

By: Goodman, Wise, Gattis

H.B. No. 263

A BILL TO BE ENTITLED

AN ACT

relating to the establishment and operation of children's advocacy centers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 264.402, 264.404, and 264.406, Family Code, are amended to read as follows:

Sec. 264.402. ESTABLISHMENT OF CHILDREN'S ADVOCACY CENTER.

~~[(a)]~~ On the execution of a memorandum of understanding under Section 264.403, a children's advocacy center may be established by community members and the participating entities described by Section 264.403(a) ~~[-~~

~~[(b) A center may be established]~~ to serve a county or two or more contiguous counties.

Sec. 264.404. BOARD REPRESENTATION ~~[- ADMINISTRATION OF CENTER]~~. (a) In addition to any other persons appointed or elected to serve on the governing board of a children's advocacy center, the governing board must include an executive officer of, or an employee selected by an executive officer of:

(1) a law enforcement agency that investigates child abuse in the area served by the center;

(2) the child protective services division of the department; and

(3) the county or district attorney's office involved in the prosecution of child abuse cases in the area served by ~~[The~~

1 ~~executive officer or board of each participating entity executing a~~
2 ~~memorandum of understanding that establishes a center under this~~
3 ~~subchapter shall appoint a member to serve on the governing board~~
4 ~~of] the center.~~

5 (b) ~~[A governing board member serves at the pleasure of the~~
6 ~~appointing executive officer or board.~~

7 ~~[(c)]~~ Service on a center's board by an executive ~~[a public]~~
8 officer or employee under Subsection (a) is an additional duty of
9 the person's office or employment.

10 Sec. 264.406. MULTIDISCIPLINARY TEAM. (a) A center's
11 ~~[board shall appoint a]~~ multidisciplinary team must include
12 employees of the participating agencies who are professionals
13 involved in the investigation or prosecution of child abuse cases
14 ~~[to work within the center to review new and pending child abuse~~
15 ~~cases for the purpose of coordinating the activities of entities~~
16 ~~involved in investigation, prosecution, and victim services].~~

17 (b) A center's multidisciplinary team may also include
18 professionals involved in the delivery of services, including
19 medical and mental health services, to child abuse victims and the
20 victims' families.

21 (c) A multidisciplinary team shall meet at regularly
22 scheduled intervals to:

23 (1) review child abuse cases determined to be
24 appropriate for review by the multidisciplinary team; and

25 (2) coordinate the actions of the entities involved in
26 the investigation and prosecution of the cases and the delivery of
27 services to the child abuse victims and the victims' families.

1 (d) A multidisciplinary team may review a child abuse case
2 in which the alleged perpetrator does not have custodial control or
3 supervision of the child or is not responsible for the child's
4 welfare or care.

5 (e) [~~(c)~~ A multidisciplinary team shall consist of persons
6 who are involved in the investigation or prosecution of child abuse
7 cases or the delivery of services to child abuse victims and their
8 families.]

9 [~~(d)~~ A multidisciplinary team shall meet at the call of the
10 board. The board shall call a meeting of the multidisciplinary team
11 if:

12 [~~(1)~~ a new child abuse case is received; or

13 [~~(2)~~ a pending child abuse case requires attention.]

14 [~~(c)~~ At each meeting, the multidisciplinary team shall
15 discuss each active case and the actions of the entities involved in
16 investigation, prosecution, and victim services.]

17 [~~(f)~~] When acting in the member's official capacity, a
18 multidisciplinary team member is authorized to receive information
19 made confidential by Section 40.005, Human Resources Code, or
20 Section 261.201 or 264.408.

