

By: Zaffirini

S.B. No. 1246

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the initial placement of certain children in  
3 institutions.

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

5 SECTION 1. Section 531.162, Government Code, is amended to  
6 read as follows:

7 Sec. 531.162. PERMANENCY REPORTING. (a) For each of the  
8 local permanency planning sites, the commission shall develop a  
9 reporting system under which each appropriate health and human  
10 services agency responsible for permanency planning under this  
11 subchapter is required to provide to the commission semiannually:

12 (1) the number of permanency plans developed by the  
13 agency for children residing in institutions or children at risk of  
14 being placed in institutions;

15 (2) progress achieved in implementing permanency  
16 plans;

17 (3) the number of children served by the agency  
18 residing in institutions;

19 (4) the number of children served by the agency at risk  
20 of being placed in an institution served by the local permanency  
21 planning sites;

22 (5) the number of children served by the agency  
23 reunited with their families or placed with alternate permanent  
24 families; [~~and~~]

1 (6) cost data related to the development and  
2 implementation of permanency plans; and

3 (7) information on each child initially placed in an  
4 institution during the reporting period, including:

5 (A) the reason for the child's placement in the  
6 institution;

7 (B) a description of efforts made to locate  
8 community-based services to prevent the institutional placement of  
9 the child;

10 (C) a list of the barriers that impeded a  
11 family-based alternative placement for the child; and

12 (D) a list of community-based services that,  
13 because of their unavailability, contributed to the institutional  
14 placement of the child.

15 (b) The commissioner shall submit a semiannual report to the  
16 governor and the committees of each house of the legislature that  
17 have primary oversight jurisdiction over health and human services  
18 agencies regarding:

19 (1) the number of children residing in institutions in  
20 this state and, of those children, the number for whom a  
21 recommendation has been made for a transition to a community-based  
22 residence but who have not yet made that transition;

23 (2) the circumstances of each child described by  
24 Subdivision (1), including the type of institution and name of the  
25 institution in which the child resides, the child's age, the  
26 residence of the child's parents or guardians, and the length of  
27 time in which the child has resided in the institution;

1           (3) the number of permanency plans developed for  
2 children residing in institutions in this state, the progress  
3 achieved in implementing those plans, and barriers to implementing  
4 those plans;

5           (4) the number of children who previously resided in  
6 an institution in this state and have made the transition to a  
7 community-based residence;

8           (5) the number of children who previously resided in  
9 an institution in this state and have been reunited with their  
10 families or placed with alternate families;

11           (6) the community supports that resulted in the  
12 successful placement of children described by Subdivision (5) with  
13 alternate families; ~~and~~

14           (7) the community supports that are unavailable but  
15 necessary to address the needs of children who continue to reside in  
16 an institution in this state after being recommended to make a  
17 transition from the institution to an alternate family or  
18 community-based residence; and

19           (8) for each child initially placed in an institution  
20 during the period covered by the report, the information provided  
21 to the commission under Subsection (a)(7).

22           SECTION 2. Subchapter D, Chapter 531, Government Code, is  
23 amended by adding Section 531.164 to read as follows:

24           Sec. 531.164. PLAN ON LIMITING INITIAL PLACEMENTS OF  
25 CHILDREN IN INSTITUTIONS; ADVISORY COMMITTEE. (a) The  
26 commission, with the advice and assistance of an advisory committee  
27 appointed under this section, shall develop a plan to limit the

1 initial placements of children in institutions based on factors  
2 such as developmental urgency and the child's medical needs.

3 (b) Consistent with the policy stated in Section 531.152,  
4 the plan developed under this section must:

5 (1) ensure that every effort is made to avoid placing  
6 children in institutions;

7 (2) provide alternatives to the institutionalization  
8 of children; and

9 (3) encourage the use of appropriate alternative  
10 placements of children.

11 (c) The commissioner shall appoint an advisory committee to  
12 assist the commission in developing the plan under this section.

13 The commissioner shall appoint as members of the committee:

14 (1) one representative of the commission;

15 (2) one representative of the Department of Protective  
16 and Regulatory Services;

17 (3) one representative of the Texas Department of  
18 Health;

19 (4) one representative of the Texas Department of  
20 Human Services;

21 (5) one representative of the Texas Department of  
22 Mental Health and Mental Retardation;

23 (6) one person with expertise in developmental  
24 pediatric medicine;

25 (7) one person with expertise in developmental  
26 psychiatry or developmental psychology;

27 (8) one representative of disability advocacy

1 organizations;

2 (9) one representative of parents of children who are  
3 physically or developmentally disabled or medically fragile;

4 (10) one person who is a relative of a consumer of  
5 long-term care and health programs for children and who is a member  
6 of the Children's Policy Council;

7 (11) one provider of institutional care for children;  
8 and

9 (12) any other person with expertise in alternatives  
10 to institutionalizing children that the commissioner determines  
11 should be on the committee.

12 (d) An appointment to fill a vacancy on the advisory  
13 committee must be made in the same manner as the original  
14 appointment.

15 (e) The member of the advisory committee who is the  
16 representative of the commission serves as presiding officer. The  
17 members of the advisory committee shall elect any other necessary  
18 officers.

19 (f) The advisory committee shall meet at the call of the  
20 commissioner.

21 (g) A member of the advisory committee serves at the will of  
22 the commissioner.

23 (h) The advisory committee is not subject to Chapter 2110.

24 (i) A member of the advisory committee who is not a state  
25 employee is not entitled to compensation for serving on the  
26 committee or reimbursement of the travel expenses incurred by the  
27 member while conducting the business of the committee.

1       (j) A member of the advisory committee who is a state  
2 employee and who serves on the committee in performing the member's  
3 duties as a state employee is not entitled to additional  
4 compensation for serving on the committee, but is entitled to  
5 reimbursement of travel expenses incurred by the member while  
6 conducting the business of the committee if the reimbursement is  
7 otherwise available to the member as a state employee.

8       SECTION 3. (a) The commissioner of health and human  
9 services shall appoint the members of the advisory committee on  
10 limiting placements of children in institutions as required by  
11 Section 531.164, Government Code, as added by this Act, not later  
12 than December 1, 2003.

13       (b) The commissioner of health and human services shall call  
14 the first meeting of the advisory committee on limiting placements  
15 of children in institutions established under Section 531.164,  
16 Government Code, as added by this Act, not later than January 1,  
17 2004.

18       SECTION 4. Section 531.162, Government Code, as amended by  
19 this Act, applies only to a child who is initially placed in an  
20 institution on or after the effective date of this Act.

21       SECTION 5. If before implementing any provision of this Act  
22 a state agency determines that a waiver or authorization from a  
23 federal agency is necessary for implementation of that provision,  
24 the agency affected by the provision shall request the waiver or  
25 authorization and may delay implementing that provision until the  
26 waiver or authorization is granted.

27       SECTION 6. This Act takes effect September 1, 2003.