

By: Naishtat, Davis of Harris

H.B. No. 3259

Substitute the following for H.B. No. 3259:

By: Davis of Harris

C.S.H.B. No. 3259

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Council on Children and Families and the Children's Behavioral Health Council.

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

SECTION 1. Subchapter L, Chapter 531, Government Code, is amended by adding Section 531.425 to read as follows:

Sec. 531.425. CHILDREN'S BEHAVIORAL HEALTH COUNCIL.

(a) The Children's Behavioral Health Council is established to provide a coordinated, comprehensive, interagency approach to the development and delivery of behavioral health services to children.

(b) The council is composed of:

(1) one representative with decision-making authority from each of the following state agencies, appointed by the chief administrative officer of the respective agency:

(A) the Health and Human Services Commission;

(B) the Department of State Health Services;

(C) the Department of Family and Protective Services;

(D) the Department of Assistive and Rehabilitative Services;

(E) the Department of Aging and Disability Services;

(F) the Texas Education Agency;

(G) the Texas Correctional Office on Offenders

1 with Medical or Mental Impairments;

2 (H) the Texas Juvenile Probation Commission; and

3 (I) the Texas Youth Commission; and

4 (2) an equal number of representatives of the public
5 appointed by the executive commissioner, including:

6 (A) representatives of:

7 (i) children's mental health advocacy
8 groups;

9 (ii) organizations with expertise in
10 behavioral health issues involving children;

11 (iii) health benefit plan issuers in this
12 state; and

13 (iv) providers of community-based
14 children's mental health services, including local mental health
15 authorities; and

16 (B) at least five representatives who are family
17 members of a child with a mental health disorder.

18 (c) The members of the council annually shall elect one
19 agency representative and one public representative to serve as
20 co-chairs.

21 (d) The council shall:

22 (1) develop and implement coordinated state policies
23 to improve the behavioral health of children;

24 (2) develop a coordinated system for planning and
25 budgeting that establishes priorities and strategies for the
26 coordinated delivery of behavioral health services to children;

27 (3) develop a coordinated system to track and report

1 spending on behavioral health services for children by agencies
2 represented by a member of the council;

3 (4) oversee the administration of state grants for
4 development of local systems of care services by the consortium
5 established under Subchapter G-1;

6 (5) develop a plan to support the statewide expansion
7 of local systems of care services;

8 (6) ensure a central role for the local mental health
9 authority in the expansion and operation of the local systems of
10 care;

11 (7) provide technical assistance and training to local
12 providers of systems of care services;

13 (8) design an integrated funding structure for the
14 provision of behavioral health services for children;

15 (9) assess the provision of behavioral health services
16 to children to eliminate duplication of efforts and identify
17 opportunities to consolidate those efforts;

18 (10) oversee the work of community resource
19 coordination groups under this subchapter, including through the
20 consideration of reports created by those groups under this
21 subchapter;

22 (11) assist the Mental Health Transformation
23 Workgroup in fulfilling the workgroup's responsibilities regarding
24 children's mental health services and coordinate the council's
25 activities with the workgroup; and

26 (12) assist the Council on Children and Families in
27 fulfilling that council's duties and coordinate activities with

1 that council.

2 (e) The council shall meet at least every other month to
3 fulfill the council's duties under this subchapter and other law.

4 (f) The council is administratively attached to the
5 commission. The commission, through the commission's Office of
6 Program Coordination for Children and Youth, shall provide
7 administrative support and resources to the council as necessary to
8 enable the council to perform its duties.

9 (g) The council is not subject to Chapter 2110.

10 SECTION 2. Chapter 531, Government Code, is amended by
11 adding Subchapter T to read as follows:

12 SUBCHAPTER T. COUNCIL ON CHILDREN AND FAMILIES

13 Sec. 531.801. DEFINITION. In this subchapter, "council"
14 means the Council on Children and Families.

15 Sec. 531.802. COUNCIL ON CHILDREN AND FAMILIES. (a) The
16 Council on Children and Families is established to:

17 (1) coordinate the state's health, education, and
18 human services systems to ensure that all children and families
19 have access to needed services;

20 (2) improve coordination and efficiency in state
21 agencies, advisory councils on issues affecting children, and local
22 levels of service;

23 (3) prioritize and mobilize resources for children;
24 and

25 (4) facilitate an integrated approach to providing
26 services for children and youth.

27 (b) The council shall:

1 (1) promote a common vision of desired outcomes for
2 children and youth and of family and community supports;

3 (2) promote shared accountability for outcomes for
4 children and youth; and

5 (3) align allocations of resources with policies for
6 children and youth.

