

BILL ANALYSIS

C.S.H.B. 1364
By: Dukes
Juvenile Justice & Family Issues
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, emergency shelter facilities may provide shelter and care to minor mothers in emergency situations. Section 32.201, Family Code defines an emergency as “constituting an immediate danger to the physical health or safety of the minor mother, her child or children.” C.S.H.B.1364 expands this law to allow emergency shelter facilities to provide shelter and care in emergency situations not only to pregnant minors and minors with children, but also to minors without children.

Additionally, C.S.H.B.1364 takes into consideration the issue of minors who are seeking to escape abusive situations, either in their homes or at the hands of a care-giver, by further extending emergency shelter and care to these minors.

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 Section 32.201, Family Code by providing emergency shelter or care for minors, and the minor’s child or children if any. Additionally mandates that shelter or care provided under this section may not be provided after the 15th day after the date the shelter or care is commenced unless the facility receives consent to continue services from the minor in accordance with Section 32.202 or the minor has qualified for financial assistance, and is on the waiting list for housing assistance.

Section 2. Amends Subchapter C, Chapter 32, Family Code by adding Section 32.202 which provides that minors may consent to emergency shelter or care for themselves or their children if they are 16 years of age or older and reside separately from their parent, managing conservator, or guardian and manage their own financial affairs. Additionally minors may consent to emergency shelter or care for themselves or their children if they are unmarried or unmarried and pregnant, or is the parent of a child, and has actual custody of the child. Section 32.202 also provides that an emergency shelter facility may provide emergency shelter or care to a minor or the minor’s children with or without the consent of the minor’s parent. The emergency shelter facility is not liable for providing emergency shelter or care to the minor or the minor’s children if the minor consents, except that the facility is liable for the facility’s own acts of negligence. Similarly, an emergency shelter facility may rely on the minor’s written statement containing the grounds on which the minor has capacity to consent to emergency shelter or care.

Section 3. The changes in law made by this Act apply only to an emergency shelter facility that provides emergency shelter or care to a minor on or after the effective date of this Act.

Section 4. 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

September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B.1364 modifies the original H.B.1364 by deleting subsection (d) of Section 32.202, which provides that an emergency shelter facility may with or without the minor's consent, advise the minor's parent, managing conservator, or guardian of the emergency shelter or care provided to the minor.