

BILL ANALYSIS

Senate Research Center

S.B. 66
By: Nelson
Health & Human Services
7/3/2013
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 66 adds an emergency medical services provider and a provider of services to, or advocate for, victims of family violence to the State Child Fatality Review Team Committee (committee); clarifies the committee's role; and changes the committee's reporting requirement from annual to biennial. The bill also provides for the creation of the Protect Our Kids Commission and sets forth the duties of said commission.

S.B. 66 amends current law relating to studying the causes of and making recommendations for reducing child fatalities, including fatalities from the abuse and neglect of children.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 264.502(b) and (c), Family Code, as follows:

(b) Adds to the list of additional members of the child fatality review team committee (committee) selected by the members of the committee who serve under Subsections (a)(1) (relating to appointing a person by and representing the state registrar of vital statistics), (2) (relating to appointing a person by and representing the commissioner of the Department of Family and Protective Services (DFPS)), and (3) (relating to appointing a person by and representing the Title V director of the Department of State Health Services (DSHS)), an emergency medical services provider and a provider of services to, or advocate for, victims of family violence. Makes nonsubstantive changes.

(c) Provides that members of the committee selected under Subsection (b) serve three-year terms with the terms of six or seven members, rather than five or six members, as appropriate, expiring February 1 each year.

SECTION 2. Amends Section 264.503(f), Family Code, as follows:

(f) Requires the committee, not later than April 1 of each even-numbered year, to publish a report that contains aggregate child fatality data collected by local child fatality review teams, recommendations to prevent child fatalities and injuries, and recommendations to DFPS on child protective services operations based on input from the child safety review subcommittee. Requires the committee to submit a copy of the report to the governor, lieutenant governor, speaker of the house of representatives, DSHS, and DFPS and make the report available to the public. Requires DFPS, not later than October 1 of each even-numbered year, to submit a written response to the committee's recommendations to the committee, governor, lieutenant governor, speaker of the house of representatives, and DSHS describing which of the committee's recommendations regarding the operation of the child protective services system DFPS will implement and the methods of implementation.

Deletes existing text requiring the committee to issue a report for each preventable child death. Deletes existing text requiring that the report include findings related to the child's death, recommendations on how to prevent similar deaths, and details surrounding DFPS's involvement with the child prior to the child's death. Deletes existing text requiring the committee to publish, not later than April 1 of each year, a compilation of the reports published under this subsection during the year, submit a copy of the compilation to the governor, lieutenant governor, speaker of the house of representatives, and DFPS, and make the compilation available to the public. Deletes existing text requiring DFPS's written response on the compilation from the previous year to be submitted not later than October 1 of each year.

SECTION 3. (a) Provides that the Protect Our Kids Commission (commission) is composed of six members appointed by the governor, one of whom is required to be designated as presiding officer, three members appointed by the lieutenant governor, three members appointed by the speaker of the house of representatives, one member with experience in behavioral health and substance abuse appointed by the commissioner of DSHS (commissioner), one member who represents DFPS appointed by the commissioner, and one member who represents the Office of Title V and Family Health of DSHS appointed by the office director.

(b) Requires each member appointed to the commission to have experience relating to the study of the relationship between child protective services and child welfare services and child abuse and neglect fatalities.

(c) Requires each appointing authority, in making appointments to the commission, to make every effort to select individuals whose expertise is not already represented by other members of the commission and who reflect the geographical, cultural, racial, and ethnic diversity of the state.

(d) Provides that members of the commission serve without compensation and are not entitled to reimbursement for expenses.

(e) Requires the commission to study the relationship between child protective services and child welfare services and the rate of child abuse and neglect fatalities.

(f) Requires the commission to:

(1) identify promising practices and evidence-based strategies to address and reduce fatalities from child abuse and neglect;

(2) develop recommendations and identify resources necessary to reduce fatalities from child abuse and neglect for implementation by state and local agencies and private sector and nonprofit organizations, including recommendations to implement a comprehensive statewide strategy for reducing those fatalities; and

(3) develop guidelines for the types of information that should be tracked to improve interventions to prevent fatalities from child abuse and neglect.

(g) Authorizes the commission to accept gifts and grants of money, property, and services from any source to be used to conduct a function of the commission.

(h) Requires the commission, not later than December 1, 2015, to submit to the governor, lieutenant governor, and speaker of the house of representatives a report containing:

(1) the commission's findings and a complete explanation of each of the commission's recommendations;

(2) proposed legislation necessary to implement the recommendations made in the report; and

(3) any administrative recommendations proposed by the commission.

(i) Provides that the commission is not subject to Chapter 2110 (State Agency Advisory Committees), Government Code.

(j) Provides that the commission is abolished and this section expires December 31, 2015.

SECTION 4. Requires the members of the committee under Section 264.502(a) (relating to setting forth the composition of the committee), Family Code, responsible for selecting the additional members of the committee required by Section 264.502(b), Family Code, as amended by this Act, to make those appointments not later than November 1, 2013.

SECTION 5. Effective date: September 1, 2013.