

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 22, 2009

TO: Honorable Todd Hunter, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: SB861 by Wentworth (Relating to the exchange of information among certain governmental entities concerning at-risk youth.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.
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The bill would amend Subchapter A, Chapter 58, Family Code to require the exchange of information, including educational records, concerning at-risk youth among certain state agencies, county entities, and local entities or groups that provide services to at-risk youth or their families.

Under the provisions of the bill, in a county with a population of 650,000 or more, an at-risk youth is described as a person under age 18 who has been taken into custody lawfully; referred to a juvenile court for delinquent conduct or conduct indicating a need for supervision; is likely to engage in delinquent conduct based on one or more prior referrals to a court for having engaged in delinquent conduct or conduct indicating a need for supervision; a person who is in the custody of TYC or is under any form of juvenile probation or court supervision; a person who has received or is receiving services from a mental health or mental retardation authority or from child protective services; a person who has six or more absences from school in a six-month period that have not been excused by a school official; or a person who has been removed by a teacher from a classroom six or more times for disruptive behavior during a six-month period.

Agencies named in this bill would be required, at the request for specific information by another agency, to disclose personally identifiable information concerning an at-risk youth's identity, needs, treatment, social, criminal, and vocational history, probation or supervision status, compliance with conditions of probation, and medical and mental health history to other agencies named in the bill only if the information would assist an agency identifying at-risk youth, in providing services to the at-risk youth who is the subject of the information, or for research purposes. The agencies may enter into a memorandum of understanding (MOU) with another agency to share information according to the agencies' protocols for exchanging such information. An agency would be required to comply regardless of whether such an MOU is established. Information remains confidential, but may be released to a third party through court order or as otherwise authorized by law. Personally identifiable information is not to be disclosed to a third party. Information disclosed for research purposes may not be personally identifiable. Interagency sharing of records in counties with a population of less than 650,000 would be addressed under Section 58.0051 (a), Family Code.

The bill would take effect September 1, 2009, unless it receives the necessary vote to become effective immediately.

Local Government Impact

Costs to local MHMR authorities, municipal or county health departments, school districts, hospital districts county departments that provide services to at-risk youth or their families, and child advocacy centers for victims of child abuse for the exchange information regarding at-risk youth would depend on the number of at-risk youth identified in a particular locality. It is assumed each agency would exchange information in the most cost-effective manner available.

Source Agencies:

LBB Staff: JOB, MN, AI, LM, GG