7 (c) Subject to Subsection (d), the council is composed of
8 the following:

9 (1) the executive commissioner;

10 (2) the commissioner of state health services;

11 (3) the commissioner of the Department of Family and
12 Protective Services;

13 (4) the commissioner of aging and disability services;

14 (5) the commissioner of assistive and rehabilitative
15 services;

16 (6) the commissioner of education;

17 (7) the executive director of the Texas Juvenile
18 Probation Commission;

19 (8) the executive commissioner of the Texas Youth
20 Commission;

21 (9) the executive director of the Texas Workforce
22 Commission;

23 (10) the director of the Texas Correctional Office on
24 Offenders with Medical or Mental Impairments;

25 (11) two public representatives who are parents of
26 children who have received services from an agency represented on
27 the council, appointed by the executive commissioner; and

1 (12) two representatives who are young adults or
2 adolescents who have received services from an agency represented
3 on the council, appointed by the executive commissioner.

4 (d) An individual listed in Subsections (c)(1)-(10) may
5 designate another individual as having authority to act on behalf
6 of the individual at council meetings and with respect to council
7 functions.

8 (e) The members of the council annually shall elect one
9 member to serve as the presiding officer.

10 (f) Council meetings are held at the call of the presiding
11 officer.

12 (g) The council is administratively attached to the
13 commission but is independent of direction by the commission or the
14 executive commissioner. The commission, through the commission's
15 Office of Program Coordination for Children and Youth, shall
16 provide administrative support and resources to the council as
17 necessary to enable the council to perform its duties.

18 (h) The agencies represented on the council shall provide
19 periodic staff support of specialists as needed to the council.

20 (i) The council is not subject to Chapter 2110.

21 Sec. 531.803. DUTIES. (a) The council shall:

22 (1) analyze the biennial legislative appropriations
23 requests of members of the council for services provided to
24 children and their families and identify appropriations that,
25 through the coordination of members of the council, could be
26 modified in the next legislative appropriation request to eliminate
27 waste or increase available services and, not later than May 1 of

1 each even-numbered year, prepare a report recommending those
2 modifications for consideration during the development of the next
3 biennial legislative appropriations request;

4 (2) investigate opportunities to increase flexible
5 funding for health, education, and human services provided to
6 children and their families;

7 (3) identify methods to remove barriers to local
8 coordination of health, education, and human services provided to
9 children and their families;

10 (4) identify methods to ensure that all children and
11 youth receive appropriate assessment, diagnoses, and intervention
12 services;

13 (5) develop methods to prevent unnecessary parental
14 relinquishment of custody of children;

15 (6) prioritize assisting children in family settings
16 rather than institutional settings; and

17 (7) make recommendations about family involvement in
18 the provision and planning of health, education, and human services
19 for a child, including family partner and liaison models.

20 (b) The state agency members of the council may, as
21 appropriate, enter into memoranda of understanding with other
22 agencies to implement any method, process, policy, or
23 recommendation identified or developed under Subsection (a).
24 Before a method, process, policy, or recommendation is implemented,
25 the council shall:

26 (1) identify:

27 (A) the timeline and proposed outcome of

1 implementing the method, process, policy, or recommendation; and

2 (B) benchmarks that may be used to measure the
3 success of the implementation of the method, process, policy, or
4 recommendation; and

5 (2) assign to the appropriate members of the council
6 responsibility for implementing the method, process, policy, or
7 recommendation.

8 (c) The council may collect data necessary to conduct the
9 council's duties or implement the council's recommendations and
10 shall use any reports or information produced by other entities
11 related to children, youth, and families to inform the council.

12 Sec. 531.804. REPORT BY COUNCIL REGARDING CHILD WELFARE.

13 Not later than December 1 of each even-numbered year, the council
14 shall submit a report to the governor, lieutenant governor, speaker
15 of the house of representatives, and members of the legislature
16 that contains:

17 (1) the requests, plans, and recommendations of the
18 council, including recommendations of any legislation that is
19 needed to further develop and maintain a statewide system of
20 quality health, education, and human services for children and
21 families; and

22 (2) information regarding the implementation by the
23 members of the council of any method, process, policy, or
24 recommendation, including information regarding whether the
25 implementation has proceeded in accordance with the timeline,
26 outcome, and benchmarks identified by the council.

27 Sec. 531.805. SUNSET PROVISION. The Council on Children

1 and Families is subject to Chapter 325 (Texas Sunset Act). Unless
2 continued in existence as provided by that chapter, the council is
3 abolished and this subchapter expires September 1, 2019.

4 SECTION 3. (a) Not later than October 1, 2009, the chief
5 administrative officer of each agency listed in Section 531.425(b),
6 Government Code, as added by this Act, shall appoint the agency's
7 representative to the Children's Behavioral Health Council
8 established by that section.

9 (b) Not later than October 1, 2009, the executive
10 commissioner of the Health and Human Services Commission shall
11 appoint the public members of the Children's Behavioral Health
12 Council established by Section 531.425, Government Code, as added
13 by this Act.

14 (c) The Council on Children and Families established by
15 Section 531.802, Government Code, as added by this Act, shall
16 convene its initial meeting not later than October 1, 2009.

17 SECTION 4. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2009.