

BILL ANALYSIS

C.S.H.B. 320
By: Grusendorf
Juvenile Justice & Family Issues
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, if a child's parent or guardian refuses psycho tropic drugs or psychiatric care for the child, this alone can constitute neglect and be acted on by the Texas Department of Protective and Regulatory Services (DPRS). Many psychiatrists and psychologists have serious concerns about the wisdom of such treatments, pointing out that some studies show a positive relationship between suicide and the use of some psycho tropic drugs. Approximately 15% of school age children have been placed on mind and behavior altering substances such as Ritalin and parents too often report that they are threatened with DPRS investigations if they refuse such treatment.

C.S.H.B.320 would insure that a refusal by a parent or guardian to seek psychiatric care or accept the administration of a psycho tropic drug would not by itself constitute "neglect" as defined under Section 261.001 of the Texas Family Code.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

SECTION BY SECTION ANALYSIS

Section 1. Amends Chapter 261, of the Family Code by adding Section 261.005 that provides that the refusal of a parent, guardian, or managing or possessory conservator of a child to administer or consent to the administration of a psycho tropic drug to the child, or to consent to any other psychiatric or psychological treatment of the child, does not by itself constitute neglect unless the refusal to consent presents an imminent risk of serious harm to the child.

Section 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B.320 modifies the original by adding the phrase "unless the refusal to consent presents an imminent risk of serious harm to the child" to Section 261.005, Family Code.