

By: Callegari

H.B. No. 3555

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the Harris County Board of Protective Services for
3 Children and Adults.

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

5 SECTION 1. Sections 152.1073(a)(1) and (3), Human Resources
6 Code, are amended to read as follows:

7 (1) "Board" means the Harris County Board of
8 ~~[Children's]~~ Protective Services for Children and Adults ~~[Board]~~.

9 (3) "Institution" means an institution for the care
10 and protection of children and adults who have been abandoned or
11 abused, or are for any other reason in need of protective services.
12 The term does not include a detention facility for adults or
13 delinquent children or children in need of supervision or a
14 facility primarily for adults or children with severe psychological
15 or other medical conditions.

16 SECTION 2. Sections 152.1073(g) and (h), Human Resources
17 Code, are amended to read as follows:

18 (g) In addition to the authority granted to the board by the
19 commissioners court, ~~[and]~~ the ~~[Texas]~~ Department of Aging and
20 Disability ~~[Human]~~ Services, and the Department of Family and
21 Protective Services, the board may:

22 (1) disburse funds from sources other than the
23 commissioners court, ~~[and]~~ the ~~[Texas]~~ Department of Aging and
24 Disability ~~[Human]~~ Services, and the Department of Family and

1 Protective Services, to benefit children and adults under this
2 section and to provide care, protection, evaluation, training,
3 treatment, education, and recreation to those children and adults;

4 (2) refuse to accept any funds the board considers to
5 be inappropriate, incompatible, or burdensome to board policies or
6 the provision of services;

7 (3) accept a gift or grant of real or personal property
8 or accept support under or an interest in a trust to benefit
9 children or adults under this section and hold the gift or grant
10 directly or in trust;

11 (4) use a gift or grant to benefit children or adults
12 under this section and to provide care, protection, education, or
13 training to those children and adults;

14 (5) accept and disburse as provided by Subdivision (1)
15 fees and contributions from parents, guardians, and relatives of
16 children and adults who are:

17 (A) in county supported substitute care or
18 custody; or

19 (B) being assisted by casework, day care, or
20 homemaker services, by medical, psychological, dental, or other
21 remedial help, or by teaching, training, or other services;

22 (6) account for and spend funds the board receives as
23 fees, contributions, payments made by guardians, or payments made
24 to benefit a child or an adult in a program regulated by the board
25 [~~in the board's legal custody~~];

26 (7) receive and disburse funds available to support or
27 benefit a child or adult in the board's legal custody, including

1 social security benefits, Medicaid or Medicare benefits,
2 Supplemental Security Income or Social Security Disability
3 benefits, life insurance proceeds, survivors' pension or annuity
4 benefits, or a beneficial interest in property; ~~and~~

5 (8) receive and use funds, grants, and assistance
6 available to the board from a federal or state department or agency
7 to carry out the functions and programs of the department or agency
8 that is designed to aid or extend programs and operations approved
9 by the board; and

10 (9) create or operate a guardianship program as
11 defined under Section 601, Texas Probate Code.

12 (h) The board shall designate the director or an assistant
13 to apply for letters of guardianship or to sign court exhibits if
14 necessary to receive funds under Subsection (g)(7). The director
15 or an assistant may:

16 (1) apply for and disburse the funds to provide
17 special items of support for children and adults under this section
18 or to pay general administrative expenses relating to services
19 under this section;

20 (2) hold the funds in trust; or

21 (3) apply the funds for a particular or more
22 restricted purpose as required by law or the source of the funds.

23 SECTION 3. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2005.