

BILL ANALYSIS

Senate Research Center

C.S.S.B. 353
By: West
Jurisprudence
2/27/2013
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Section 32.201 (Emergency Care or Shelter for Minors), Family Code, allows emergency shelters to offer care to unaccompanied minors and their children, if any, for up to 14 days in an emergency situation.

The Human Resources Code establishes criteria for those facilities that are required to be licensed by the Department of Family and Protective Services, including an exemption for certain facilities.

A conflict in these codes allow an emergency shelter under the Human Resources Code to provide emergency care to minor mothers and their children, but not minors without children unless the emergency shelter is licensed. This bill seeks to remedy that conflict by tracking the language of the Family Code in the Human Resources Code.

C.S.S.B. 353 amends current law relating to the ability of an emergency shelter facility to provide shelter or care for an unaccompanied minor without a license.

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 Section 42.041(b), Human Resources Code, as follows:

(b) Provides that this section does not apply to:

(1)-(11) Makes no changes to these subdivisions;

(12) an emergency shelter facility, other than a facility that would otherwise require a license as a child-care facility under this section, that provides shelter or care to a minor and the minor's child or children, if any, under Section 32.201 (Emergency Shelter or Care for Minors), Family Code, if the facility is currently under a contract with a state or federal agency, or meets the requirements listed under Section 51.005(b)(3) (relating to requiring that contracts between the Texas Department of Human Services and persons operating a family violence center provide, as its primary purpose, certain services to victims of family violence), rather than an emergency shelter facility providing shelter to minor children, under Section 32.201, Family Code, unless the facility would otherwise require a license as a child-care facility under this section;

(13) certain juvenile facilities, including a juvenile facility providing services solely for the Texas Juvenile Justice Department, rather than the Texas Youth Commission; or

(14)-(22) Makes no changes to these subdivisions.

SECTION 2. Effective date: upon passage or September 1, 2013.