

By: Nelson
(Zerwas)

S.B. No. 354

A BILL TO BE ENTITLED

AN ACT

relating to the transfer to the Health and Human Services Commission of contracting authority for children's advocacy centers and volunteer advocate programs.

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

SECTION 1. Section 264.409, Family Code, is amended to read as follows:

Sec. 264.409. ADMINISTRATIVE CONTRACTS. (a) The department or the commission shall ~~[office of the attorney general may]~~ 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. The statewide organization shall provide training, technical assistance, ~~[and]~~ evaluation services, and funds administration to support contractual requirements under Section 264.411 for local children's advocacy center programs.

(b) If the commission ~~[office of the attorney general]~~ enters into a contract under this section, the contract must provide that the statewide organization may not spend annually in the performance of duties under Subsection (a) ~~[for administrative~~

1 ~~purposes]~~ more than 12 percent of the annual amount appropriated to
2 the commission [~~office of the attorney general~~] for purposes of
3 this section.

4 SECTION 2. Sections 264.410(a) and (c), Family Code, are
5 amended to read as follows:

6 (a) The statewide organization with which the department or
7 the commission [~~office of the attorney general~~] contracts under
8 Section 264.409 shall contract for services with eligible centers
9 to enhance the existing services of the programs.

10 (c) If the commission [~~attorney general~~] enters into a
11 contract with a statewide organization under Section 264.409, the
12 executive commissioner [~~attorney general~~] by rule shall adopt
13 standards for eligible local centers. The statewide organization
14 shall assist the executive commissioner [~~attorney general~~] in
15 developing the standards.

16 SECTION 3. Section 264.411(a), Family Code, is amended to
17 read as follows:

18 (a) A public entity that operated as a center under this
19 subchapter before November 1, 1995, or a nonprofit entity is
20 eligible for a contract under Section 264.410 if the entity:

21 (1) has a signed memorandum of understanding as
22 provided by Section 264.403;

23 (2) operates under the authority of a governing board
24 as provided by Section 264.404;

25 (3) has a multidisciplinary team of persons involved
26 in the investigation or prosecution of child abuse cases or the
27 delivery of services as provided by Section 264.406;

1 (4) holds regularly scheduled case reviews as provided
2 by Section 264.406;

3 (5) operates in a neutral and physically separate
4 space from the day-to-day operations of any public agency partner;

5 (6) has developed a method of statistical information
6 gathering on children receiving services through the center and
7 shares such statistical information with the statewide
8 organization, the department, and the commission [~~office of the~~
9 ~~attorney general~~] when requested;

10 (7) has an in-house volunteer program;

11 (8) employs an executive director who is answerable to
12 the board of directors of the entity and who is not the exclusive
13 salaried employee of any public agency partner;

14 (9) operates under a working protocol that includes a
15 statement of:

16 (A) the center's mission;

17 (B) each agency's role and commitment to the
18 center;

19 (C) the type of cases to be handled by the center;

20 (D) the center's procedures for conducting case
21 reviews and forensic interviews and for ensuring access to
22 specialized medical and mental health services; and

23 (E) the center's policies regarding
24 confidentiality and conflict resolution; and

25 (10) implements at the center the following program
26 components:

27 (A) a case tracking system that monitors

1 statistical information on each child and nonoffending family
2 member or other caregiver who receives services through the center
3 and that includes progress and disposition information for each
4 service the multidisciplinary team determines should be provided to
5 the client;

6 (B) a child-focused setting that is comfortable,
7 private, and physically and psychologically safe for diverse
8 populations of children and nonoffending family members and other
9 caregivers;

10 (C) family advocacy and victim support services
11 that include comprehensive case management and victim support
12 services available to each child and the child's nonoffending
13 family members or other caregivers as part of the services the
14 multidisciplinary team determines should be provided to a client;

15 (D) forensic interviews conducted in a neutral,
16 fact-finding manner and coordinated to avoid duplicative
17 interviewing;

18 (E) specialized medical evaluation and treatment
19 services that are available to all children who receive services
20 through the center and coordinated with the services the
21 multidisciplinary team determines should be provided to a child;

22 (F) specialized trauma-focused mental health
23 services that are designed to meet the unique needs of child abuse
24 victims and the victims' nonoffending family members or other
25 caregivers and that are available as part of the services the
26 multidisciplinary team determines should be provided to a client;
27 and

1 (G) a system to ensure that all services
2 available to center clients are culturally competent and diverse
3 and are coordinated with the services the multidisciplinary team
4 determines should be provided to a client.

