

SUBJECT: Modifying PEI services by DFPS, defining adverse childhood experiences

COMMITTEE: Human Services — committee substitute recommended

VOTE: 7 ayes — Frank, Hinojosa, Klick, Meza, Neave, Noble, Shaheen

1 nay — Hull

1 absent — Rose

WITNESSES: For — Kristen Howell, Children's Advocacy Center for North Texas; Laura Nodolf, Midland County District Attorney's Office; Brittany McAllister, Nurse-Family Partnership; Brittney Taylor, TexProtects; Judith McGeary; (*Registered, but did not testify*: Cynthia Humphrey, Association of Substance Abuse Programs; Lisa Harst, CACTX; Jason Sabo, Children at Risk; Stacy Wilson, Children's Hospital Association of Texas; Christine Yanas, Methodist Healthcare Ministries of South Texas, Inc.; Ana O'Quin, National Alliance on Mental Illness TX; Alison Mohr Boleware, National Association of Social Workers - Texas Chapter; Kate Murphy, Texans Care for Children; Bryan Mares, Texas CASA; Seetha Kulandaisamy, Texas Council on Family Violence; Troy Alexander and Dan Finch, Texas Medical Association; Lauren Rose, Texas Network of Youth Services; Clayton Travis, Texas Pediatric Society; Ashley Harris, United Ways of Texas; Knox Kimberly, Upbring; Karlyn Keller; Maggie Luna)

Against — Lee Spiller, Citizens Commission on Human Rights; (*Registered, but did not testify*: Susana Carranza, League of Women Voters of Texas; Julia Hatcher, Texas Association of Family Defense Attorneys)

On — Judy Powell, Parent Guidance Center; Courtney Arbour, Texas Workforce Commission; (*Registered, but did not testify*: Sasha Rasco, Department of Family and Protective Services)

BACKGROUND: Family Code ch. 265 governs prevention and early intervention (PEI)

services, which are defined as programs intended to provide early intervention or prevent at-risk behaviors that lead to child abuse, delinquency, running away, truancy, and dropping out of school.

Under sec. 265.007, the Department of Family and Protective Services (DFPS) must work to improve the effectiveness and delivery of PEI services by:

- identifying geographic areas that have a high needs for PEI services but do not have such services available in the area or have only unevaluated services available in the area; and
- developing strategies for community partners to improve the early recognition and reporting of child abuse or neglect and to reduce child fatalities.

DFPS cannot use data gathered for improving the effectiveness and delivery of PEI services to identify a specific family or individual.

Sec. 265.005 requires that DFPS develop and implement a five-year strategic plan for PEI services. The department must issue a new strategic plan not later than September 1 of the last fiscal year in each five-year period, and the plan must identify certain goals, strategies, and priorities related to PEI services, among other specifications.

Some have called to improve the delivery of prevention and early intervention services for certain children to better prevent and mitigate the effects of adverse childhood experiences while maximizing the efficient use of taxpayer dollars through a community-based approach.

DIGEST:

CSHB 3493 would modify statutory requirements for improving the provision of prevention and early intervention (PEI) services by defining "adverse childhood experience" and including such experiences in prevention and mitigation efforts, requiring a request for information from certain interested stakeholders, and requiring collaboration with specified state agencies for the development of strategies and recommendations.

Adverse childhood experience. "Adverse childhood experience" would be defined as a potentially traumatic event that occurred in the life of a person younger than 18, including abuse, family violence, neglect, the death of a parent or guardian, and a member of the person's household being incarcerated or having a substance use disorder or mental illness.

Request for information. Under the bill, DFPS would have to develop a request for information to assist the department in the development of the required five-year strategic plan for PEI services.

The request for information would have to be sent to a diverse set of stakeholders and providers throughout Texas, including:

- state and local agencies and nonprofit organizations working directly with children and families;
- child welfare service providers;
- early childhood education programs;
- public schools;
- medical and mental health service providers;
- family support and social services providers;
- the law enforcement, judicial, and criminal justice communities;
- faith-based organizations;
- the intellectual or developmental disability community;
- families and children impacted by child abuse, neglect, and other adverse childhood experiences;
- the business and philanthropic communities; and
- single source continuum contractors.

Such stakeholders and providers could not provide to DFPS any information related to the request for information that could be used to identify a specific family or individual for the purpose of offering services. If DFPS received such information, the department could not use the information.

Collaboration with state agencies. DFPS would have to collaborate with

the Health and Human Services Commission, the Department of State Health Services, the Texas Education Agency, the Texas Workforce Commission, and the Office of the Attorney General to develop an inventory of programs and services funded by the state or provided by other entities that contributed to the prevention of child abuse, neglect, and other adverse childhood experiences. Through this collaboration, DFPS also would have to facilitate opportunities to increase collaboration for the effective expenditures of available federal and state funds and better leverage public and private partnerships to increase efficiency.

The collaboration with state agencies specified by the bill would extend to the department's development of strategies for community partners under current law and to the development of such strategies to:

- improve the ability of community partners to distinguish situations in which a child was in imminent danger from situations in which the child and child's family would be better served by providing community-based services; and
- implement cross-sector, evidence-based practices preventing adverse childhood experience.

The specified state agencies would be required to use a community awareness approach to implement the strategies and recommendations developed.

Prohibitions. DFPS could not use data techniques as specified by the bill to identify or target services to a specific family or individual or to diagnose the health of or assess the health risks to an individual without the individual's consent.

Except as provided by other law, DFPS could not provide services to a minor for the purposes of addressing adverse childhood experiences without informed parental consent.

The bill also would prohibit DFPS from using data gathered for the purposes of improving the provision of PEI services to infringe on an

individual's or family's right to privacy.

Other provisions. By December 1, 2022, DFPS would be required to submit a report to the Legislature and the governor that included:

- a summary of community feedback, available data, best practices, and implementable changes within the specified state agencies with regard to the progress of efforts made under the bill's provisions; and
- specific short-term and long-term statutory, administrative, and budget-related recommendations for reforms necessary to improve the delivery of prevention and intervention services across state agencies.

The bill would take effect September 1, 2021.