

# 87th Texas Legislative Session Recap Report



The Texas Network of Youth Services (TNOYS) is a statewide network of organizations working to strengthen services and support for Texas youth and families. The 87th Texas Legislative Session brought TNOYS staff, members, partners, and youth and young adult leaders together to champion important changes for Texas youth and families. Taking place amid the COVID-19 pandemic, racial strife nationwide, and economic hardship for many Texans, this session presented new challenges at the Capitol.

During such a critical time, TNOYS was grateful to advance a [cross-systems policy agenda](#) that was directly informed by youth-serving providers and young people who have been involved with these systems. Throughout 2020 our team heard from youth, young adults, and providers across the state to inform our policy priorities. These priorities focused on longstanding inequities for youth and families as well as the devastating impacts of the COVID-19 pandemic.

13 Listening Sessions Hosted

80+ Youth Engaged

1,500+ Providers Engaged

14 Policy Priorities Developed

## Youth-Focused, Cross-Systems Advocacy

The voices of young people and providers involved in the seven systems TNOYS works in were critical in our efforts to truly represent their needs and advance important legislation. TNOYS' Week of Action for Youth brought members and youth advocates from our [Young Adult Leadership Council](#) (YALC) together to advocate for key changes. Our team also provided guidelines for outreach to legislators and called attention to important issues in our digital advocacy.



*I know **many foster youth struggle after they age out of care and need more time to overcome their past trauma and be better situated before attending college. Many lose out on the opportunity to go to college because life gets in the way or they aren't ready for the intensity of even just one college course before 25.***

TESTIMONY FROM BRENDA, TNOYS YOUNG ADULT LEADERSHIP COUNCIL

## Youth-Adult Partnership at the Texas Capitol

TNOYS has long held the belief that for laws that concern youth and young adults to create meaningful change, we must center their experiences. TNOYS young adult staff and YALC members who have lived experiences in these systems were key partners during this session and testified on issues from youth homelessness to child welfare to juvenile justice reform.

YALC members made their voices heard through videos on important issues, including barriers when [accessing a driver's license](#) and helpful [support services](#) for youth experiencing homelessness. YALC members collaborated with the TNOYS policy team throughout the legislative session to analyze bills and inform our stance on how potential policy changes could affect youth across Texas. We are grateful for their expertise throughout the legislative session.

## Standing Up for Youth and Providers

TNOYS' policy team worked collaboratively with legislators to secure wins such as legislation to eliminate barriers for youth and young adults experiencing homelessness, funding for prevention and early intervention services, support for youth transitioning into adulthood, and more. Our team also stood up for youth and families in the face of harmful policies and worked to curtail legislation to criminalize youth in foster care and policies to change the definition of child abuse to include gender-affirming care.

We truly thank the many members, youth advocates, and partners who have worked with us over the past two years. Your hard work and partnership were instrumental to securing important wins for Texas' youth and families!



*I believe more youth should be a part of the [legislative] process, because elected officials get a better idea of what's really going on from people who have experienced it.*

PRINCE HAYWARD, TNOYS POLICY SPECIALIST

# Takeaways From the 87th Texas Legislative Session: Relevant Legislation that Passed

TNOYS was grateful to be joined by member organizations and young people with lived experiences who dedicated countless hours to advocacy at the Capitol and by sharing their perspectives. Together, we worked to effect change across seven youth-serving systems: Child Welfare/Foster Care, Education, Health and Behavioral Health, Housing and Homelessness Services, Juvenile Justice, Victim and Survivor Services, and Workforce. Involvement in any of these systems is rarely mutually exclusive, and services and policies must be coordinated if they are going to effectively serve Texas' young people.

Below, we've outlined relevant legislation that passed this session. Priorities of the legislature vary from session to session. This year, as you will notice below, the legislature put a large emphasis on policy change within the child welfare system, particularly focused on keeping kids out of foster care and supporting youth in care. While the legislature did pass legislation focused on systems like education or schools, it is not included below if it does not particularly or specifically impact youth in other youth-serving systems.

