

SENATE AMENDMENTS

2nd Printing

By: Noble

H.B. No. 140

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the creation of the child and adult protective
3 investigations advisory committee in the Department of Family and
4 Protective Services.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter B, Chapter 40, Human Resources Code,
7 is amended by adding Section 40.031 to read as follows:

8 Sec. 40.031. CHILD AND ADULT PROTECTIVE INVESTIGATIONS
9 ADVISORY COMMITTEE. (a) The commissioner shall establish an
10 advisory committee on child and adult protective investigations to
11 improve the accuracy and standardization of the application of
12 investigative legal requirements and department investigative
13 policies and procedures during child or adult abuse, neglect, and
14 exploitation investigations. The advisory committee shall advise
15 the department on:

16 (1) developing policies and procedures to increase the
17 accuracy and consistency of abuse, neglect, and exploitation
18 investigation processes and procedures;

19 (2) developing a model for conducting investigations
20 that ensures compliance with due process requirements;

21 (3) developing a consistent engagement model for
22 interacting with legal advocates, courts, and judicial branch
23 procedures;

24 (4) developing effective training for all

1 investigative employees;

2 (5) increasing compliance with investigation
3 procedures and processes;

4 (6) developing a data-informed model for conducting
5 investigations; and

6 (7) providing a forum for public input on problems or
7 concerns related to investigations.

8 (b) The advisory committee shall:

9 (1) make recommendations for:

10 (A) conducting investigations;

11 (B) overseeing compliance with investigative
12 requirements under state and federal law;

13 (C) developing policies and procedures to
14 protect the due process rights of individuals subject to:

15 (i) adult abuse or neglect investigations;

16 and

17 (ii) child abuse or neglect investigations;

18 and

19 (D) consistently executing policies and
20 procedures across all department jurisdictions regardless of the
21 race, gender, age, and socioeconomic status of the subject of an
22 investigation;

23 (2) identify any challenges or barriers to:

24 (A) the standardization of investigative
25 practices and procedures; and

26 (B) the application and implementation in the
27 field of legal requirements and department investigative policies

1 and procedures in child or adult abuse and neglect investigations;

2 (3) make recommendations to address issues identified
3 under Subdivision (2), including any human resource accountability
4 measures to address those issues; and

5 (4) supervise any external organizations that
6 participate in the investigation processes and make
7 recommendations for legal procedures for the operations of those
8 organizations.

9 (c) The advisory committee is composed of the following 13
10 members:

11 (1) one member from the governor's office, who shall
12 serve as the chair, appointed by the governor;

13 (2) one member from the lieutenant governor's office,
14 who shall serve as the vice chair, appointed by the lieutenant
15 governor;

16 (3) one member from the office of the speaker of the
17 house of representatives appointed by the speaker;

18 (4) one member appointed by the commissioner;

19 (5) the department's deputy commissioner for child
20 protective investigations;

21 (6) a regional director of investigations appointed by
22 the commissioner;

23 (7) at least one child protective investigations
24 supervisor and investigator appointed by the commissioner from each
25 of the following:

26 (A) a rural region; and

27 (B) an urban region;

1 (8) a district judge appointed by the governor;

2 (9) one parent or caregiver, who has been involved in a
3 child protective services legal case, appointed by the
4 commissioner; and

5 (10) three members appointed by the commissioner who
6 are a current or former:

7 (A) county district attorney;

8 (B) attorney assigned to represent caregivers in
9 legal cases involving the department;

10 (C) attorney assigned to represent children in
11 legal cases involving the department;

12 (D) associate judge who hears or has heard child
13 protective services legal cases; or

14 (E) state or local law enforcement officer.

15 (d) In appointing the members of the advisory committee
16 under Subsection (c)(10), the commissioner may select only one
17 person from each group described by Subsection (c)(10)(A)-(E).

