

By: McReynolds

H.B. No. 4451

A BILL TO BE ENTITLED

1 AN ACT
2 relating to provision of continuity of care services for youth with
3 mental illness or mental retardation who are paroled or discharged
4 from the Texas Youth Commission.

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

6 SECTION 1. Section 61.077, Human Resources Code, is amended
7 by adding subsection (g) to read as follows:

8 (a) The commission shall accept a child committed to the
9 commission who is mentally ill or mentally retarded.

10 (b) Unless a child is committed to the commission under a
11 determinate sentence under Section 54.04(d)(3), 54.04(m), or
12 54.05(f), Family Code, the commission shall discharge a child who
13 is mentally ill or mentally retarded from its custody if:

14 (1) the child has completed the minimum length of stay
15 for the child's committing offense; and

16 (2) the commission determines that the child is unable
17 to progress in the commission's rehabilitation programs because of
18 the child's mental illness or mental retardation.

19 (c) If a child who is discharged from the commission under
20 Subsection (b) as a result of mental illness is not receiving
21 court-ordered mental health services, the child's discharge is
22 effective on the earlier of:

23 (1) the date the court enters an order regarding an
24 application for mental health services filed under Section

1 61.0772(b); or

2 (2) the 30th day after the date the application is
3 filed.

4 (d) If a child who is discharged from the commission under
5 Subsection (b) as a result of mental illness is receiving court-
6 ordered mental health services, the child's discharge from the
7 commission is effective immediately. If the child is receiving
8 mental health services outside the child's home county, the
9 commission shall notify the mental health authority located in that
10 county of the discharge not later than the 30th day after the date
11 that the child's discharge is effective.

12 (e) If a child who is discharged from the commission under
13 Subsection (b) as a result of mental retardation is not receiving
14 mental retardation services, the child's discharge is effective on
15 the earlier of:

16 (1) the date the court enters an order regarding an
17 application for mental retardation services filed under Section
18 61.0772(c); or

19 (2) the 30th day after the date that the application is
20 filed.

21 (f) If a child who is discharged from the commission under
22 Subsection (b) as a result of mental retardation is receiving
23 mental retardation services, the child's discharge from the
24 commission is effective immediately.

25 (g) If a child with mental illness or mental retardation is
26 discharged from the commission under Subsections (b)-(f), the child
27 is eligible to receive continuity of care services from the Texas

1 Correctional Office on Offenders with Medical or Mental
2 Impairments.

3 SECTION 2. Section 61.0772, Human Resources Code, is
4 amended by adding Subsection (d) to read as follows:

5 (a) The commission shall establish a system that identifies
6 children in the commission's custody who are mentally ill or
7 mentally retarded.

8 (b) Before a child who is identified as mentally ill is
9 discharged from the commission's custody under Section 61.077(b), a
10 commission psychiatrist shall examine the child. The commission
11 shall refer a child requiring outpatient psychiatric treatment to
12 the appropriate mental health authority. For a child requiring
13 inpatient psychiatric treatment, the commission shall file a sworn
14 application for court-ordered mental health services, as provided
15 in Subchapter C, Chapter 574, Health and Safety Code, if:

16 (1) the child is not receiving court-ordered mental
17 health services; and

18 (2) the psychiatrist who examined the child determines
19 that the child is mentally ill and the child meets at least one of
20 the criteria listed in Section 574.034, Health and Safety Code.

21 (c) Before a child who is identified as mentally retarded
22 under Chapter 593, Health and Safety Code, is discharged from the
23 commission's custody under Section 61.077(b), the commission shall
24 refer the child for mental retardation services if the child is not
25 receiving mental retardation services.

26 (d) Before a child with mental illness or mental retardation
27 is discharged from the commission, the commission shall refer the

1 child to the Texas Correctional Office on Offenders with Medical or
2 Mental Impairments for continuity of care services.

3 SECTION 3. Section 614.019, Health & Safety Code, is
4 amended by adding Subsections (b) and (c) to read as follows:

5 Sec. 614.019. PROGRAMS FOR JUVENILES. (a) The office, in
6 cooperation with the Texas Commission on Alcohol and Drug Abuse,
7 the Texas Department of Mental Health and Mental Retardation, the
8 Department of Protective and Regulatory Services, the Texas
9 Juvenile Probation Commission, the Texas Youth Commission, and the
10 Texas Education Agency, may establish and maintain programs,
11 building on existing successful efforts in communities, to address
12 prevention, intervention, and continuity of care for juveniles with
13 mental health and substance abuse disorders.

14 (b) A child with mental illness, who is receiving continuity
15 of care services during his or her parole from the Texas Youth
16 Commission and is not eligible to receive services from a local
17 mental health authority at the age of 17 or older because he or she
18 does not meet the criteria for adult services under Section
19 533.0352(a), Health and Safety Code, may continue to receive
20 continuity of care services until the child completes his or her
21 parole with the Texas Youth Commission.

22 (c) A child with mental illness or mental retardation, who
23 is discharged from the Texas Youth Commission under Section 61.077,
24 Human Resources Code, may receive continuity of care services for a
25 minimum of 90 days after discharge from the Texas Youth Commission
26 and thereafter until the child has demonstrated sufficient
27 stability to successfully transition to mental health or mental

1 retardation services provided by a local mental health and mental
2 retardation center.

3 SECTION 4. This Act takes effect September 1, 2009.