

By: Wentworth, Uresti

S.B. No. 1311

A BILL TO BE ENTITLED

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AN ACT

relating to the exchange of information among certain governmental entities concerning at-risk youth.

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

SECTION 1. Subchapter A, Chapter 58, Family Code, is amended by adding Section 58.0052 to read as follows:

Sec. 58.0052. EXCHANGE OF INFORMATION CONCERNING AT-RISK YOUTH. (a) In this section:

(1) "Agency" means any of the following entities, a person with an agency relationship with any of the following entities, or a person who contracts with any of the following entities:

- (A) the Texas Youth Commission;
- (B) the Texas Juvenile Probation Commission;
- (C) the Department of Family and Protective Services;
- (D) the Texas Education Agency;
- (E) a juvenile probation department;
- (F) a school district or open-enrollment charter school;
- (G) a local mental health or mental retardation authority;
- (H) a municipal or county health department;
- (I) a hospital district; or

1 (J) a county-funded program for at-risk youth.

2 (2) "At-risk youth" means a person who is under 18
3 years of age and:

4 (A) who has been referred to a juvenile court for
5 allegedly engaging in delinquent conduct or conduct indicating a
6 need for supervision;

7 (B) who:

8 (i) has been adjudicated as having engaged
9 in delinquent conduct or conduct indicating a need for supervision;
10 and

11 (ii) is in the custody of the Texas Youth
12 Commission or a juvenile board or is under any form of juvenile
13 probation or supervision; or

14 (C) who has a history of active involvement with
15 the Department of Family and Protective Services or a local mental
16 health or mental retardation authority.

17 (b) An agency shall:

18 (1) disclose to another agency information relating to
19 an at-risk youth, including information concerning the at-risk
20 youth's identity, needs, treatment, social, criminal, educational,
21 and vocational history, probation or supervision status and
22 compliance with the conditions of the at-risk youth's probation or
23 supervision, and medical and mental health history, if the
24 disclosure serves the purposes provided under Subsection (c); and

25 (2) accept information relating to an at-risk youth
26 that is sent to the agency for the purposes provided under
27 Subsection (c), regardless of whether other state law makes that

1 information confidential.

2 (c) An agency may use information provided to the agency
3 under this section only to assist the agency in:

4 (1) protecting the community; or

5 (2) providing services to the at-risk youth who is the
6 subject of the information.

7 (d) Before sharing information under this section, an
8 agency may enter into a memorandum of understanding with one or more
9 other agencies to specify:

10 (1) the types of information that may be exchanged
11 among agencies under this section without violating any applicable
12 provisions of federal law, including any federal funding
13 requirements; and

14 (2) the protocols for information sharing, including
15 methods for ensuring the continued protection of confidential
16 information by the receiving agency.

17 (e) Nothing in this section shall affect the confidential
18 status of the information being shared.

19 SECTION 2. This Act takes effect September 1, 2007.