

By: Whitmire

S.B. No. 1322

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. Section 51.01, Family Code, is amended to read as follows:

Sec. 51.01. PURPOSE AND INTERPRETATION. This title shall be construed to effectuate the following public purposes:

(1) to provide for the protection of the public and public safety;

(2) consistent with the protection of the public and public safety:

(A) to promote the concept of punishment for criminal acts;

(B) to remove, where appropriate, the taint of criminality from children committing certain unlawful acts; and

(C) to provide treatment, training, and rehabilitation that emphasizes the accountability and responsibility of both the parent and the child for the child's conduct;

(3) to provide for the care, the protection, and the wholesome moral, mental, and physical development of children coming within its provisions;

(4) to protect the welfare of the community and to

1 control the commission of unlawful acts by children;

2 (5) to identify at-risk behaviors and prevent the
3 commission of unlawful acts by children through interagency
4 information sharing to the full extent allowed by federal law;

5 (6) to achieve the foregoing purposes in a family
6 environment whenever possible, separating the child from the
7 child's parents only when necessary for the child's welfare or in
8 the interest of public safety and when a child is removed from the
9 child's family, to give the child the care that should be provided
10 by parents; and

11 (7) [~~(6)~~] to provide a simple judicial procedure
12 through which the provisions of this title are executed and
13 enforced and in which the parties are assured a fair hearing and
14 their constitutional and other legal rights recognized and
15 enforced.

16 SECTION 2. Subchapter A, Chapter 58, Family Code, is
17 amended by adding Section 58.0052 to read as follows:

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

20 (1) "Agency" means any of the following entities or a
21 person with an agency relationship with any of the following
22 entities:

23 (A) the Texas Youth Commission;

24 (B) the Texas Juvenile Probation Commission;

25 (C) the Department of Family and Protective
26 Services;

27 (D) the Texas Education Agency;

- 1 (E) a juvenile probation department;
2 (F) a school district or open-enrollment charter
3 school;
4 (G) a local mental health or mental retardation
5 authority;
6 (H) a county health department;
7 (I) a county department that provides services to
8 at-risk youth or their families;
9 (J) a child advocacy center established under
10 Section 264.402, Family Code; or
11 (K) a hospital district.
12 (2) "At-risk youth" means a person who is under 18
13 years of age and:
14 (A) has been taken into custody under Section
15 52.01;
16 (B) has been referred to a juvenile court for
17 allegedly engaging in delinquent conduct or conduct indicating a
18 need for supervision;
19 (C) is likely to engage in delinquent conduct
20 based on one or more prior referrals to a court for having engaged
21 in delinquent conduct or conduct indicating a need for supervision;
22 (D) has three or more absences from school in a
23 six-month period that have not been excused by a school official;
24 (E) has been removed three or more times from a
25 classroom by a teacher under Section 37.002, Education Code, during
26 a six-month period; or
27 (F) is at risk of removal from the child's home

1 into institutional care.

2 (b) At the request of an agency for specific information
3 relating to an at-risk youth, an agency shall disclose the at-risk
4 youth's personally identifiable information that is otherwise
5 confidential, including information contained in educational
6 records.

7 (c) The requesting agency must certify in writing that the
8 agency will not disclose confidential information received under
9 this section to a third party, other than another agency.

10 (d) An agency may use information provided to the agency
11 under this section only to identify an at-risk youth and to assist
12 the agency in providing prevention and intervention services to the
13 at-risk youth.

14 (e) An agency may establish an internal protocol for sharing
15 information with other agencies as necessary to efficiently and
16 promptly disclose and accept the information and to maintain the
17 confidential status of the information. The protocol may specify
18 the types of information that may be shared under this section
19 without violating federal law, including any federal funding
20 requirements. An agency may enter into a memorandum of
21 understanding with another agency to share information according to
22 the agencies' protocols.

23 (f) This section does not affect the confidential status of
24 the information being shared. The information may be released as
25 directed by a court order or as otherwise authorized by law.
26 Personal information is not subject to disclosure under Chapter
27 552, Government Code.

1 SECTION 3. Section 58.0051, Family Code, is repealed.

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