

1-1 By: Zaffirini, West S.B. No. 44
 1-2 (In the Senate - Filed November 12, 2012; January 28, 2013,
 1-3 read first time and referred to Committee on Health and Human
 1-4 Services; April 23, 2013, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;
 1-6 April 23, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13			X	
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 44 By: Zaffirini

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to maintaining and reporting certain information
 1-22 regarding certain child abuse or neglect cases and the provision of
 1-23 mental health services for children in those cases.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Subsection (b), Section 261.004, Family Code, is
 1-26 amended to read as follows:

1-27 (b) The department shall report the following information:

1-28 (1) the number of initial phone calls received by the
 1-29 department alleging abuse and neglect;

1-30 (2) the number of children reported to the department
 1-31 as having been abused and neglected;

1-32 (3) the number of reports received by the department
 1-33 alleging abuse or neglect and assigned by the department for
 1-34 investigation;

1-35 (4) of the children to whom Subdivision (2) applies:

1-36 (A) the number for whom the report was
 1-37 substantiated;

1-38 (B) the number for whom the report was
 1-39 unsubstantiated;

1-40 (C) the number for whom the report was determined
 1-41 to be false;

1-42 (D) the number who did not receive services from
 1-43 the department under a state or federal program;

1-44 (E) the number who received services, including
 1-45 preventative services, from the department under a state or federal
 1-46 program; and

1-47 (F) the number who were removed from the child's
 1-48 home during the preceding year;

1-49 (5) the number of families in which the child was not
 1-50 removed, but the child or family received services from the
 1-51 department;

1-52 (6) the number of children who died during the
 1-53 preceding year as a result of child abuse or neglect;

1-54 (7) of the children to whom Subdivision (6) applies,
 1-55 the number who were in foster care at the time of death;

1-56 (8) the number of child protective services workers
 1-57 responsible for report intake, assessment, or investigation;

1-58 (9) the response time by the department with respect
 1-59 to conducting an initial investigation of a report of child abuse or
 1-60 neglect;

2-1 (10) the response time by the department with respect
2-2 to commencing services to families and children for whom an
2-3 allegation of abuse or neglect has been made;

2-4 (11) the number of children who were returned to their
2-5 families or who received family preservation services and who,
2-6 before the fifth anniversary of the date of return or receipt, were
2-7 the victims of substantiated reports of child abuse or neglect,
2-8 including abuse or neglect resulting in the death of the child;

2-9 (12) the number of cases pursued by the department in
2-10 each stage of the judicial process, including civil and criminal
2-11 proceedings and the results of each proceeding; ~~and~~

2-12 (13) the number of children for whom a person was
2-13 appointed by the court to represent the best interests of the child
2-14 and the average number of out-of-court contacts between the person
2-15 and the child; and

2-16 (14) the number of children who suffer from a mental
2-17 illness, as defined by Section 571.003, Health and Safety Code, and
2-18 for whom the department is appointed managing conservator because a
2-19 person voluntarily relinquished possession of the child solely to
2-20 obtain mental health services for the child.

2-21 SECTION 2. Chapter 262, Family Code, is amended by adding
2-22 Subchapter E to read as follows:

2-23 SUBCHAPTER E. RELINQUISHING CHILD TO OBTAIN CERTAIN SERVICES

2-24 Sec. 262.351. JOINT MANAGING CONSERVATORSHIP OF CHILD.
2-25 Before a person relinquishes possession of a child who suffers from
2-26 a serious mental illness in order to obtain mental health services
2-27 for the child, the Department of Family and Protective Services
2-28 must notify the person relinquishing possession of the child of the
2-29 option of seeking a court order for joint managing conservatorship
2-30 of the child with the department if that arrangement is in the best
2-31 interest of the child.

2-32 Sec. 262.352. STUDY TO DEVELOP ALTERNATIVES TO
2-33 RELINQUISHMENT OF PARENTAL RIGHTS TO OBTAIN MENTAL HEALTH SERVICES.

