

By: Zaffirini, Uresti  
West

S.B. No. 44

A BILL TO BE ENTITLED

AN ACT

relating to maintaining and reporting certain information regarding certain child abuse or neglect cases and the provision of mental health services for children in those cases.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (b), Section 261.004, Family Code, is amended to read as follows:

(b) The department shall report the following information:

(1) the number of initial phone calls received by the department alleging abuse and neglect;

(2) the number of children reported to the department as having been abused and neglected;

(3) the number of reports received by the department alleging abuse or neglect and assigned by the department for investigation;

(4) of the children to whom Subdivision (2) applies:

(A) the number for whom the report was substantiated;

(B) the number for whom the report was unsubstantiated;

(C) the number for whom the report was determined to be false;

(D) the number who did not receive services from the department under a state or federal program;

1 (E) the number who received services, including  
2 preventative services, from the department under a state or federal  
3 program; and

4 (F) the number who were removed from the child's  
5 home during the preceding year;

6 (5) the number of families in which the child was not  
7 removed, but the child or family received services from the  
8 department;

9 (6) the number of children who died during the  
10 preceding year as a result of child abuse or neglect;

11 (7) of the children to whom Subdivision (6) applies,  
12 the number who were in foster care at the time of death;

13 (8) the number of child protective services workers  
14 responsible for report intake, assessment, or investigation;

15 (9) the response time by the department with respect  
16 to conducting an initial investigation of a report of child abuse or  
17 neglect;

18 (10) the response time by the department with respect  
19 to commencing services to families and children for whom an  
20 allegation of abuse or neglect has been made;

21 (11) the number of children who were returned to their  
22 families or who received family preservation services and who,  
23 before the fifth anniversary of the date of return or receipt, were  
24 the victims of substantiated reports of child abuse or neglect,  
25 including abuse or neglect resulting in the death of the child;

26 (12) the number of cases pursued by the department in  
27 each stage of the judicial process, including civil and criminal

proceedings and the results of each proceeding; ~~and~~

(13) the number of children for whom a person was appointed by the court to represent the best interests of the child and the average number of out-of-court contacts between the person and the child; and

(14) the number of children who suffer from a mental illness, as defined by Section 571.003, Health and Safety Code, and for whom the department is appointed managing conservator because a person voluntarily relinquished possession of the child solely to obtain mental health services for the child.

SECTION 2. Chapter 262, Family Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. RELINQUISHING CHILD TO OBTAIN CERTAIN SERVICES

Sec. 262.351. JOINT MANAGING CONSERVATORSHIP OF CHILD. Before a person relinquishes possession of a child who suffers from a serious mental illness in order to obtain mental health services for the child, the Department of Family and Protective Services must notify the person relinquishing possession of the child of the option of seeking a court order for joint managing conservatorship of the child with the department if that arrangement is in the best interest of the child.

Sec. 262.352. STUDY TO DEVELOP ALTERNATIVES TO RELINQUISHMENT OF PARENTAL RIGHTS TO OBTAIN MENTAL HEALTH SERVICES.

(a) The Department of Family and Protective Services and the Department of State Health Services shall jointly study, develop, and implement changes necessary to prevent the practice of parents relinquishing parental rights of children with serious mental

1 illness and placement in the conservatorship of the Department of  
2 Family and Protective Services solely to obtain mental health  
3 services for the child.

4 (b) As part of the study under Subsection (a), the  
5 Department of Family and Protective Services and the Department of  
6 State Health Services shall consider the advantages of providing  
7 mental health services using temporary residential treatment and  
8 intensive community-based services options, including:

9 (1) joint managing conservatorship of the child by the  
10 Department of Family and Protective Services and the child's  
11 parent;

12 (2) the Youth Empowerment Services waiver program;

13 (3) systems of care services;

14 (4) emergency respite services; and

15 (5) diversion residential treatment center services.

16 (c) Not later than September 30, 2014, the Department of  
17 Family and Protective Services and the Department of State Health  
18 Services shall file a report with the legislature and the Council on  
19 Children and Families on the results of the study required by  
20 Subsection (b). The report must include:

21 (1) any statutory changes needed to prevent the  
22 relinquishment of parental rights;

23 (2) each option to prevent relinquishment of parental  
24 rights that was considered during the study;

25 (3) each option that was selected for implementation;

26 (4) the implementation status of each option; and

27 (5) the number of children and families that are

1 affected by the implementation of each option.

2 (d) Not later than September 30 of each even-numbered year  
3 after the date the report is filed under Subsection (c), the  
4 Department of Family and Protective Services and the Department of  
5 State Health Services shall update the report.

6 SECTION 3. Section 531.803, Government Code, is amended by  
7 amending Subsection (a) and adding Subsection (a-1) to read as  
8 follows:

9 (a) The council shall:

10 (1) analyze the biennial legislative appropriations  
11 requests of members of the council for services provided to  
12 children and their families and identify appropriations that,  
13 through the coordination of members of the council, could be  
14 modified in the next legislative appropriation request to eliminate  
15 waste or increase available services and, not later than May 1 of  
16 each even-numbered year, prepare a report recommending those  
17 modifications for consideration during the development of the next  
18 biennial legislative appropriations request;

19 (2) investigate opportunities to increase flexible  
20 funding for health, education, and human services provided to  
21 children and their families;

22 (3) identify methods to remove barriers to local  
23 coordination of health, education, and human services provided to  
24 children and their families;

25 (4) identify methods to ensure that children and youth  
26 receive appropriate assessment, diagnoses, and intervention  
27 services;

1           (5) develop methods to prevent unnecessary parental  
2 relinquishment of custody of children;

3           (6) prioritize assisting children in family settings  
4 rather than institutional settings;

5           (7) make recommendations to the executive  
6 commissioner to eliminate the practice of including in the central  
7 registry of reported cases of child abuse or neglect the name of a  
8 person who relinquishes possession of the person's child to the  
9 state solely for the purpose of obtaining mental health services  
10 for the child;

11           (8) make recommendations about family involvement in  
12 the provision and planning of health, education, and human services  
13 for a child, including family partner and liaison models; and

14           (9) ~~(8)~~ identify technological methods to ensure  
15 the efficient and timely transfer of information among state  
16 agencies providing health, education, and human services to  
17 children and their families.

18           (a-1) The executive commissioner shall review the council's  
19 recommendations under Subsection (a)(7) and implement any changes  
20 necessary to ensure that the central registry of reported cases of  
21 child abuse or neglect does not include the name of a person who  
22 relinquishes possession of the person's child to the state solely  
23 for the purpose of obtaining mental health services for the child.

24           SECTION 4. This Act takes effect September 1, 2013.