5 SECTION 4. Sections 264.602(a), (c), (d), (e), and (f),
6 Family Code, are amended to read as follows:

7 (a) The statewide organization with which the commission
8 [~~attorney general~~] contracts under Section 264.603 shall contract
9 for services with eligible volunteer advocate programs to provide
10 advocacy services to abused or neglected children.

11 (c) The commission [~~attorney general~~] shall develop a scale
12 of state financial support for volunteer advocate programs that
13 declines over a six-year period beginning on the date each
14 individual contract takes effect. After the end of the six-year
15 period, the commission [~~attorney general~~] may not provide more than
16 50 percent of the volunteer advocate program's funding.

17 (d) The executive commissioner [~~attorney general~~] by rule
18 shall adopt standards for a local volunteer advocate program. The
19 statewide organization shall assist the executive commissioner
20 [~~attorney general~~] in developing the standards.

21 (e) The department, in cooperation with the statewide
22 organization with which the commission [~~attorney general~~]
23 contracts under Section 264.603 and other interested agencies,
24 shall support the expansion of court-appointed volunteer advocate
25 programs into counties in which there is a need for the
26 programs. In expanding into a county, a program shall work to
27 ensure the independence of the program, to the extent possible, by

1 establishing community support and accessing private funding from
2 the community for the program.

3 (f) Expenses incurred by a volunteer advocate program to
4 promote public awareness of the need for volunteer advocates or to
5 explain the work performed by volunteer advocates that are paid
6 with money from the commission [~~attorney general~~] volunteer
7 advocate program account under Section 504.611, Transportation
8 Code, are not considered administrative expenses for the purpose of
9 Section 264.603(b).

10 SECTION 5. Section 264.603, Family Code, is amended to read
11 as follows:

12 Sec. 264.603. ADMINISTRATIVE CONTRACTS. (a) The
13 commission [~~attorney general~~] shall contract with one statewide
14 organization that is exempt from federal income taxation under
15 Section 501(a), Internal Revenue Code of 1986, as an organization
16 described by Section 501(c)(3) of that code and designated as a
17 supporting organization under Section 509(a)(3) of that code, and
18 that is composed of individuals or groups of individuals who have
19 expertise in the dynamics of child abuse and neglect and experience
20 in operating volunteer advocate programs to provide training,
21 technical assistance, and evaluation services for the benefit of
22 local volunteer advocate programs. The contract shall:

23 (1) include measurable goals and objectives relating
24 to the number of:

- 25 (A) volunteer advocates in the program; and
26 (B) children receiving services from the
27 program; and

1 (2) follow practices designed to ensure compliance
2 with standards referenced in the contract.

3 (b) The contract under this section shall provide that not
4 more than 12 percent of the annual legislative appropriation to
5 implement this subchapter may be spent for administrative purposes
6 by the statewide organization with which the commission [~~attorney~~
7 ~~general~~] contracts under this section.

8 SECTION 6. Section 264.604(b), Family Code, is amended to
9 read as follows:

10 (b) The statewide organization with which the commission
11 [~~attorney general~~] contracts under Section 264.603 may not contract
12 with a person that is not eligible under this section. However, the
13 statewide organization may waive the requirement in Subsection
14 (a)(3) for an established program in a rural area or under other
15 special circumstances.

16 SECTION 7. Section 264.605, Family Code, is amended to read
17 as follows:

18 Sec. 264.605. CONTRACT FORM. A person shall apply for a
19 contract under Section 264.602 on a form provided by the commission
20 [~~attorney general~~].

21 SECTION 8. Section 264.606, Family Code, is amended to read
22 as follows:

23 Sec. 264.606. CRITERIA FOR AWARD OF CONTRACTS. The
24 statewide organization with which the commission [~~attorney~~
25 ~~general~~] contracts under Section 264.603 shall consider the
26 following in awarding a contract under Section 264.602:

27 (1) the volunteer advocate program's eligibility for

1 and use of funds from local, state, or federal governmental
2 sources, philanthropic organizations, and other sources;

3 (2) community support for the volunteer advocate
4 program as indicated by financial contributions from civic
5 organizations, individuals, and other community resources;

6 (3) whether the volunteer advocate program provides
7 services that encourage the permanent placement of children through
8 reunification with their families or timely placement with an
9 adoptive family; and

10 (4) whether the volunteer advocate program has the
11 endorsement and cooperation of the local juvenile court system.

