

## **BILL ANALYSIS**

C.S.S.B. 1062  
By: Shapiro  
Human Services  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

In fiscal year 2008, almost 45,000 Texas children were in the legal care of the state, relying on the courts to protect them from further harm. Civil child abuse cases are highly specialized and involve complex legal, medical, and psychological issues; however, these issues are typically not taught in law schools or in most continuing legal education programs. The county-funded cases do not have budgets adequate to provide the children's court-appointed attorneys with expert medical and psychological consultants or with online research tools for case preparation, despite the fact that these cases can involve life and death decisions for the children. Although the judges and the children's court-appointed attorneys strive to do their best, they are often stymied by an astonishing lack of resources. Recognizing this, the Supreme Court of Texas created the Permanent Judicial Commission for Children, Youth and Families in November 2007 to oversee much-needed court improvement in the child protection system.

When courts fail to make good decisions in child abuse cases, the costs are staggering, not only for the children, who may be abused again, but for the state as well. Children who live in perennially unsafe homes are far more susceptible to dropping out of school, depression, suicide, juvenile delinquency, unemployment, substance abuse, teen pregnancy, homelessness, and adult criminality. The resulting costs to the state include increased court costs, foster care, welfare, and incarceration.

To achieve the best outcomes for abused children in their court cases, judges and attorneys need a constantly available, trusted source for state-specific legal, psychological, and medical resources, as well as expertise, and a way to communicate with colleagues, mentors, and experts. An online resource center with communication tools, as described by this bill, will provide these services to all judges and attorneys handling child abuse cases in Texas.

C.S.S.B. 1062 requires the Office of Court Administration of the Texas Judicial System to contract with an entity to provide an online resource center for individuals who handle child abuse and neglect cases.

### **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.S.B. 1062 amends the Family Code to require the Office of Court Administration of the Texas Judicial System to contract with an entity to provide an online resource center if the office is specifically appropriated money in an amount adequate to provide the online resource center and if there is a qualified entity with whom the office is able to contract. The bill defines "online resource center" as a single interactive Internet website that provides, to individuals who handle child abuse and neglect cases, timely informational materials pertinent to child abuse and neglect cases in Texas, which may include summaries of Texas cases and statutes relating to child abuse

and neglect, sample briefs and other legal forms, articles and papers, manuals with information on Texas legal practice and practice tips, a conference calendar, and communications tools. The bill requires the online resource center to provide a means of searching for informational materials by subject and to include a communications tool for judges and a communications tool for attorneys.

C.S.S.B. 1062 requires such a contract to prohibit the entity with which the office contracts from spending more than 12 percent of the contract price on the entity's indirect or administrative overhead expenses. The bill prohibits the office from receiving the funds appropriated to the office in connection with the online resource center if the office does not enter into such a contract. The bill requires the entity with which the office contracts to have experience in operating an online resource center specifically designed for judges and attorneys handling child abuse and neglect cases in Texas, to have experience in providing a communications tool, and to employ or contract with at least one attorney who is licensed to practice law in Texas and who specializes in child abuse and neglect cases to compile the materials for and oversee the operation of the online resource center. The bill authorizes the entity with which the office contracts to obtain funding from private foundations and individuals, from state and federal grants, and from any other source to operate the online resource center. The bill requires the entity to maintain and provide to the office records that adequately identify each person who provided funds to the entity to operate the online resource center and the amount of funds the person provided. The bill provides that all communications conducted through a communications tool provided in connection with the online resource center are privileged and confidential.

C.S.S.B. 1062 establishes that its provisions do not make an appropriation and that a provision that creates a new governmental program, creates a new entitlement, or imposes a new duty on a governmental entity is not mandatory during a fiscal period for which the legislature has not made a specific appropriation to implement the provision.

C.S.S.B. 1062 defines "communications tool" and "office."

#### **EFFECTIVE DATE**

September 1, 2009.

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

C.S.S.B. 1062 differs from the original by requiring the entity with which the Office of Court Administration of the Texas Judicial System contracts for an online resource center to have experience in operating an online resource center specifically designed for judges and attorneys handling child abuse and neglect cases in Texas and have experience in providing a communications tool, whereas the original requires the entity to have at least three years of experience in operating an online resource center specifically designed for judges and attorneys handling child abuse and neglect cases in Texas and at least one year of experience in providing a communications tool.