Legislation is organized by system, and the sections labeled "Cross-System Highlights" describe how specific bills impact different youth-serving providers. The summary is intended to give youth and those who work with them an overview of the policy changes made that will impact them and their work.

## Child Welfare/ Foster Care

**SB 1** by Sen. Nelson and Rep. Bonnen is the state budget. **The budget did not fund the requested foster care provider rate increases, but did make some changes to funding in the Department of Family and Protective Services (DFPS) that impacts the foster care system.** The budget includes funding that will expand Community Based Care to four new catchment areas over the next two years. It also provides funds for pilot projects to begin implementing provisions in the Federal Family First Prevention Services Act (FFPSA) as well as increased funding for Nurse-Family Partnership under FFPSA. Finally, the budget funded the DFPS and Health and Human Services Commission (HHSC) funding request to cover expenses to comply with the federal foster care lawsuit.

**SB 2054** by Sen. Menendez and Rep. White **helps to eliminate barriers to accessing a driver's license for youth in or previously in foster care.** The bill expands the use of the dedicated driver's license fund created last legislative session to include paying for driver's education, practice driving time, and driving tests, including access to cars for practice and tests. The Texas Workforce Commission (TWC) is tasked with developing and implementing a program to pay driving schools for youth in or previously in care or experiencing homelessness up to age 26.

## Cross-System Highlights



**Housing and Homeless Services:** **SB 2054** recognizes that youth in or previously in care experience many of the same barriers as youth and young adults experiencing homelessness. This bill works to address barriers for youth in both systems.



**Workforce:** TWC has many underutilized programs to support youth and young adults experiencing homelessness or previously in foster care. Because this new driver's license program is being managed by TWC, it will allow for more youth and young adults to get connected to workforce programs.

### **HB 700** by Sen. Zaffirini and Rep. Jarvis **allows youth to obtain college credit for completing Preparation for Adult Living (PAL) classes and lock-in their tuition waiver before aging out of care.**

The bill requires DFPS to work with the Texas Higher Education Coordinating Board (THECB) to identify the next steps. **SB 1084** by Sen. Powell was amended on to **HB 700**, adding many different provisions to support youth aging out of foster care, including requiring that caseworkers help youth get a secure email address that they can use to store their important documents and making sure that all youth in care understand which documents (including insurance cards, state IDs, and birth certificates) they are supposed to be provided when they age out of care.

## Cross-System Highlights



**Health and Behavioral Health:** A provision in this bill requires DFPS to have a program that allows youth 17 and older to independently manage their medication to better help them prepare for when they transition out of care.



**Housing and Homeless Services:** Several provisions in this legislation work to prevent youth from aging out of care into homelessness, including allowing youth to stay in foster family homes when they turn 18 with foster family permission. Many would otherwise have barriers due to the age of youth they are sharing a room with or because a criminal background check would be run. There is also a provision that would allow and encourage youth to be co-signers on apartment leases in Supervised Independent Living programs to help them create a rental history.



**Education:** **HB 700** acknowledges that youth in foster care and previously in care face barriers to obtaining higher education. For example, youth are not always able to enter college soon after turning 18.

**HB 80** by Rep. Jarvis Johnson and Sen. Whitmire **prohibits Justice of the Peace and Municipal judges from assessing fines and fees for Class C misdemeanors for youth in foster care** and allows the judge to order community services. When youth cannot pay fines and fees for these minor offenses, they are often later arrested for failure to pay.

## Cross-System Highlights



**Justice:** Youth in foster care are disproportionately more likely to be justice-involved and do not have family who can help to pay fines and fees.

**HB 2058** by Rep. Klick and Sen. Zaffirini **requires after a permanency hearing that the judge check on the normalcy activities provided for youth in care**, creating one more opportunity to ensure adults are working toward providing normalcy in a youth's life.

**HB 1315** by Rep. Jarvis Johnson and Sen. Powell recognizes the importance of a youth having a consistent adult looking out for their best interest and **requires that a youth in the conservatorship of the state have at least a guardian ad litem (GAL) or attorney ad litem (AAL) at all times**. A youth may also have both a GAL and AAL or an attorney serving a dual role.

