

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

PART 19. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES

CHAPTER 700. CHILD PROTECTIVE SERVICES

SUBCHAPTER W. SERVICE LEVEL SYSTEM

DIVISION 6. INTENSIVE PSYCHIATRIC TRANSITION PROGRAM

40 TAC §700.2383, §700.2385

The Department of Family and Protective Services (DFPS) adopts amendments to §700.2383 and §700.2385, in Chapter 700, concerning Child Protective Services. The amendments are adopted without changes to the proposed text published in the January 18, 2019 issue of the *Texas Register* (44 TexReg 328).

BACKGROUND AND JUSTIFICATION

The amendments to §700.2383 and §700.2385 expand eligibility for the Intensive Psychiatric Transition Program (IPTP) to allow children in DFPS conservatorship to access the IPTP program immediately upon entering DFPS care, if other criteria are met, without having to first be in conservatorship for 90 days.

The rules also correct the title of the Associate Commissioner of Child Protective Services (CPS), and allow the Associate Commissioner to delegate authority to another individual for purposes of granting a one-time, child specific waiver to allow a child to remain in an IPTP for an additional 60 days after the initial 60 days have expired. Allowing the extension could help prevent psychiatric hospitalizations in cases where continuing in the IPTP is the least restrictive setting that can serve the child.

COMMENTS

The 30-day comment period ended February 17, 2019. During this period, DFPS did not receive any comments regarding the proposed rules.

STATUTORY AUTHORITY

The amendments adopted under Human Resources Code (HRC) §40.027, which provides that the Department of Family and Protective Services commissioner shall adopt rules for the operation and provision of services by the department.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

§700.2383. Who is eligible for the Intensive Psychiatric Transition program?

To be eligible for this program, a child must:

- (1) be in DFPS conservatorship;
- (2) have had at least one psychiatric hospitalization in the preceding 12 months;
- (3) either be ready for discharge from a psychiatric hospital or at imminent risk of a subsequent psychiatric hospitalization; and
- (4) have been determined by the Associate Commissioner of CPS or the Associate Commissioner's designee to be in crisis and in need of acute stabilization.

§700.2385. How long may a child be placed in the Intensive Psychiatric Transition program?

All placements in this program are limited to 60 days, unless the Associate Commissioner of CPS or the Associate Commissioner's designee grants a one-time, child-specific waiver for an additional 60 days.

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