

BILL ANALYSIS

Senate Research Center
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S.B. 1889
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Health & Human Services
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Parents of children with severe behavioral or mental disorders face a high financial burden in securing the necessary medical care for their child. Although Medicaid waiver programs cover mental and behavioral health services for children with disabilities, some private insurers only cover mental health services if the child is determined to be homicidal or suicidal or they may limit coverage of care. In these cases, parents without adequate health insurance or financial means may face the last resort decision to place their child in the custody of Child Protective Services (CPS) to obtain the mental health services or treatment the child needs. In doing so, parents are deemed as having refused to accept parental responsibility and are placed on Texas' abuse and neglect registry.

The Department of Family and Protective Services (DFPS) can use the information in this registry to perform background checks and is required to provide this information with local child services agencies, hospitals, clinics, schools, and other states. This means that persons entered into the registry may be barred from employment in any of these sectors, especially those jobs requiring contact with children.

Parents who have given up custody of their children to CPS for the sole reason of gaining better behavioral or mental health services for their children do not pose a present or future threat to the safety of children and should not be entered into the abuse and neglect registry. Entry into the registry not only unnecessarily labels these parents as threats to their children's safety, but also bars them from seeking employment in hospitals, clinics, schools, and any sector requiring contact with children. This higher barrier to employment exacerbates the financial condition that forced the parent to give up custody of their child in the first place.

S.B. 1889 would prohibit DFPS from reporting the names of parents who are on the state's abuse and neglect registry solely for the purposes of obtaining mental health services for their children. What's more, the agency would be required to collect data regarding joint managing conservatorship in these cases.

As proposed, S.B. 1889 amends current law relating to the disclosure and use of certain information in the Department of Family and Protective Services central registry of child abuse or neglect cases and the report of certain information regarding those cases to the legislature.

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 261.002, Family Code, by adding Subsections (b-1) and (d) and amending Subsection (c), as follows:

(b-1) Prohibits the Department of Family and Protective Services (DFPS) from disclosing the name of a person who is included in the registry due to a finding of abuse or neglect that was based solely on the fact that the person relinquished custody of a child who

suffers from a severe emotional disturbance in order to obtain mental health services for the child.

(c) Creates an exception under Subdivision (d) and makes a nonsubstantive change.

(d) Prohibits DFPS from providing to another state or a federal agency information regarding a person who is included in the registry due to a finding of abuse or neglect that was based solely on the fact that the person relinquished custody of a child who suffers from a severe emotional disturbance in order to obtain mental health services for the child.

SECTION 2. Amends Section 262.352, Family Code, as follows:

Sec. 262.352. JOINT MANAGING CONSERVATORSHIP OF CHILD. (a) Creates this subsection from existing text and makes no further change.

(b) Requires DFPS, not later than December 31 of each year, to report the following information to the legislature with respect to persons described by Subsection (a) (relating to requiring DFPS, before a person relinquishes custody of a child who suffers from severe emotional disturbance in order to obtain mental health services for the child, to discuss with the person relinquishing the custody of the child the option of seeking a court order for joint managing conservatorship of the child with DFPS):

(1) the number of persons to whom DFPS has offered the option of seeking a court order for joint managing conservatorship of a child with DFPS; and

(2) the number of persons with whom DFPS shares joint managing conservatorship of a child.

SECTION 3. Effective date: September 1, 2015.