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OPINION COMMITTEE



**THE SENATE OF TEXAS
COMMITTEE ON HEALTH AND HUMAN SERVICES**

FILE # ML-44904-26

ID # 44904

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July 20, 2006

The Honorable Greg Abbott
Attorney General of Texas
Supreme Court Building
P.O. Box 12548
Austin, Texas 78711-2548

RQ-0513-GA

Attention: Opinion Committee

RE: Whether 265.004(a) of the Family Code applies to all prevention and early intervention programs.

Dear General Abbott:

Please accept this letter as a request for an opinion from your office on the correct interpretation of new provisions in the Family Code added by SB 6, 79th Texas Legislature.

Section 265.004(a) of the Family Code as amended, effective September 1, 2005, requires the Department of Family and Protective Services (DFPS) to fund evidence-based programs offered by community-based organizations that are designed to prevent or ameliorate child abuse and neglect to the extent that money is appropriated for the purpose. *See Acts of June 6, 2005, SB 6 Section 1.64, 79th Legislature, Regular Session.* Senator Royce West asked that I submit this request on his behalf due to his concern that the agency interpretation of this section to hold all prevention programs to the new evidence-based standard has a negative impact on Community Youth Development programs.

Please supply us with your opinion as to whether these requirements apply to all prevention and early intervention programs funded by DFPS or only to programs designed to prevent or ameliorate child abuse and neglect.

Thank you for your attention to this matter. Please do not hesitate to contact our offices should you have any questions or require further information.

Very truly yours,

Senator Jane Nelson
Cc: Senator Royce West
Commissioner Carey Cockerell, DFPS