## SB 1896: Child Welfare Omnibus Bill Making Operational Changes to the System

**SB 1896** by Sen. Kolkhorst and Rep. Frank is a foster care omnibus bill that makes revisions to statute with the goals of **improving capacity and quality of services and supports in the foster care system and supporting the implementation of Community-Based Care (CBC)**.

In terms of the capacity crisis, **SB 1896 prohibits the Department of Family and Protective Services (DFPS) from allowing youth to sleep in state offices**. It also expands treatment foster care to older youth in care, allows single parents to participate in treatment foster care, and extends the length of time for a treatment foster care placement. It also requires DFPS to identify opportunities to draw down federal dollars to be used to develop capacity as it relates to FFPSA. Finally, the bill requires HHSC, in coordination with DFPS and Single Source Continuum Contractors (SSCCs) to develop a plan to increase capacity in each region to keep children in their community while requiring DFPS and SSCCs to contract with facilities to reserve beds to ensure available capacity.

This legislation made several changes to promote the implementation of community-based care, including the creation of the Office of Community-Based Care Transition. Administratively housed at DFPS, the office is independent of the agency with its director appointed by and reporting to the Governor. The Office will oversee all aspects of planning and implementation of CBC until CBC has been implemented in all regions of the state and then the office will be abolished. The legislation also created a joint legislative oversight committee on the community-based care transition to monitor and make recommendations on the implementation of CBC.

**SB 904** by Sen. Perry and Rep. Lopez **requires that attorneys ad litem in child protective cases receive training in trauma-informed care** including the impact of trauma on a child and the importance of screening.

## Cross-System Highlights



### Health and Behavioral Health:

Youth involved in the child welfare system have experienced trauma and are in need of caring adults in their lives who are trauma-informed. This legislation works to ensure more adults working with youth are trauma-informed.

**SB 452** by Sen. West and Rep. Rose **expands the definition of evidence-based programs for prevention and early intervention programs** to allow that evidence-informed programs and practices be used to support youth and families. This legislation expands the programs and practices available to prevention and early intervention providers to better support the youth and families they serve.

**HB 2374** by Rep. Sanford and Sen. Kolkhorst **requires that an outside auditor conduct an efficiency audit of DFPS every four years**. The audit will focus on whether the agencies' resources are being used efficiently to achieve positive outcomes for youth and families. The audit must include a look at several issues including the safety of children in placements and strategies to prevent children from entering care, reduce

the number of youth who age out of care and increase unification with biological families. This legislation provides an opportunity to improve the child welfare system to ensure it is more efficient and keeps more families together.

**HB 3379** by Rep. Leman and Sen. Kolkhorst **changes the standard for when persons and professionals are required to report child abuse and neglect** from “cause to believe” the child has been abused or neglected to “reasonable cause to believe”. The bill proponents aim to provide more guidance on when abuse and neglect must be reported and limit when someone would be criminalized for not reporting.

**HB 135** by Rep. Minjarez and Sen Miles **requires that DFPS notify verbally and in writing those being investigated for abuse and neglect that they may record the interview**, allowing for parents to better understand their rights and if they choose have a recording of the investigation to refer back to or use as their own evidence.

**HB 567** by Rep. Frank and Sen. Hughes relates to child protection cases. It **defines neglect and clarifies instances that do not constitute neglect in a way that will likely keep more families together**. The definition of neglect is now “an act or failure to act by a person responsible for a child’s care, custody, or welfare evidencing the person’s blatant disregard for the consequences of the act or failure to act that results in harm to the child or that creates an immediate danger to the child’s physical health or safety.”

**HB 567** replaces language on putting a child at “substantial risk” to in “immediate danger.” **HB 567** also clarifies that allowing a child to “engage in independent activities” that are appropriate based on the child’s maturity is not neglect. Finally, the bill prohibits the state from taking possession of a child solely because they were engaging in independent activities or because the parent tested positive for marijuana. In response to the legislation, DFPS announced that they will stop filing non-emergency removals as of July 1, 2021.

