



13 MAY -2 PM 7:27  
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. \_\_\_\_\_

BY: *[Signature]*

1 Amend C.S. S.B. No. 213 (house committee report) by adding  
2 the following appropriately numbered SECTIONS to the bill and  
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION \_\_\_\_\_. Section 261.001, Human Resources Code, is  
5 amended by amending Subdivision (1) and adding Subdivisions (1-a)  
6 and (1-b) to read as follows:

7 (1) "Child" means an individual who is:

8 (A) 10 years of age or older and younger than 19  
9 years of age; and

10 (B) committed to a facility for conduct violating  
11 a penal law that occurred or an offense committed before the  
12 individual's 17th birthday.

13 (1-a) "Facility" means:

14 (A) a correctional facility operated by or under  
15 contract with the department; or

16 (B) a penal institution operated by or under  
17 contract with the Texas Department of Criminal Justice.

18 (1-b) "Independent ombudsman" means the individual  
19 who has been appointed under this chapter to the office of  
20 independent ombudsman.

21 SECTION \_\_\_\_\_. Section 261.002, Human Resources Code, is  
22 amended to read as follows:

23 Sec. 261.002. ESTABLISHMENT; PURPOSE. The office of  
24 independent ombudsman is a state agency established for the purpose  
25 of investigating, evaluating, and securing the rights of the  
26 children committed to a facility [~~the department~~], including a  
27 child released under supervision before final discharge.

28 SECTION \_\_\_\_\_. Section 261.055(b), Human Resources Code, is  
29 amended to read as follows:

1 (b) The independent ombudsman shall immediately report to  
2 the board, the governor, the lieutenant governor, the speaker of  
3 the house of representatives, the state auditor, and the office of  
4 the inspector general of the department or of the Texas Department  
5 of Criminal Justice, as applicable, any particularly serious or  
6 flagrant:

7 (1) case of abuse or injury of a child committed to a  
8 facility [~~the department~~];

9 (2) problem concerning the administration of a  
10 department program or operation;

11 (3) problem concerning the delivery of services in a  
12 facility operated by or under contract with the department; or

13 (4) interference by an operator of a facility [~~the~~  
14 ~~department~~] with an investigation conducted by the office.

15 SECTION \_\_\_\_\_. Section 261.056(a), Human Resources Code, is  
16 amended to read as follows:

17 (a) The operator of a facility [~~department~~] shall allow any  
18 child committed to the facility [~~the department~~] to communicate  
19 with the independent ombudsman or an assistant to the  
20 ombudsman. The communication:

21 (1) may be in person, by mail, or by any other means;  
22 and

23 (2) is confidential and privileged.

24 SECTION \_\_\_\_\_. Section 261.057, Human Resources Code, is  
25 amended to read as follows:

26 Sec. 261.057. PROMOTION OF AWARENESS OF OFFICE. The  
27 independent ombudsman shall promote awareness among the public and  
28 the children committed to a facility [~~the department~~] of:

29 (1) how the office may be contacted;

30 (2) the purpose of the office; and

31 (3) the services the office provides.

1 SECTION \_\_\_\_\_. Section 261.058(b), Human Resources Code, is  
2 amended to read as follows:

3 (b) The office and the board shall adopt rules necessary to  
4 implement Section 261.060, including rules that establish  
5 procedures for an operator of a facility [~~the department~~] to review  
6 and comment on reports of the office and for the operator  
7 [~~department~~] to expedite or eliminate review of and comment on a  
8 report due to an emergency or a serious or flagrant circumstance  
9 described by Section 261.055(b).

10 SECTION \_\_\_\_\_. Section 261.060(a), Human Resources Code, is  
11 amended to read as follows:

12 (a) The office shall accept, both before and after  
13 publication, comments from the board concerning the following types  
14 of reports published by the office under this chapter:

15 (1) the office's quarterly report under Section  
16 261.055(a);

17 (2) reports concerning serious or flagrant  
18 circumstances under Section 261.055(b); and

19 (3) any other formal reports containing findings and  
20 making recommendations concerning systemic issues that affect an  
21 operator of a facility [~~the department~~].

