGEST:**

SB 423 would expand the DFPS flexible response system to allow the department to investigate and respond to cases of abuse and neglect using an alternative response for reports that did not:

- allege sexual abuse of a child;
- allege abuse or neglect that caused a child's death; or
- did not indicate a risk of serious physical injury or immediate serious harm to a child.

An alternative response would include:

- a safety assessment of the child who was the subject of the report;
- an assessment of the child's family; and
- identification, in collaboration with the child's family, of any necessary and appropriate service or support to reduce the risk of future harm to the child.

An alternative response could not include a formal determination by DFPS of whether the alleged abuse or neglect occurred. DFPS would consider the child's safety as the primary concern when classifying a reported case of abuse or neglect under the flexible response system.

The bill would allow DFPS to implement the alternative response system in one or more of the department's administrative regions to determine the best method for implementing the system statewide.

The bill would allow the department to administratively close a reported case of abuse or neglect without completing the investigation or alternative response and without providing services or making a referral to another entity for assistance if DFPS determined through a professional or other credible source that the child's safety could be assured without further investigation, response, services, or assistance.

The bill would require the executive commissioner of the Health and Human Services Commission to adopt rules necessary to implement the bill by December 1, 2013.

The bill would take effect September 1, 2013.

**SUPPORTERS  
SAY:**

SB 423 would authorize DFPS Child Protective Services to create an alternative response system for low-risk cases with no immediate danger to a child. The current flexible response system allows DFPS to administratively close less serious cases but does not authorize the department to work with a family reported to DFPS to identify ways to strengthen family functioning going forward.

By creating an alternative response system, the bill could prevent children from entering or re-entering the foster care system and would lower caseworker turnover. For qualifying cases, the bill would give DFPS the flexibility to take a more supportive approach with families that could be kept together through education, counseling, and other community services. By creating a less adversarial track, the bill would help parents be more open and engaged and would allow caseworkers to focus their efforts and resources to strengthen family functioning.

The bill would implement interim recommendations and would further the goal of not continuing business as usual but rethinking the system to deliver better outcomes for children. The fiscal note is a one-time expense for implementation and the agency included the fiscal note as an exceptional item in their budget.

DFPS has a stringent, effective system for determining action on reports of abuse and neglect. This bill would not change the agency's obligation to be involved in these cases; it simply would give the agency another way to provide support for families at potential risk.

**OPPONENTS  
SAY:**

The bill would cost the state too much to implement the alternative response system, which may not have better results than the current flexible response system. The bill could also negatively affect children by administratively closing abuse and neglect cases without resolving issues that could result in future harm.

**NOTES:**

The bill has a negative fiscal impact of \$1.5 million through the biennium ending August 31, 2015, reported the Legislative Budget Board. According to DFPS, implementing the bill would require substantive changes to the department's automated casework system to create an additional stage of service for the alternative investigation track. The agency has requested exceptional item funding for the 2014-15 biennium

for this project.

SB 423 is identical to the House companion bill, HB 1679 by Raymond, which was referred to the House Human Services Committee on March 4 with no subsequent action.