18 (e) An individual may not serve on the advisory committee as
19 a member appointed under Subsection (c)(1), (2), (3), (4), (8),
20 (9), or (10) if the individual is:

21 (1) employed by a state agency or contracts with the
22 department, child welfare vendors, or behavioral health providers
23 and organizations contracted with the department or the Health and
24 Human Services Commission, notwithstanding approved department
25 personnel; or

26 (2) related within the third degree of consanguinity
27 of individuals who work at the department or for organizations that

1 contract with the department or hold contracts with vendors of the
2 department, including vendors in community-based care.

3 (f) Members of the advisory committee shall recuse
4 themselves from the committee's deliberation regarding
5 recommendations that directly relate to a case that involves the
6 member.

7 (g) The chair of the advisory committee shall direct the
8 advisory committee and the department shall provide administrative
9 support and resources to the advisory committee as necessary for
10 the advisory committee to perform the advisory committee's duties
11 under this section.

12 (h) The advisory committee shall meet quarterly in Austin or
13 at another location determined by the chair. A meeting of the
14 advisory committee under this section is subject to Chapter 551,
15 Government Code. The advisory committee shall receive public
16 testimony at each public meeting. The department shall stream live
17 video and audio of each advisory committee meeting over the
18 Internet and make available on the department's Internet website
19 archived video and audio of each advisory committee meeting. The
20 department shall maintain the archived video and audio of the
21 meeting on the department's Internet website until the seventh
22 anniversary of the date of the meeting.

23 (i) Not later than August 31st of each year, the advisory
24 committee shall submit a report to the governor, the lieutenant
25 governor, the speaker of the house of representatives, members of
26 the legislature, and the commissioner. The department shall
27 publish the report on the department's Internet website. The

1 report must include the following information for the state and for
2 each department region:

3 (1) the number of:

4 (A) phone calls made to the agency that resulted
5 in an investigation for child or adult abuse or neglect;

6 (B) completed investigations for child or adult
7 abuse or neglect;

8 (C) each type of case disposition;

9 (D) administrative closures;

10 (E) abbreviated investigations;

11 (F) children removed from the child's home;

12 (G) children placed in foster care;

13 (H) cases in which the child was not removed from
14 the child's home but the family received family-based safety
15 services or family preservation services;

16 (I) cases per investigator in unspecialized
17 investigative units; and

18 (J) cases per investigator in specialized
19 investigative units;

20 (2) the average employment rate for unspecialized
21 investigators and supervisors and specialized investigators and
22 supervisors;

23 (3) the average amount of time to complete
24 investigations for each level of investigation;

25 (4) the total number of administrative reviews of
26 investigation findings and the results of those investigations for
27 that year;

1 (5) the number of complaints filed with the office of
2 consumer affairs of the department and the Office of Inspector
3 General;

4 (6) any identified challenges to:

5 (A) the standardization of an investigative
6 training program; and

7 (B) the application and implantation in the field
8 or of legal requirements and department investigative policies and
9 procedures in child or adult abuse and neglect investigations;

10 (7) the committee's recommendations for improving any
11 identified challenges under Subdivision (6), including any human
12 resource accountability measures to address those issues; and

13 (8) recommendations on human resource accountability
14 measures for individuals investigating or supervising the
15 investigation of cases of suspected child or adult abuse or
16 neglect.

17 (j) The advisory committee is abolished and this section
18 expires on September 1, 2029.