**HB 2926** by Rep. Parker and Sen. Buckingham **allows for a parent, the state, or a child’s attorney ad litem to petition to have a parent’s rights reinstated**. Petitions must be at least two years after the parent’s rights were permanently terminated. The child must have not already been adopted or with a pending adoption, and, if 12 or older, the child must consent. A hearing must be held within 60 days to determine if the former parent has remedied the conditions that were cause for termination of parental rights and is willing and capable of parenting the child. These changes will allow for family reunification that would otherwise not be an option. If courts determine it could be done safely, this bill would allow children and youth to go back to their parents to achieve permanency rather than continuing to languish in the child welfare system.

## Cross-System Highlights



**Health and Behavioral Health:** Many provisions in this bill work to improve the health and mental health outcomes for youth in care, including requirements for the adoption of suicide prevention plans in residential operations, requiring DFPS to evaluate STAR Health to better coordinate services, and requiring the development of guidelines to improve the use of telehealth to provide mental health and behavioral health care for youth in care.



**Education:** This bill requires DFPS to coordinate with the Texas Education Agency (TEA) to develop a plan to improve educational services for youth in care.

# Policies That Directly Impact Providers

While providers (including child-placing agencies and general residential operations), will be impacted in various ways by all changes to youth-serving systems, several provisions are very specific to general residential operations:

**SB 1896 requires that all residential child care facilities adopt a suicide prevention, intervention, and postvention policy.** The policy must include suicide prevention, intervention, and postvention if it is to be part of a larger mental health crisis plan, and it must be approved by HHSC. SB 1896 also requires general residential operations to develop transition plans for all youth who are in a placement for more than 6 months.

**HB 1540 requires that all Residential Treatment Centers (RTCs) post "No Trespassing" signs in accordance with statute.** HHSC is required to provide each RTC the number of signs needed to comply with the new law. Signs must be posted within 30 business days of receiving notification from HHSC or the facility operator will have committed a Class C misdemeanor. This requirement is part of new trafficking prevention legislation that criminalizes trespassing near RTCs.

## Health and Behavioral Health



**HB 4** by Rep. Price and Sen. Buckingham **permanently extends many of the provisions that were waived during the pandemic** to allow for increased access to health and mental health services through telemedicine, helping to eliminate many barriers to accessing quality health care for many youth and families.

**SB 642** by Sen. West and Rep. Hinojosa **requires that HHSC and DFPS create clear guidelines for families to gain mental health services** for a child with severe emotional disturbance through the HHSC relinquishment avoidance program and prohibits a requirement that DFPS investigate for abuse and neglect unless there is an allegation of abuse or neglect. Without this legislation, families seeking mental health services for their youth through this program would continue to be unnecessarily stigmatized and be required to go through abuse and neglect investigations.

## Housing and Homelessness Services



**HB 1925** by Rep. Capriglione and Sen. Buckingham **puts into place a statewide camping ban**, creating a criminal offense (Class C Misdemeanor) for camping in public places and prohibits local jurisdictions from prohibiting or discouraging the enforcement of the campaign ban. The bill still allows for diversion programs. Local jurisdictions may designate some public spaces for camping, but they cannot be public parks and they must be included in a plan approved by the Texas Department of Housing and Community Affairs.

**SB 2054** by Sen. Menendez and Rep. White helps to **eliminate barriers to accessing a driver's license for youth experiencing homelessness.** The bill expands the use of the dedicated driver's license fund created last legislative session to cover funds for driver's education, practice driving time, and driving tests, including access to cars for practice and tests. TWC is tasked with developing and implementing a program to pay driving schools for youth in or previously in foster care or experiencing homelessness up to age 26.

## Cross-System Highlights



**Child Welfare/ Foster Care: SB 2054** recognizes that youth experiencing homelessness face many of the same barriers as youth in or previously in care. This bill works to address barriers for youth in both systems.



