

1-1 By: Goodman, Wise, Gattis (Senate Sponsor - Ellis) H.B. No. 263  
1-2 (In the Senate - Received from the House April 14, 2003;  
1-3 April 15, 2003, read first time and referred to Committee on Health  
1-4 and Human Services; May 2, 2003, reported favorably by the  
1-5 following vote: Yeas 7, Nays 0; May 2, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the establishment and operation of children's advocacy  
1-9 centers.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Sections 264.402, 264.404, and 264.406, Family  
1-12 Code, are amended to read as follows:

1-13 Sec. 264.402. ESTABLISHMENT OF CHILDREN'S ADVOCACY CENTER.

1-14 [~~(a)~~] On the execution of a memorandum of understanding under  
1-15 Section 264.403, a children's advocacy center may be established by  
1-16 community members and the participating entities described by  
1-17 Section 264.403(a) [~~-~~

1-18 [~~(b)~~ A center may be established] to serve a county or two or  
1-19 more contiguous counties.

1-20 Sec. 264.404. BOARD REPRESENTATION [~~;~~ ~~ADMINISTRATION OF~~  
1-21 ~~CENTER~~]. (a) In addition to any other persons appointed or elected  
1-22 to serve on the governing board of a children's advocacy center, the  
1-23 governing board must include an executive officer of, or an  
1-24 employee selected by an executive officer of:

1-25 (1) a law enforcement agency that investigates child  
1-26 abuse in the area served by the center;

1-27 (2) the child protective services division of the  
1-28 department; and

1-29 (3) the county or district attorney's office involved  
1-30 in the prosecution of child abuse cases in the area served by [~~The~~  
1-31 ~~executive officer or board of each participating entity executing a~~  
1-32 ~~memorandum of understanding that establishes a center under this~~  
1-33 ~~subchapter shall appoint a member to serve on the governing board~~  
1-34 ~~of] the center.~~

1-35 (b) [~~A governing board member serves at the pleasure of the~~  
1-36 ~~appointing executive officer or board.~~

1-37 [~~(c)~~] Service on a center's board by an executive [~~a public~~  
1-38 ~~officer or employee under Subsection (a)~~ is an additional duty of  
1-39 the person's office or employment.

1-40 Sec. 264.406. MULTIDISCIPLINARY TEAM. (a) A center's  
1-41 [~~board shall appoint a~~] multidisciplinary team must include  
1-42 employees of the participating agencies who are professionals  
1-43 involved in the investigation or prosecution of child abuse cases  
1-44 [to work within the center to review new and pending child abuse  
1-45 cases for the purpose of coordinating the activities of entities  
1-46 involved in investigation, prosecution, and victim services].

1-47 (b) A center's multidisciplinary team may also include  
1-48 professionals involved in the delivery of services, including  
1-49 medical and mental health services, to child abuse victims and the  
1-50 victims' families.

1-51 (c) A multidisciplinary team shall meet at regularly  
1-52 scheduled intervals to:

1-53 (1) review child abuse cases determined to be  
1-54 appropriate for review by the multidisciplinary team; and

1-55 (2) coordinate the actions of the entities involved in  
1-56 the investigation and prosecution of the cases and the delivery of  
1-57 services to the child abuse victims and the victims' families.

1-58 (d) A multidisciplinary team may review a child abuse case  
1-59 in which the alleged perpetrator does not have custodial control or  
1-60 supervision of the child or is not responsible for the child's  
1-61 welfare or care.

1-62 (e) [~~(c)~~ A multidisciplinary team shall consist of persons  
1-63 who are involved in the investigation or prosecution of child abuse  
1-64 cases or the delivery of services to child abuse victims and their

2-1 ~~families.~~

2-2 ~~[(d) A multidisciplinary team shall meet at the call of the~~  
2-3 ~~board. The board shall call a meeting of the multidisciplinary team~~  
2-4 ~~if:~~

2-5 ~~[(1) a new child abuse case is received; or~~

2-6 ~~[(2) a pending child abuse case requires attention.~~

2-7 ~~[(e) At each meeting, the multidisciplinary team shall~~  
2-8 ~~discuss each active case and the actions of the entities involved in~~  
2-9 ~~investigation, prosecution, and victim services.~~

2-10 ~~[(f)]~~ When acting in the member's official capacity, a  
2-11 multidisciplinary team member is authorized to receive information  
2-12 made confidential by Section 40.005, Human Resources Code, or  
2-13 Section 261.201 or 264.408.