19 SECTION 2. This Act takes effect September 1, 2025.

ADOPTED

MAY 09 2025

Lately Saw
Secretary of the Senate

By: *B. W. Kellert*

H.B. No. 140

Substitute the following for H.B. No. 140 :

By: *[Signature]*

C.S.H.B. No. 140

A BILL TO BE ENTITLED

1 AN ACT

2 relating to advisory bodies for the Department of Family and
3 Protective Services, including the creation of the child protective
4 investigations advisory committee and the abolition of the Family
5 and Protective Services Council.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Effective September 1, 2026, Section
8 521.0003(c), Government Code, is amended to read as follows:

9 (c) A reference to any of the following councils means the
10 executive commissioner or the executive commissioner's designee,
11 as appropriate, and a function of any of the following councils is a
12 function of that appropriate person:

- 13 (1) the Health and Human Services Council;
- 14 (2) the Aging and Disability Services Council;
- 15 (3) the Assistive and Rehabilitative Services
16 Council; or
- 17 (4) ~~[subject to Chapter 316 (H.B. 5), Acts of the 85th~~
18 ~~Legislature, Regular Session, 2017, the Family and Protective~~
19 ~~Services Council, or~~
- 20 ~~[(5)]~~ the State Health Services Council.

21 SECTION 2. Effective September 1, 2026, Section
22 531.0012(c), Government Code, is amended to read as follows:

23 (c) A reference to any of the following councils means the
24 executive commissioner or the executive commissioner's designee,

1 as appropriate, and a function of any of the following councils is a
2 function of that appropriate person:

- 3 (1) the Health and Human Services Council;
- 4 (2) the Aging and Disability Services Council;
- 5 (3) the Assistive and Rehabilitative Services
6 Council; or
- 7 (4) [~~the Family and Protective Services Council; or~~
8 ~~(5)~~] the State Health Services Council.

9 SECTION 3. Effective September 1, 2026, Section 552.103(c),
10 Health and Safety Code, is amended to read as follows:

11 (c) The inspector general shall submit the annual status
12 report to the:

- 13 (1) executive commissioner;
- 14 (2) commissioner of state health services;
- 15 (3) commissioner of the Department of Family and
16 Protective Services;
- 17 (4) State Health Services Council;
- 18 (5) [~~Family and Protective Services Council;~~
19 ~~(6)~~] governor;
- 20 (6) [~~(7)~~] lieutenant governor;
- 21 (7) [~~(8)~~] speaker of the house of representatives;
- 22 (8) [~~(9)~~] standing committees of the senate and house
23 of representatives with primary jurisdiction over state hospitals;
- 24 (9) [~~(10)~~] state auditor; and
- 25 (10) [~~(11)~~] comptroller.

26 SECTION 4. Effective September 1, 2026, Section 40.002(a),
27 Human Resources Code, is amended to read as follows:

1 (a) The Department of Family and Protective Services is
2 composed of [~~the council,~~] the commissioner, an administrative
3 staff, and other employees necessary to efficiently carry out the
4 purposes of this chapter.

5 SECTION 5. Effective September 1, 2026, Sections 40.004(b)
6 and (c), Human Resources Code, are amended to read as follows:

7 (b) The commissioner [~~, with the advice of the council,~~]
8 shall prepare information of public interest describing the
9 functions of the department. The commission shall make the
10 information available to the public and appropriate state agencies.

11 (c) The commissioner shall grant an opportunity for a public
12 hearing [~~before the council makes recommendations to the~~
13 ~~commissioner regarding a substantive rule]~~ if a public hearing is
14 requested by:

- 15 (1) at least 25 persons;
- 16 (2) a governmental entity; or
- 17 (3) an association with at least 25 members.

18 SECTION 6. Subchapter B, Chapter 40, Human Resources Code,
19 is amended by adding Section 40.031 to read as follows:

20 Sec. 40.031. CHILD PROTECTIVE INVESTIGATIONS ADVISORY
21 COMMITTEE. (a) The commissioner shall establish an advisory
22 committee on child protective investigations to improve the
23 accuracy and standardization of the application of investigative
24 legal requirements and department investigative policies and
25 procedures during child abuse, neglect, and exploitation
26 investigations relating to a person described by Section
27 261.001(5)(A), (B), or (C), Family Code. The advisory committee

1 shall advise and make recommendations to the department on:

