

BILL ANALYSIS

Senate Research Center
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S.B. 1062
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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.

As proposed, S.B. 1062 requires the Office of Court Administration of the Texas Judicial System to contract with a nonprofit organization in this state to provide an online resource center for judges and attorneys handling child abuse and neglect cases.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 264, Family Code, by adding Subchapter K, as follows:

SUBCHAPTER K. ONLINE RESOURCE CENTER

Sec. 264.821. DEFINITIONS. Defines "communications tool," "office," and "online resource center."

Sec. 264.822. CONTRACT WITH NONPROFIT ORGANIZATION. (a) Requires the Office of Court Administration of the Texas Judicial System (office) to contract with a nonprofit organization in this state to provide an online resource center for judges and attorneys handling child abuse and neglect cases. Requires the online resource center to provide a means of searching for informational materials by subject and include a communications tool for judges and a communications tool for attorneys.

(b) Requires that the contract under this section prohibit the nonprofit organization with which the office contracts from spending more than 12 percent of the contract price on the organization's indirect or administrative overhead expenses.

Sec. 264.823. ELIGIBILITY FOR CONTRACT. Requires the nonprofit organization with which the office contracts under this subchapter to have a least three years of experience in operating an online resource center specifically designed for judges and attorneys handling child abuse and neglect cases in this state; have at least one year of experience in providing a communications tool; and employ or contract with at least one attorney who is licensed to practice law in this state and who specializes in child abuse and neglect cases to compile the materials for and oversee the operation of the online resource center.

Sec. 264.824. FUNDING. Authorizes the nonprofit organization with which the office contracts under this subchapter to obtain funding from private foundations and individuals, from state and federal grants, and from any other source to operate the online resource center.

Sec. 264.825. CONFIDENTIALITY. Provides that all communications conducted through a communications tool provided in connection with the online resource center implemented under this subchapter are confidential and not subject to disclosure under Chapter 552 (Public Information), Government Code.

SECTION 2. Effective date: September 1, 2009.