22 SECTION \_\_\_\_\_. Section 261.101(a), Human Resources Code, is  
23 amended to read as follows:

24 (a) The independent ombudsman shall:

25 (1) review the procedures established by the board and  
26 evaluate the delivery of services to children to ensure that the  
27 rights of children are fully observed;

28 (2) review complaints filed with the independent  
29 ombudsman concerning the actions of an operator of a facility [~~the~~  
30 ~~department~~] and investigate each complaint in which it appears that  
31 a child may be in need of assistance from the independent ombudsman;

1 (3) conduct investigations of complaints, other than  
2 complaints alleging criminal behavior, if the office determines  
3 that:

4 (A) a child committed to a facility [~~the~~  
5 ~~department~~] or the child's family may be in need of assistance from  
6 the office; or

7 (B) a systemic issue in [~~the department's~~]  
8 provision of services by an operator of a facility is raised by a  
9 complaint;

10 (4) review or inspect periodically the facilities and  
11 procedures of any institution or residence in which a child has been  
12 placed by the department or the Texas Department of Criminal  
13 Justice, whether public or private, to ensure that the rights of  
14 children are fully observed;

15 (5) provide assistance to a child or family who the  
16 independent ombudsman determines is in need of assistance,  
17 including advocating with an agency, provider, or other person in  
18 the best interests of the child;

19 (6) review court orders as necessary to fulfill its  
20 duties;

21 (7) recommend changes in any procedure relating to the  
22 treatment of children committed to a facility [~~the department~~];

23 (8) make appropriate referrals under any of the duties  
24 and powers listed in this subsection;

25 (9) supervise assistants who are serving as advocates  
26 in their representation of children committed to a facility [~~the~~  
27 ~~department~~] in internal administrative and disciplinary hearings;

28 (10) review reports received by the department  
29 relating to complaints regarding juvenile probation programs,  
30 services, or facilities and analyze the data contained in the  
31 reports to identify trends in complaints; and

1 (11) report a possible standards violation by a local  
2 juvenile probation department to the appropriate division of the  
3 department.

4 SECTION \_\_\_\_\_. Section 261.102, Human Resources Code, is  
5 amended to read as follows:

6 Sec. 261.102. TREATMENT OF [~~DEPARTMENT~~] EMPLOYEES WHO  
7 COOPERATE WITH INDEPENDENT OMBUDSMAN. The operator of a facility  
8 [~~department~~] may not discharge or in any manner discriminate or  
9 retaliate against an employee who in good faith makes a complaint to  
10 the office of independent ombudsman or cooperates with the office  
11 in an investigation.

12 SECTION \_\_\_\_\_. Section 261.104, Human Resources Code, is  
13 amended to read as follows:

14 Sec. 261.104. MEMORANDUM OF UNDERSTANDING. (a) The office  
15 and an operator of a facility [~~the department~~] shall enter into a  
16 memorandum of understanding concerning:

17 (1) the most efficient manner in which to share  
18 information with one another; and

19 (2) the procedures for handling overlapping  
20 monitoring duties and activities performed by the office and the  
21 department or the inspector general of the Texas Department of  
22 Criminal Justice.

23 (b) The memorandum of understanding entered into under  
24 Subsection (a), at a minimum, must:

25 (1) address the interaction of the office with that  
26 portion of the department that conducts an internal audit under  
27 Section 203.013;

28 (2) address communication between the office and the  
29 operator of a facility [~~department~~] concerning individual  
30 situations involving children committed to the facility  
31 [~~department~~] and how those situations will be documented and

1 handled;

2 (3) contain guidelines on the office's role in  
3 relevant working groups and policy development decisions at the  
4 department;

5 (4) ensure opportunities for sharing information  
6 between the office and the department for the purposes of assuring  
7 quality and improving programming within the department; and

8 (5) preserve the independence of the office by  
9 authorizing the office to withhold information concerning matters  
10 under active investigation by the office from the operator of a  
11 facility [~~department~~] and the [~~department~~] staff of the facility  
12 and to report the information to the board and the governor.

13 SECTION \_\_\_\_\_. Sections 261.151(a) and (c), Human Resources  
14 Code, are amended to read as follows:

15 (a) The independent ombudsman has access to the  
16 [~~department's~~] records of the operator of a facility relating to  
17 the children committed to the facility [~~department~~].

18 (c) A local law enforcement agency shall allow the  
19 independent ombudsman access to its records relating to any child  
20 in the care or custody of an operator of a facility [~~the~~  
21 ~~department~~].

22 SECTION \_\_\_\_\_. Section 261.152, Human Resources Code, is  
23 amended to read as follows:

24 Sec. 261.152. ACCESS TO INFORMATION OF PRIVATE  
25 ENTITIES. The independent ombudsman shall have access to the  
26 records of a private entity that relate to a child committed to a  
27 facility [~~the department~~].

28 SECTION \_\_\_\_\_. Section 261.101(e), Human Resources Code, is  
29 repealed.