2 (1) developing and implementing policies and
3 procedures and monitoring training to increase the accuracy and
4 consistency of abuse, neglect, and exploitation investigation
5 processes and procedures;

6 (2) developing and implementing a model for conducting
7 investigations that ensures compliance with due process
8 requirements;

9 (3) developing a consistent engagement model for
10 communicating with legal advocates involved in child protective
11 investigations and courts presiding over child protective services
12 cases;

13 (4) developing and monitoring effective training for
14 all investigative employees;

15 (5) monitoring compliance with investigation
16 procedures and processes;

17 (6) developing and implementing a data-informed model
18 for conducting investigations; and

19 (7) providing a forum for public input on problems or
20 concerns related to investigations.

21 (b) The advisory committee shall:

22 (1) make recommendations for:

23 (A) conducting child protective investigations;

24 (B) monitoring compliance with investigative
25 requirements under state and federal law;

26 (C) developing and monitoring the implementation
27 of policies and procedures to protect the due process rights of

1 individuals subject to child abuse or neglect investigations; and
2 (D) monitoring the execution of policies and
3 procedures across all department jurisdictions for the subject of
4 an investigation;

5 (2) identify any challenges or barriers to:

6 (A) the standardization of child protective
7 investigative practices and procedures; and

8 (B) the application and implementation of legal
9 requirements and department investigative policies and procedures
10 in child abuse and neglect investigations;

11 (3) make recommendations to address issues identified
12 under Subdivision (2), including any training or other
13 accountability measures required to address those issues;

14 (4) identify and monitor challenges related to the
15 department's interaction and collaboration with any external
16 parties that participate in the investigation processes; and

17 (5) make recommendations for legal procedures for the
18 operations of parties described by Subdivision (4).

19 (c) The advisory committee is composed of the following
20 members:

21 (1) one member of the public appointed by the governor
22 to represent the governor's office who shall serve as chair;

23 (2) one member of the public appointed by the
24 lieutenant governor to represent the lieutenant governor's office
25 who shall serve as vice chair;

26 (3) one member of the public appointed by the speaker
27 of the house of representatives to represent the speaker's office;

1 (4) the department employee charged with oversight of
2 child protective investigations appointed by the commissioner;
3 (5) a regional director of investigations appointed by
4 the commissioner;
5 (6) at least one child protective investigations
6 supervisor or investigator appointed by the commissioner from each
7 of the following:
8 (A) a rural region; and
9 (B) an urban region;
10 (7) a district judge who has experience presiding over
11 suits affecting the parent-child relationship appointed by the
12 governor;
13 (8) one parent or caregiver, who has been involved in a
14 child protective services legal case, appointed by the
15 commissioner; and
16 (9) four members appointed by the commissioner with
17 consideration to individuals who have relevant experience as:
18 (A) a county district attorney;
19 (B) an attorney assigned to represent caregivers
20 in legal cases involving the department;
21 (C) an attorney assigned to represent children or
22 parents in legal cases involving the department;
23 (D) an associate judge who hears or has heard
24 child protective legal cases;
25 (E) a state or local law enforcement officer;
26 (F) a parent who has been the subject of a child
27 protective investigation;

1 (G) an individual who has been in the
2 conservatorship of the department; or

3 (H) an individual employed as a consultant to
4 represent the interests of a parent in a child protective
5 investigation.

6 (d) In appointing the members of the advisory committee
7 under Subsection (c)(9), the commissioner shall consult with the
8 chair of each standing committee of the legislature with primary
9 jurisdiction over child protective services.

10 (e) An individual may not serve on the advisory committee as
11 a member appointed under Subsection (c)(1), (2), (3), (7), (8), or
12 (9) if the individual is:

13 (1) employed by a state agency or contracts with the
14 department, child welfare vendors, or behavioral health providers
15 and organizations contracted with the department or the Health and
16 Human Services Commission, notwithstanding approved department or
17 judicial personnel; or

18 (2) related within the third degree of consanguinity
19 to individuals who work at the department or for organizations that
20 contract with the department or hold contracts with vendors of the
21 department, including vendors in community-based care.

