

## **BILL ANALYSIS**

C.S.H.B. 4451  
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Corrections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Under current law, a child with mental retardation or mental illness who is committed to the Texas Youth Commission (TYC) may be discharged if the child has completed the minimum length of stay and TYC determines the child is unable to progress in the TYC's rehabilitation program because of the child's mental illness or mental retardation. The Texas Correctional Office on Offenders with Medical or Mental Impairments is required to evaluate and provide continuity of care services to children with mental retardation or mental illness who are paroled from TYC. However, if a child's disability is so severe that the child cannot complete TYC's rehabilitation program, the child is discharged from TYC and ineligible to receive continuity of care services from the office because the child is not being released on parole. Consequently, these children are not able to receive the community-based mental retardation or mental illness services they need to make a successful transition from TYC to their home communities.

Some children with mental illness who are paroled from TYC do not receive continuity of care services from the office when they are 17 or older because they do not meet the criteria for adult services, and they are no longer eligible to receive continuity of care services from their local mental health or mental retardation authority because they do not meet the priority population definition. Thus, these youth are not able to continue to receive the mental health services they need in order to successfully complete their parole.

C.S.H.B. 4451 authorizes a child discharged from the Texas Youth Commission due to mental retardation or mental illness to qualify for and receive continuity of care services through the Texas Correctional Office on Offenders with Medical or Mental Impairments. The bill authorizes a child who is receiving services through the office as a TYC parolee to continue with treatment until the child reaches the parole completion date.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 4451 amends the Human Resources Code to establish that if a child who is mentally ill or mentally retarded is discharged from the Texas Youth Commission (TYC) because the child has completed the minimum length of stay for the offense and TYC determines that the child is unable to progress in TYC's rehabilitation programs, the child is eligible to receive continuity of care services from the Texas Correctional Office on Offenders with Medical or Mental Impairments. The bill requires TYC, before discharging a child who is identified as mentally ill or mentally retarded, to refer the child to the office for continuity of care services regardless of whether the child is receiving mental health services or mental retardation services.

C.S.H.B. 4451 amends the Health and Safety Code to authorize a child with mental illness who is receiving continuity of care services during parole from TYC and who is no longer eligible to

receive services from a local mental health authority when the child becomes 17 years of age because the child does not meet the requirements of a local service area plan under state law to continue to receive continuity of care services from the office until the child completes the child's parole. The bill authorizes a child with mental illness or mental retardation who is discharged from TYC as described above to receive continuity of care services from the office for a minimum of 90 days after discharge and for as long as necessary for the child to demonstrate sufficient stability to successfully transition to mental health or mental retardation services provided by a local mental health and mental retardation authority.

#### **EFFECTIVE DATE**

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

#### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 4451, in the provision requiring TYC to refer a child who is identified as mentally ill or mentally retarded to the office for continuity of care services before discharging the child, adds a specification not in the original that TYC refer the child regardless of whether the child is receiving mental health services or mental retardation services. The substitute differs from the original by making technical and nonsubstantive changes and adding a standard saving provision.

C.S.H.B. 4451 differs from the original by providing for immediate effect contingent on the bill's receiving the necessary two-thirds vote in each house or a September 1, 2009, effective date, whereas the original provides for a September 1, 2009, effective date.