2-34 (a) The Department of Family and Protective Services and the
2-35 Department of State Health Services shall jointly study, develop,
2-36 and implement changes necessary to prevent the practice of parents
2-37 relinquishing parental rights of children with serious mental
2-38 illness and placement in the conservatorship of the Department of
2-39 Family and Protective Services solely to obtain mental health
2-40 services for the child.

2-41 (b) As part of the study under Subsection (a), the
2-42 Department of Family and Protective Services and the Department of
2-43 State Health Services shall consider the advantages of providing
2-44 mental health services using temporary residential treatment and
2-45 intensive community-based services options, including:

2-46 (1) joint managing conservatorship of the child by the
2-47 Department of Family and Protective Services and the child's
2-48 parent;

2-49 (2) the Youth Empowerment Services waiver program;

2-50 (3) systems of care services;

2-51 (4) emergency respite services; and

2-52 (5) diversion residential treatment center services.

2-53 (c) Not later than September 30, 2014, the Department of
2-54 Family and Protective Services and the Department of State Health
2-55 Services shall file a report with the legislature and the Council on
2-56 Children and Families on the results of the study required by
2-57 Subsection (b). The report must include:

2-58 (1) any statutory changes needed to prevent the
2-59 relinquishment of parental rights;

2-60 (2) each option to prevent relinquishment of parental
2-61 rights that was considered during the study;

2-62 (3) each option that was selected for implementation;

2-63 (4) the implementation status of each option; and

2-64 (5) the number of children and families that are
2-65 affected by the implementation of each option.

2-66 (d) Not later than September 30 of each even-numbered year
2-67 after the date the report is filed under Subsection (c), the
2-68 Department of Family and Protective Services and the Department of
2-69 State Health Services shall update the report.

3-1 SECTION 3. Section 531.803, Government Code, is amended by
3-2 amending Subsection (a) and adding Subsection (a-1) to read as
3-3 follows:

3-4 (a) The council shall:

3-5 (1) analyze the biennial legislative appropriations
3-6 requests of members of the council for services provided to
3-7 children and their families and identify appropriations that,
3-8 through the coordination of members of the council, could be
3-9 modified in the next legislative appropriation request to eliminate
3-10 waste or increase available services and, not later than May 1 of
3-11 each even-numbered year, prepare a report recommending those
3-12 modifications for consideration during the development of the next
3-13 biennial legislative appropriations request;

3-14 (2) investigate opportunities to increase flexible
3-15 funding for health, education, and human services provided to
3-16 children and their families;

3-17 (3) identify methods to remove barriers to local
3-18 coordination of health, education, and human services provided to
3-19 children and their families;

3-20 (4) identify methods to ensure that children and youth
3-21 receive appropriate assessment, diagnoses, and intervention
3-22 services;

3-23 (5) develop methods to prevent unnecessary parental
3-24 relinquishment of custody of children;

3-25 (6) prioritize assisting children in family settings
3-26 rather than institutional settings;

3-27 (7) make recommendations to the executive
3-28 commissioner to eliminate the practice of including in the central
3-29 registry of reported cases of child abuse or neglect the name of a
3-30 person who relinquishes possession of the person's child to the
3-31 state solely for the purpose of obtaining mental health services
3-32 for the child;

3-33 (8) make recommendations about family involvement in
3-34 the provision and planning of health, education, and human services
3-35 for a child, including family partner and liaison models; and

3-36 (9) [~~8~~] identify technological methods to ensure
3-37 the efficient and timely transfer of information among state
3-38 agencies providing health, education, and human services to
3-39 children and their families.

3-40 (a-1) The executive commissioner shall review the council's
3-41 recommendations under Subsection (a)(7) and implement any changes
3-42 necessary to ensure that the central registry of reported cases of
3-43 child abuse or neglect does not include the name of a person who
3-44 relinquishes possession of the person's child to the state solely
3-45 for the purpose of obtaining mental health services for the child.

3-46 SECTION 4. This Act takes effect September 1, 2013.

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