**Workforce:** TWC has many underutilized programs to support youth and young adults experiencing homelessness or in foster care. Because this program is being managed by TWC, it will allow for more youth and young adults to get connected to workforce programs.

**HB 1278** by Rep. Campos and Sen. Bettencourt **stipulates the Texas Interagency Council for the Homeless (TICH) should hold public hearings each year.** It requires TICH to hold at least one public hearing on homelessness issues in a rural county and one hearing in an urban county each year.

## Justice

**SB 41** by Sen. Zaffirini and Rep. Leach is an omnibus bill that makes several changes and reforms to the use and collection of civil court costs and fees. In particular, it **eliminates many fees that can be assessed in juvenile court**, reducing the financial burden of juvenile justice involvement for youth and families.

**SB 2049** by Sen. Menendez and Rep. Wu allows for dual-status youth — those involved in both the child welfare and juvenile justice system — to **have their GAL be appointed as a GAL in their juvenile case**, clarifying that non-attorney guardians cannot investigate a case nor can they testify on guilt or innocence.

## Victim Services/CSEY

**HB 2633** by Rep. Ann Johnson and Sen. Huffman **creates an account and grant program to support victims of human trafficking through housing and treatment as well as to prevent trafficking.**

The program will be administered by HHSC. Funds will come from legislative appropriations as well as donations from Texans when paying other fees such as renewing their driver's license or license plates. The fund can be used for programs and services through private and public entities and will meet eligibility developed by HHSC. The legislation also requires HHSC to study and report out the needs and best practices for establishing permanent, safe, and secure housing for child and youth victims.

**SB 315** by Sen. Huffman and Rep. S. Thompson **works to prevent the trafficking of young people** by prohibiting people under the age of 21 from entering or being employed at sexually-oriented businesses.

**HB 1540** by Rep. S. Thompson and Sen. Huffman is **an omnibus bill focused on preventing and addressing human trafficking.** Many provisions of the legislation are focused on the criminalization of trafficking and forced prostitution, and the bill also includes provisions around allowing victims to use pseudonyms in court proceedings.

## Cross-System Highlights



**Child Welfare:** The bill makes residential treatment centers “drug-free zones” and “child safety zones” while enhancing criminal penalties of offenses occurring within 1,000 feet of a residential treatment center. It also requires RTCs to post no trespassing signs.



**Education:** The bill enhances criminal penalties for trafficking if it occurs near schools or school events and requires schools to post signs about the increased penalties.

## Workforce/Education



**HB 1247** by Rep. Lozano and Sen. Powell requires TWC, TEA, and THECB to **develop and report on a tri-agency work-based learning strategic framework to expand work opportunities for Texans.**

This bill is especially critical for youth and young adults involved in systems who are disproportionately disconnected from both work and school. Through this initiative the three agencies will work to align definitions, priorities, and standards for work-based learning and strengthen partnerships and build capacity across the state to address local and individual workforce needs through community organizations or regional intermediaries.

**SB 279** by Sen. Hinojosa and Rep. Bucy **requires that public schools and higher education institutions include information about suicide prevention on student identification cards** issued to students in 6th grade or higher.

## Cross-System Highlights



**Health and Behavioral Health:** This bill recognizes that nearly all young people in Texas are enrolled in public schools and is an efficient way to get mental health and suicide prevention resources and supports to this population.

**HB 1525** by Rep. Huberty and Sen. Taylor is an omnibus education and school finance bill covering many issues. In particular, it **increases funding available to schools for serving youth experiencing homelessness.** The bill increases the compensatory allotment rate for each student identified as homeless.

## Cross-System Highlights



**Housing and Homeless Services:** This bill recognizes the difficulties students experiencing homelessness face, as well as the difficulties that schools experience in serving these youth.

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For questions and to engage further, reach out to us!

**Lauren Rose**

Director of Public Policy,  
Texas Network of Youth Services

[lrose@tnoys.org](mailto:lrose@tnoys.org)

**Fedora Galasso**

Executive Director,  
Texas Network of Youth Services

[fgalasso@tnoys.org](mailto:fgalasso@tnoys.org)