22 (f) Members of the advisory committee shall recuse
23 themselves from the committee's deliberation regarding
24 recommendations that directly relate to a case that involves the
25 member. Members of the advisory committee who are employed by the
26 department serve as nonvoting members.

27 (g) The chair of the advisory committee shall direct the

1 advisory committee and the department shall provide administrative
2 support and resources to the advisory committee as necessary for
3 the advisory committee to perform the advisory committee's duties
4 under this section.

5 (h) The advisory committee shall meet quarterly in Austin or
6 at another location determined by the chair. A meeting of the
7 advisory committee is subject to Chapter 551, Government Code. The
8 advisory committee may conduct a closed meeting in accordance with
9 Subchapter E, Chapter 551, Government Code, to discuss information
10 related to a case under review by the committee under Subsection

11 (i). The advisory committee shall:

12 (1) provide a period for public comment during at
13 least one public meeting each year;

14 (2) present recommendations made under this section to
15 improve the quality and consistency of child protective
16 investigations; and

17 (3) post public notice for meetings conducted for the
18 sole purpose of reviewing cases under Subsection (i).

19 (i) The department shall provide a random sample of closed
20 child protective investigations for advisory committee review. The
21 department shall, in accordance with this section, provide relevant
22 case information to enable the advisory committee to review the
23 case. The information provided to the advisory committee under
24 this subsection may not include identifying information for
25 individuals involved in the investigation, including an
26 individual's name, address, or date of birth.

27 (j) The following is confidential and not subject to

1 disclosure under Chapter 552:

2 (1) any information provided to the advisory committee
3 regarding a child protective investigation;

4 (2) information from investigation records, including
5 the department's determinations as a result of the investigation;
6 and

7 (3) advisory committee work product.

8 (k) The department shall adopt and implement procedures to
9 ensure that confidential information is not disclosed in violation
10 of this section.

11 (1) Not later than September 30 of each year, the advisory
12 committee shall submit a report to the governor, the lieutenant
13 governor, the speaker of the house of representatives, members of
14 the legislature, and the commissioner. The department shall
15 publish the report on the department's Internet website. The
16 report must include the following information for the state and for
17 each department region for the two state fiscal years preceding the
18 state fiscal year in which the report is published:

19 (1) the number of:

20 (A) phone calls made to the agency that resulted
21 in an investigation for child abuse or neglect;

22 (B) completed investigations for child abuse or
23 neglect;

24 (C) each type of case disposition;

25 (D) administrative closures;

26 (E) abbreviated investigations;

27 (F) children removed from the child's home;

- 1 (G) children placed in foster care;
- 2 (H) cases in which the child was not removed from
3 the child's home but the family received family-based safety
4 services or family preservation services;
- 5 (I) cases per investigator in unspecialized
6 investigative units; and
- 7 (J) cases per investigator in specialized
8 investigative units;
- 9 (2) the average employment rate for unspecialized
10 investigators and supervisors and specialized investigators and
11 supervisors;
- 12 (3) the average amount of time to complete
13 investigations for each level of investigation;
- 14 (4) the total number of administrative reviews of
15 investigation findings and the results of those investigations for
16 that year;
- 17 (5) the number of complaints filed with the office of
18 consumer affairs of the department and the Office of Inspector
19 General;
- 20 (6) any identified challenges to:
- 21 (A) the standardization of an investigative
22 training program; and
- 23 (B) the application and implementation in the
24 field or of legal requirements and department investigative
25 policies and procedures in child abuse and neglect investigations;
- 26 (7) the committee's recommendations for improving any
27 identified challenges under Subdivision (6), including any human

1 resource accountability measures to address those issues; and

2 (8) recommendations for legislative or other action
3 related to human resource accountability measures for individuals
4 investigating or supervising the investigation of cases of
5 suspected child abuse or neglect.