2-14 SECTION 2. Section 264.411(a), Family Code, is amended to  
2-15 read as follows:

2-16 (a) A public entity that operated as a center under this  
2-17 subchapter before November 1, 1995, or a nonprofit entity is  
2-18 eligible for a contract under Section 264.410 if the entity:

2-19 (1) has a signed memorandum of understanding as  
2-20 provided by Section 264.403;

2-21 (2) operates under the authority of a governing board  
2-22 as provided by Section 264.404;

2-23 (3) has a multidisciplinary team of persons involved  
2-24 in the investigation or prosecution of child abuse cases or the  
2-25 delivery of services as provided by Section 264.406;

2-26 (4) holds regularly scheduled case reviews as provided  
2-27 by Section 264.406;

2-28 (5) operates in a neutral and physically separate  
2-29 space from the day-to-day operations of any public agency partner;

2-30 (6) has developed a method of statistical information  
2-31 gathering on children receiving services through the center and  
2-32 shares such statistical information with the statewide  
2-33 organization, the department, and the office of the attorney  
2-34 general when requested;

2-35 (7) has an in-house volunteer program;

2-36 (8) employs an executive director who is answerable to  
2-37 the board of directors of the entity and who is not the exclusive  
2-38 salaried employee of any public agency partner; and

2-39 (9) operates under a working protocol that includes a  
2-40 statement of:

2-41 (A) the center's mission;

2-42 (B) each agency's role and commitment to the  
2-43 center;

2-44 (C) the type of cases to be handled by the center;

2-45 ~~and~~

2-46 (D) the center's procedures [procedure] for  
2-47 conducting case reviews and forensic interviews and for ensuring  
2-48 access to specialized medical and mental health services; and

2-49 (E) the center's policies regarding  
2-50 confidentiality and conflict resolution.

2-51 SECTION 3. Section 411.114(a)(3), Government Code, is  
2-52 amended to read as follows:

2-53 (3) The Department of Protective and Regulatory  
2-54 Services is entitled to obtain from the department criminal history  
2-55 record information maintained by the department that relates to a  
2-56 person who is:

2-57 (A) a volunteer or applicant volunteer with a  
2-58 local affiliate in this state of Big Brothers/Big Sisters of  
2-59 America;

2-60 (B) a volunteer or applicant volunteer with the  
2-61 "I Have a Dream/Houston" program;

2-62 (C) a volunteer or applicant volunteer with an  
2-63 organization that provides court-appointed special advocates for  
2-64 abused or neglected children;

2-65 (D) a person providing, at the request of the  
2-66 child's parent, in-home care for a child who is the subject of a  
2-67 report alleging the child has been abused or neglected;

2-68 (E) a volunteer or applicant volunteer with a  
2-69 Texas chapter of the Make-a-Wish Foundation of America;

3-1 (F) a person providing, at the request of the  
3-2 child's parent, in-home care for a child only if the person gives  
3-3 written consent to the release and disclosure of the information;

3-4 (G) a child who is related to the caretaker, as  
3-5 determined under Section 42.002, Human Resources Code, and who  
3-6 resides in or is present in a child-care facility, family home, or  
3-7 maternity home, other than a child described by Subdivision (2)(C),  
3-8 or any other person who has unsupervised access to a child in the  
3-9 care of a child-care facility, family home, or maternity home;

3-10 (H) an applicant for a position with the  
3-11 Department of Protective and Regulatory Services, other than a  
3-12 position described by Subdivision (2)(D), regardless of the duties  
3-13 of the position;

3-14 (I) a volunteer or applicant volunteer with the  
3-15 Department of Protective and Regulatory Services, other than a  
3-16 registered volunteer, regardless of the duties to be performed;

3-17 (J) a person providing or applying to provide  
3-18 in-home, adoptive, or foster care for children to the extent  
3-19 necessary to comply with Subchapter B, Chapter 162, Family Code;

3-20 (K) a Department of Protective and Regulatory  
3-21 Services employee, other than an employee described by Subdivision  
3-22 (2)(H), regardless of the duties of the employee's position;

3-23 (L) a relative of a child in the care of the  
3-24 Department of Protective and Regulatory Services, to the extent  
3-25 necessary to comply with Section 162.007, Family Code;

3-26 (M) a person, other than the subject of a report  
3-27 described in Subdivision (2)(I), living in the residence in which  
3-28 the alleged victim of the report resides;

3-29 (N) a contractor or an employee of a contractor  
3-30 who delivers services to a ward of the Department of Protective and  
3-31 Regulatory Services under a contract with the estate of the ward;  
3-32 [~~or~~]

3-33 (O) a person who seeks unsupervised visits with a  
3-34 ward of the Department of Protective and Regulatory Services,  
3-35 including a relative of the ward; or

3-36 (P) an employee, volunteer, or applicant  
3-37 volunteer of a children's advocacy center under Subchapter E,  
3-38 Chapter 264, Family Code, including a member of the governing board  
3-39 of a center.

3-40 SECTION 4. (a) This Act takes effect September 1, 2003.

3-41 (b) The change in law made by this Act to Section  
3-42 264.411(a), Family Code, applies only to a contract entered into  
3-43 under Section 264.410, Family Code, on or after the effective date  
3-44 of this Act. A contract entered into before the effective date of  
3-45 this Act is governed by the law in effect on the date the contract  
3-46 was entered into, and the former law is continued in effect for that  
3-47 purpose.

3-48 \* \* \* \* \*