

1-1 By: Gallegos S.B. No. 1869
1-2 (In the Senate - Filed April 19, 2005; April 21, 2005, read
1-3 first time and referred to Committee on Health and Human Services;
1-4 May 6, 2005, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; May 6, 2005, sent
1-6 to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1869 By: Janek

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the Harris County Board of Protective Services for
1-11 Children and Adults.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subdivisions (1) and (3), Subsection (a),
1-14 Section 152.1073, Human Resources Code, are amended to read as
1-15 follows:

1-16 (1) "Board" means the Harris County Board of
1-17 [Children's] Protective Services for Children and Adults [Board].

1-18 (3) "Institution" means an institution for the care
1-19 and protection of children and adults who have been abandoned or
1-20 abused, or are for any other reason in need of protective services.
1-21 The term does not include a detention facility for adults or
1-22 delinquent children or children in need of supervision or a
1-23 facility primarily for adults or children with severe psychological
1-24 or other medical conditions.

1-25 SECTION 2. Subsections (g) and (h), Section 152.1073, Human
1-26 Resources Code, are amended to read as follows:

1-27 (g) In addition to the authority granted to the board by the
1-28 commissioners court, [and] the [Texas] Department of Aging and
1-29 Disability [Human] Services, and the Department of Family and
1-30 Protective Services, the board may:

1-31 (1) disburse funds from sources other than the
1-32 commissioners court, [and] the [Texas] Department of Aging and
1-33 Disability [Human] Services, and the Department of Family and
1-34 Protective Services to benefit children and adults under this
1-35 section and to provide care, protection, evaluation, training,
1-36 treatment, education, and recreation to those children and adults;

1-37 (2) refuse to accept any funds the board considers to
1-38 be inappropriate, incompatible, or burdensome to board policies or
1-39 the provision of services;

1-40 (3) accept a gift or grant of real or personal property
1-41 or accept support under or an interest in a trust to benefit
1-42 children or adults under this section and hold the gift or grant
1-43 directly or in trust;

1-44 (4) use a gift or grant to benefit children or adults
1-45 under this section and to provide care, protection, education, or
1-46 training to those children and adults;

1-47 (5) accept and disburse as provided by Subdivision (1)
1-48 fees and contributions from parents, guardians, and relatives of
1-49 children and adults who are:

1-50 (A) in county supported substitute care or
1-51 custody; or

1-52 (B) being assisted by casework, day care, or
1-53 homemaker services, by medical, psychological, dental, or other
1-54 remedial help, or by teaching, training, or other services;

1-55 (6) account for and spend funds the board receives as
1-56 fees, contributions, payments made by guardians, or payments made
1-57 to benefit a child or an adult in a program regulated by the board
1-58 [in the board's legal custody];

1-59 (7) receive and disburse funds available to support or
1-60 benefit a child or adult in the board's legal custody, including
1-61 social security benefits, Medicaid or Medicare benefits,
1-62 Supplemental Security Income or Social Security disability
1-63 benefits, life insurance proceeds, survivors' pension or annuity

2-1 benefits, or a beneficial interest in property; ~~and~~
2-2 (8) receive and use funds, grants, and assistance
2-3 available to the board from a federal or state department or agency
2-4 to carry out the functions and programs of the department or agency
2-5 that is designed to aid or extend programs and operations approved
2-6 by the board; and

2-7 (9) create or operate a guardianship program as
2-8 defined under Section 601, Texas Probate Code.

2-9 (h) The board shall designate the director or an assistant
2-10 to apply for letters of guardianship or to sign court documents if
2-11 necessary to receive funds under Subsection (g)(7). The director
2-12 or an assistant may:

2-13 (1) apply for and disburse the funds to provide
2-14 special items of support for children and adults under this section
2-15 or to pay general administrative expenses relating to services
2-16 under this section;

2-17 (2) hold the funds in trust; or

2-18 (3) apply the funds for a particular or more
2-19 restricted purpose as required by law or the source of the funds.

2-20 SECTION 3. This Act takes effect immediately if it receives
2-21 a vote of two-thirds of all the members elected to each house, as
2-22 provided by Section 39, Article III, Texas Constitution. If this
2-23 Act does not receive the vote necessary for immediate effect, this
2-24 Act takes effect September 1, 2005.

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