6 (m) The advisory committee is abolished and this section
7 expires on September 1, 2029.

8 SECTION 7. Effective September 1, 2026, Sections 40.045(e)
9 and (i), Human Resources Code, are amended to read as follows:

10 (e) Not later than March 1 of the state fiscal year in which
11 an efficiency audit is required under this section, the
12 commissioner, in collaboration with [~~the council,~~] the
13 department's chief financial officer[~~,~~] and the department's
14 internal audit director, shall select an external auditor to
15 conduct the efficiency audit.

16 (i) Not later than November 1 of the calendar year an
17 efficiency audit is conducted, the auditor shall prepare and submit
18 a report of the audit and recommendations for efficiency
19 improvements to the governor, the Legislative Budget Board, the
20 state auditor, the commissioner, [~~the council,~~] and the chairs of
21 the House Human Services Committee and the Senate Health and Human
22 Services Committee.

23 SECTION 8. Effective September 1, 2026, the following
24 provisions of the Human Resources Code are repealed:

- 25 (1) Section 40.001(2-a);
26 (2) Section 40.021;
27 (3) Section 40.022;

- 1 (4) Section 40.023;
- 2 (5) Section 40.024;
- 3 (6) Section 40.025; and
- 4 (7) Section 40.026.

5 SECTION 9. Except as otherwise provided by this Act, this
6 Act takes effect September 1, 2025.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

May 9, 2025

TO: Honorable Dustin Burrows, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB140 by Noble (Relating to advisory bodies for the Department of Family and Protective Services, including the creation of the child protective investigations advisory committee and the abolition of the Family and Protective Services Council.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would establish an advisory committee on child protective investigations. The bill would require the advisory committee to submit a report on various metrics and on certain identified challenges and recommendations. The bill would also require the Department of Family and Protective Services to provide a random sample of closed child protective investigations for the advisory committee to review.

It is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 530 Family and Protective Services, Department of

LBB Staff: JMc, SD, NPe, ER, AN

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

May 7, 2025

TO: Honorable Lois W. Kolkhorst, Chair, Senate Committee on Health & Human Services

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB140 by Noble (Relating to advisory bodies for the Department of Family and Protective Services, including the creation of the child protective investigations advisory committee and the abolition of the Family and Protective Services Council.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would establish an advisory committee on child protective investigations. The bill would require the advisory committee to submit a report on various metrics and on certain identified challenges and recommendations. The bill would also require the Department of Family and Protective Services to provide a random sample of closed child protective investigations for the advisory committee to review.

It is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 530 Family and Protective Services, Department of

LBB Staff: JMc, NPe, ER, AN

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

May 5, 2025

TO: Honorable Lois W. Kolkhorst, Chair, Senate Committee on Health & Human Services

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB140 by Noble (Relating to the creation of the child and adult protective investigations advisory committee in the Department of Family and Protective Services.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would establish an advisory committee on child and adult protective investigations which would meet quarterly. The bill requires that the meetings be live-streamed, and that the recording be made available on the agency's website. The bill also requires the advisory committee to submit a report on various metrics and on certain identified challenges and recommendations.

It is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 530 Family and Protective Services, Department of

LBB Staff: JMc, NPe, AN, ER

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

March 7, 2025

TO: Honorable Lacey Hull, Chair, House Committee on Human Services

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB140 by Noble (Relating to the creation of the child and adult protective investigations advisory committee in the Department of Family and Protective Services.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would establish an advisory committee on child and adult protective investigations which would meet quarterly. Th bill requires that the meetings be live-streamed, and that the recording be made available on the agency's website. The bill also requires the advisory committee to submit a report on various metrics and on certain identified challenges and recommendations.

It is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 530 Family and Protective Services, Department of

LBB Staff: JMc, NPe, ER, AN