

## **BILL ANALYSIS**

Senate Research Center

S.B. 354  
By: Nelson  
Health & Human Services  
6/3/2015  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 354 intends to better serve abused and neglected children by aligning Children's Advocacy Centers and Court Appointed Special Advocates with the state's child welfare system. S.B. 354 transfers administrative responsibility for the Children's Advocacy Centers and the Court Appointed Special Advocates from the Office of the Attorney General to the Health and Human Services Commission.

The bill tightens the definitions of Children's Advocacy Centers and Court Appointed Special Advocates to ensure that funds appropriated specifically for these organizations are not diverted to third parties.

S.B. 354 amends current law relating to the transfer to the Health and Human Services Commission of contracting authority for children's advocacy centers and volunteer advocate programs.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the attorney general of the State of Texas is transferred to the executive commissioner of the Health and Human Services Commission in SECTION 2 (Section 264.410, Family Code), SECTION 4 (Section 264.602, Family Code), and SECTION 11 (Section 264.609, Family Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 264.409, Family Code, as follows:

Sec. 264.409. ADMINISTRATIVE CONTRACTS. (a) Requires the Department of Family and Protective Services (DFPS) or the Health and Human Services Commission (HHSC), rather than DFPS or the office of the Office of the Attorney General of the State of Texas (OAG), to contract with a statewide organization that is exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, as an organization described by Section 501(c)(3) of that code and designated as a supporting organization under Section 509(a)(3) of that code and that is composed of individuals or groups of individuals who have expertise in the establishment and operation of children's advocacy center programs. Requires the statewide organization to provide training, technical assistance, evaluation services, and funds administration to support contractual requirements under Section 264.411 (Eligibility for Contracts) for local children's advocacy center programs.

(b) Requires the contract, if HHSC, rather than OAG, enters into a contract under this section, to provide that the statewide organization may not spend annually in the performance of duties under Subsection (a), rather than for administrative purposes, more than 12 percent of the annual amount appropriated to HHSC, rather than OAG, for purposes of this section.

SECTION 2. Amends Sections 264.410(a) and (c), Family Code, as follows:

(a) Requires the statewide organization with which DFPS or HHSC, rather than DFPS or OAG, contracts under Section 264.409 to contract for services with eligible centers to enhance the existing services of the programs.

(c) Requires the executive commissioner of HHSC (executive commissioner), rather than the attorney general of the State of Texas (attorney general), if HHSC, rather than the attorney general, enters into a contract with a statewide organization under Section 264.409, by rule to adopt standards for eligible local centers. Requires the statewide organization to assist the executive commissioner, rather than OAG, in developing the standards.

SECTION 3. Amends Section 264.411(a), Family Code, to change a reference to OAG to HHSC.

SECTION 4. Amends Sections 264.602(a), (c), (d), (e), and (f), Family Code, to make conforming changes.

SECTION 5. Amends Section 264.603, Family Code, as follows:

Sec. 264.603. ADMINISTRATIVE CONTRACTS. Requires HHSC, rather than OAG, to contract with one statewide organization that is exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, as an organization described by Section 501(c)(3) of that code and designated as a supporting organization under Section 509(a)(3) of that code, and that is composed of individuals or groups of individuals who have expertise in the dynamics of child abuse and neglect and experience in operating volunteer advocate programs to provide training, technical assistance, and evaluation services for the benefit of local volunteer advocate programs. Requires that the contract meet certain requirements as set forth.

SECTION 6. Amends Section 264.604(b), Family Code, to make a conforming change.

SECTION 7. Amends Section 264.605, Family Code, to make a conforming change.

SECTION 8. Amends Section 264.606, Family Code, as follows:

Sec. 264.606. CRITERIA FOR AWARD OF CONTRACTS. Requires the statewide organization with which HHSC, rather than the attorney general, contracts under Section 264.603 to make certain considerations as set forth in awarding a contract under Section 264.602.

SECTION 9. Amends Section 264.607, Family Code, to delete designation of Subsection (a) and make conforming changes.

SECTION 10. Amends Section 264.608, Family Code, to make conforming changes.

SECTION 11. Amends Section 264.609, Family Code, to make a conforming change and change a reference to chapter to subchapter.

SECTION 12. Amends Section 264.610, Family Code, to make a conforming change.

SECTION 13. Amends Section 264.611, Family Code, to make a conforming change.

SECTION 14. Amends Section 264.612, Family Code, to make a conforming change.

SECTION 15. Amends Section 504.611, Transportation Code, to change reference to OAG to HHSC.

SECTION 16. (a) Provides that on the effective date of this Act, the powers and duties of the attorney general under Subchapters E (Children's Advocacy Centers) and G (Court-Appointed Volunteer Advocate Programs), Chapter 264, Family Code, are transferred to HHSC.

(b) Requires OAG to work in cooperation with and at the direction of HHSC to facilitate the transfer described by this section.

(c) Provides that a rule, form, policy, procedure, or decision of the attorney general that is related to a power or duty transferred under Subsection (a) of this section continues in effect as a rule, form, policy, procedure, or decision of the HHSC until superseded by an act of HHSC or the executive commissioner.

(d) Provides that a contract negotiation or proceeding involving the attorney general that is related to a power or duty transferred under Subsection (a) of this section is transferred without change in status to HHSC, and HHSC assumes, without a change in status, the position of the attorney general in a negotiation or proceeding relating to a power or duty transferred under Subsection (a) of this section to which attorney general is a party.

(e) Provides that all personal property, including records, in the custody of the attorney general related to a power or duty transferred under Subsection (a) of this section is transferred to and becomes the property of HHSC.

(f) Provides that all contracts, memoranda of understanding, and rights of the attorney general related to a power or duty transferred under Subsection (a) of this section are transferred to HHSC.

(g) Provides that all money appropriated by the legislature to the attorney general related to a power or duty transferred under Subsection (a) of this section, including money for providing administrative support, is transferred to HHSC.

SECTION 17. Prohibits a contract transferred under Section 16 of this Act from being canceled by HHSC except as provided by the terms of the contract.

SECTION 18. Effective date: September 1, 2015.