21 SECTION 2. Section 264.411(a), Family Code, is amended to
22 read as follows:

23 (a) A public entity that operated as a center under this
24 subchapter before November 1, 1995, or a nonprofit entity is
25 eligible for a contract under Section 264.410 if the entity:

26 (1) has a signed memorandum of understanding as
27 provided by Section 264.403;

1 (2) operates under the authority of a governing board
2 as provided by Section 264.404;

3 (3) has a multidisciplinary team of persons involved
4 in the investigation or prosecution of child abuse cases or the
5 delivery of services as provided by Section 264.406;

6 (4) holds regularly scheduled case reviews as provided
7 by Section 264.406;

8 (5) operates in a neutral and physically separate
9 space from the day-to-day operations of any public agency partner;

10 (6) has developed a method of statistical information
11 gathering on children receiving services through the center and
12 shares such statistical information with the statewide
13 organization, the department, and the office of the attorney
14 general when requested;

15 (7) has an in-house volunteer program;

16 (8) employs an executive director who is answerable to
17 the board of directors of the entity and who is not the exclusive
18 salaried employee of any public agency partner; and

19 (9) operates under a working protocol that includes a
20 statement of:

21 (A) the center's mission;

22 (B) each agency's role and commitment to the
23 center;

24 (C) the type of cases to be handled by the center;

25 [~~and~~]

26 (D) the center's procedures [~~procedure~~] for
27 conducting case reviews and forensic interviews and for ensuring

1 access to specialized medical and mental health services; and

2 (E) the center's policies regarding
3 confidentiality and conflict resolution.

4 SECTION 3. Section 411.114(a)(3), Government Code, is
5 amended to read as follows:

6 (3) The Department of Protective and Regulatory
7 Services is entitled to obtain from the department criminal history
8 record information maintained by the department that relates to a
9 person who is:

10 (A) a volunteer or applicant volunteer with a
11 local affiliate in this state of Big Brothers/Big Sisters of
12 America;

13 (B) a volunteer or applicant volunteer with the
14 "I Have a Dream/Houston" program;

15 (C) a volunteer or applicant volunteer with an
16 organization that provides court-appointed special advocates for
17 abused or neglected children;

18 (D) a person providing, at the request of the
19 child's parent, in-home care for a child who is the subject of a
20 report alleging the child has been abused or neglected;

21 (E) a volunteer or applicant volunteer with a
22 Texas chapter of the Make-a-Wish Foundation of America;

23 (F) a person providing, at the request of the
24 child's parent, in-home care for a child only if the person gives
25 written consent to the release and disclosure of the information;

26 (G) a child who is related to the caretaker, as
27 determined under Section 42.002, Human Resources Code, and who

1 resides in or is present in a child-care facility, family home, or
2 maternity home, other than a child described by Subdivision (2)(C),
3 or any other person who has unsupervised access to a child in the
4 care of a child-care facility, family home, or maternity home;

5 (H) an applicant for a position with the
6 Department of Protective and Regulatory Services, other than a
7 position described by Subdivision (2)(D), regardless of the duties
8 of the position;

9 (I) a volunteer or applicant volunteer with the
10 Department of Protective and Regulatory Services, other than a
11 registered volunteer, regardless of the duties to be performed;

12 (J) a person providing or applying to provide
13 in-home, adoptive, or foster care for children to the extent
14 necessary to comply with Subchapter B, Chapter 162, Family Code;

15 (K) a Department of Protective and Regulatory
16 Services employee, other than an employee described by Subdivision
17 (2)(H), regardless of the duties of the employee's position;

18 (L) a relative of a child in the care of the
19 Department of Protective and Regulatory Services, to the extent
20 necessary to comply with Section 162.007, Family Code;

21 (M) a person, other than the subject of a report
22 described in Subdivision (2)(I), living in the residence in which
23 the alleged victim of the report resides;

24 (N) a contractor or an employee of a contractor
25 who delivers services to a ward of the Department of Protective and
26 Regulatory Services under a contract with the estate of the ward;

27 [~~or~~]

1 (O) a person who seeks unsupervised visits with a
2 ward of the Department of Protective and Regulatory Services,
3 including a relative of the ward; or

4 (P) an employee, volunteer, or applicant
5 volunteer of a children's advocacy center under Subchapter E,
6 Chapter 264, Family Code, including a member of the governing board
7 of a center.

8 SECTION 4. (a) This Act takes effect September 1, 2003.

9 (b) The change in law made by this Act to Section
10 264.411(a), Family Code, applies only to a contract entered into
11 under Section 264.410, Family Code, on or after the effective date
12 of this Act. A contract entered into before the effective date of
13 this Act is governed by the law in effect on the date the contract
14 was entered into, and the former law is continued in effect for that
15 purpose.