

REVIEW OF CHILD MENTAL WELL-BEING AND THE 2015 LEGISLATIVE SESSION

Stronger policies to support the mental health of students, increase access to services for children with mental illness, and prevent concerns from developing

We were pleased to help advance policies this legislative session that will help more Texas kids be mentally well and successful in their homes, schools, and communities.

The original Health and Human Services Commission (HHSC) Sunset bill would have stripped legislative direction to state agencies on using a **System of Care** approach to coordinate community-based services and supports to children with mental illness and their families.

Texans Care for Children led the effort this session to make sure state agencies continue working together on system improvement efforts so that children and families can access the services they need to keep kids safe, well, and with their families. In the end, the Legislature both reaffirmed and strengthened the state's commitment to System of Care and improving support for children with serious mental illness. HHSC will be required to enter into memoranda of understanding with other agencies to identify the roles and responsibilities of each agency in implementing a comprehensive plan related to children's mental health.

The System of Care legislation will shape broad, **cross-agency mental health planning** efforts, such as the statewide behavioral health strategic and expenditure planning that is called for in the budget. The provision ensures that these efforts include strategies specific to children and reflect best practices for keeping kids with their families and in their schools and communities.

The Legislature also took other action to support children with severe mental health challenges. We know that kids tend to have the best outcomes when they receive treatment in the community.

Yet, there are times when children may require more **intensive residential services** as part of their treatment plan. Some parents, unable to access this type of service by other means, relinquish their parental rights to the state in order to secure the help their child needs. To help more families avoid this devastating choice, the Legislature increased funding to enable up to 30 children at any given time to access residential treatment without their parents giving up custody. The Legislature also passed a bill to ensure that parents who do reach the difficult decision to relinquish custody will no longer have their names placed on a child abuse and neglect registry. Additionally, these parents will now have a greater chance of maintaining joint managing conservatorship with the state, which enables families to remain involved with their child.

In another area of the budget, the Legislature provided funding to the Department of Family and Protective Services (DFPS) to develop a program to better address the needs of children in **foster care** who have cycled in and out of hospitals because of complex mental health concerns. The new sub-acute program will work to better address their complex needs.



The Legislature took important steps to better equip schools to support the education and well-being of **students with mental health concerns**. Lawmakers approved bills to establish a model training program for school police officers, increase teacher training on suicide prevention, and keep instruction on positive behavior interventions and supports (PBIS) and de-escalation techniques in teacher certification programs. On the other hand, legislators showed little interest in the several bills seeking to improve access to school counselors.



This session we also made progress on **prevention and early intervention** of common risk factors. The state budget increases funding for various prevention programs that work to strengthen families and build resiliency in youth, factors that are strongly associated with the mental well-being and success of children and youth. Responding to the call for better coordination of prevention efforts, the Legislature used the DFPS Sunset bill to direct the agency to develop a five-year strategic plan for child abuse, neglect, and delinquency prevention that considers similarly aligned programs administered by other state agencies. The Sunset bill also transferred home visiting and other prevention programs to DFPS. Additionally, a new legislative committee

tasked with overseeing the health and human services consolidation will evaluate how well prevention programs are working together across systems.

This session, legislators made a number of **juvenile justice** policy changes that will impact youth with mental health needs, whose symptoms often put them at risk of entering the juvenile justice system. SB 1630, for example, will keep more youth out of state juvenile justice facilities and closer to home while expanding the authority of the juvenile justice ombudsman to protect youth in the system. The legislation codifies the current practice of committing youth to a state secure facility if they have behavioral health or other special needs that cannot be met with resources available in their communities. The law adds a new protection by requiring a judge to determine that the support is not available locally. The regionalization planning required in the new law provides an opportunity for communities to identify or develop additional resources to serve these youth in their communities.

Outcomes of significant children's mental well-being initiatives this session:

BECAME LAW

SUPPORT CHILDREN IN SCHOOL

HB 2186 - Requiring annual teacher training using a best practice suicide prevention program

HB 2398 - Decriminalizing truancy and seeking to help chronically absent students stay in the classroom by providing supports, including connecting students to counseling or community-based services

HB 2684 - Creating a model training program and training requirements for school police officers

SB 133 - Expanding optional mental health training to additional public school employees, including coaches and school police officers

SB 674 - Requiring that educator certification programs teach best practice interventions, such as PBIS, and strategies for teaching children with mental disorders

HELP CHILDREN MANAGE THEIR MENTAL ILLNESS

HB 839 - Suspending and then automatically reinstating CHIP and Medicaid when a youth leaves a juvenile facility

HB 2048 and SB 1891 - Maintaining and strengthening the coordinated community-based System of Care approach to serving children with severe mental illness

- *Provisions passed as an amendment to SB 200; HB 2048 passed the House but did not receive a Senate hearing*

SB 125 - Requiring standardized assessments when children enter foster care to inform treatment and placement decisions

SB 239 - Making student loan repayment assistance available to mental health professionals who agree to provide services to individuals enrolled in CHIP or Medicaid in workforce shortage areas

SB 1889 - Improving policies for families who relinquish parental rights to secure treatment for their children with severe mental health challenges

\$8.9 million to prevent waitlists for children's outpatient mental health services

\$9.6 million for 20 new residential treatment beds for children with serious emotional disturbance at risk of entering state custody due solely to unmet mental health service needs

\$4.2 million to develop sub-acute inpatient treatment for children in foster care who have had multiple psychiatric hospitalizations and placements and pose a risk to themselves or others

Budget riders

- Directing HHSC, in collaboration with DSHS, to initiate the expansion of the Youth Empowerment Services (YES) Medicaid Waiver services
- Directing a statewide behavioral health coordinating council to develop a five-year statewide behavioral health strategic plan and expenditure proposal

IMPACT HOW CHILDREN MANAGE THEIR MENTAL ILLNESS

SB 1630 - Keeping more youth offenders out of state juvenile justice facilities and in local programs, developing a regionalization plan, and expanding the authority of the juvenile justice ombudsman

HELP CHILDREN AVOID OR MITIGATE RISK FACTORS FOR MENTAL ILLNESS

Budget rider directing HHSC, in coordination with DSHS, to submit a report on screening and treatment of postpartum depression, a risk factor for the social-emotional development of children

Increased funding for prevention programs aimed at strengthening families, reducing child abuse and neglect, reducing substance use, and reducing delinquency

IMPACT HOW CHILDREN AVOID OR MITIGATE RISK FACTORS FOR MENTAL ILLNESS

SB 200 - HHSC Sunset bill

SB 206 - DFPS Sunset bill

DID NOT PASS

SUPPORT CHILDREN IN SCHOOL

Budget rider directing DSHS and the Texas Education Agency (TEA) to provide guidance to school districts on promoting safe and supportive school climates

- *Not included in the final budget*

HB 1434, SB 165, HB 313, HB 357, HB 729, HB 730 and SB 167 - Expanding the availability of school counselors

- *HB 1434 and SB 165 were left pending after a hearing; the others did not receive a hearing*

HB 3289 and SB 518 - Strengthening mental health components within state and local coordinated school health efforts

- *Did not receive a hearing*

HELP CHILDREN MANAGE THEIR MENTAL ILLNESS

HB 1541 - Funding peer support services through Medicaid

- *Passed the House but left pending after a Senate hearing*