

By: Wentworth

S.B. No. 861

A BILL TO BE ENTITLED

AN ACT

relating to the exchange of information among certain governmental entities concerning at-risk youth.

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

SECTION 1. Subchapter A, Chapter 58, Family Code, is amended by adding Section 58.0052 to read as follows:

Sec. 58.0052. EXCHANGE OF INFORMATION CONCERNING AT-RISK YOUTH. (a) In this section:

(1) "Agency" means any of the following entities, a person with an agency relationship with any of the following entities, or a person who contracts with any of the following entities:

(A) the Texas Youth Commission;

(B) the Texas Juvenile Probation Commission;

(C) the Department of Family and Protective Services;

(D) a juvenile probation department;

(E) a local mental health or mental retardation authority;

(F) a municipal or county health department;

(G) a hospital district; or

(H) a county-funded program for at-risk youth.

(2) "At-risk youth" means a person who is under 18 years of age and:

1 (A) who has been referred to a juvenile court for
2 allegedly engaging in delinquent conduct or conduct indicating a
3 need for supervision;

4 (B) who:

5 (i) has been adjudicated as having engaged
6 in delinquent conduct or conduct indicating a need for supervision;
7 and

8 (ii) is in the custody of the Texas Youth
9 Commission or a juvenile board or is under any form of juvenile
10 probation or supervision; or

11 (C) who has a history of active involvement with
12 the Department of Family and Protective Services or a local mental
13 health or mental retardation authority.

14 (b) An agency shall:

15 (1) disclose to another agency information relating to
16 an at-risk youth, including information concerning the at-risk
17 youth's identity, needs, treatment, social, criminal, and
18 vocational history, probation or supervision status and compliance
19 with the conditions of the at-risk youth's probation or
20 supervision, and medical and mental health history, if the
21 disclosure serves the purpose provided under Subsection (d); and

22 (2) accept information relating to an at-risk youth
23 that is sent to the agency for the purpose provided under Subsection
24 (d).

25 (c) An agency shall comply with Subsection (b) regardless of
26 whether other state law makes that information confidential.

27 (d) An agency may use information provided to the agency

1 under this section only to assist the agency in providing services
2 to the at-risk youth who is the subject of the information.

3 (e) An agency may establish an internal protocol for sharing
4 information with other agencies as necessary to efficiently and
5 promptly disclose and accept the information. The protocol may
6 specify the types of information that may be shared under this
7 section without violating federal law, including any federal
8 funding requirements.

9 (f) This section does not affect the confidential status of
10 the information being shared.

11 SECTION 2. This Act takes effect September 1, 2009.