12 SECTION 9. Section 264.607, Family Code, is amended to read
13 as follows:

14 Sec. 264.607. CONTRACT REQUIREMENTS. [~~(a)~~] The commission
15 [~~attorney general~~] shall require that a contract under Section
16 264.602 require the volunteer advocate program to:

17 (1) make quarterly and annual financial reports on a
18 form provided by the commission [~~attorney general~~];

19 (2) cooperate with inspections and audits that the
20 commission [~~attorney general~~] makes to ensure service standards and
21 fiscal responsibility; and

22 (3) provide as a minimum:

23 (A) independent and factual information in
24 writing to the court and to counsel for the parties involved
25 regarding the child;

26 (B) advocacy through the courts for permanent
27 home placement and rehabilitation services for the child;

1 (C) monitoring of the child to ensure the safety
2 of the child and to prevent unnecessary movement of the child to
3 multiple temporary placements;

4 (D) reports in writing to the presiding judge and
5 to counsel for the parties involved;

6 (E) community education relating to child abuse
7 and neglect;

8 (F) referral services to existing community
9 services;

10 (G) a volunteer recruitment and training
11 program, including adequate screening procedures for volunteers;

12 (H) procedures to assure the confidentiality of
13 records or information relating to the child; and

14 (I) compliance with the standards adopted under
15 Section 264.602.

16 SECTION 10. Section 264.608, Family Code, is amended to
17 read as follows:

18 Sec. 264.608. REPORT TO THE LEGISLATURE. (a) Not later
19 than December 1 of each year, the commission [~~attorney general~~]
20 shall publish a report that:

21 (1) summarizes reports from volunteer advocate
22 programs under contract with the commission [~~attorney general~~];

23 (2) analyzes the effectiveness of the contracts made
24 by the commission [~~attorney general~~] under this chapter; and

25 (3) provides information on:

26 (A) the expenditure of funds under this chapter;

27 (B) services provided and the number of children

1 for whom the services were provided; and

2 (C) any other information relating to the
3 services provided by the volunteer advocate programs under this
4 chapter.

5 (b) The commission [~~attorney general~~] shall submit copies
6 of the report to the governor, lieutenant governor, speaker of the
7 house of representatives, [~~the~~] Legislative Budget Board, and
8 members of the legislature.

9 SECTION 11. Section 264.609, Family Code, is amended to
10 read as follows:

11 Sec. 264.609. RULE-MAKING AUTHORITY. The executive
12 commissioner [~~attorney general~~] may adopt rules necessary to
13 implement this subchapter [~~chapter~~].

14 SECTION 12. Section 264.610, Family Code, is amended to
15 read as follows:

16 Sec. 264.610. CONFIDENTIALITY. The commission [~~attorney~~
17 ~~general~~] may not disclose information gained through reports,
18 collected case data, or inspections that would identify a person
19 working at or receiving services from a volunteer advocate program.

20 SECTION 13. Section 264.611, Family Code, is amended to
21 read as follows:

22 Sec. 264.611. CONSULTATIONS. In implementing this chapter,
23 the commission [~~attorney general~~] shall consult with individuals or
24 groups of individuals who have expertise in the dynamics of child
25 abuse and neglect and experience in operating volunteer advocate
26 programs.

27 SECTION 14. Section 264.612, Family Code, is amended to

1 read as follows:

2 Sec. 264.612. FUNDING. (a) The commission [~~attorney~~
3 ~~general~~] may solicit and receive grants or money from either
4 private or public sources, including by appropriation by the
5 legislature from the general revenue fund, to implement this
6 chapter.

7 (b) The need for and importance of the implementation of
8 this chapter by the commission [~~attorney general~~] requires priority
9 and preferential consideration for appropriation.

10 SECTION 15. Section 504.611, Transportation Code, is
11 amended to read as follows:

12 Sec. 504.611. VOLUNTEER ADVOCATE PROGRAM LICENSE PLATES.
13 (a) The department shall issue specialty license plates in
14 recognition of children. The department shall design the license
15 plates in consultation with the Health and Human Services
16 Commission [~~attorney general~~].

17 (b) After deduction of the department's administrative
18 costs, the remainder of the fee for issuance of the license plates
19 shall be deposited to the credit of the [~~attorney general~~]
20 volunteer advocate program account in the general revenue fund.
21 Money deposited to the credit of the volunteer advocate program
22 account may be used only by the Health and Human Services Commission
23 [~~attorney general~~] to fund a contract entered into by the
24 commission [~~attorney general~~] under Section 264.602, Family Code.

25 SECTION 16. (a) On the effective date of this Act, the
26 powers and duties of the attorney general under Subchapters E and G,
27 Chapter 264, Family Code, are transferred to the Health and Human

1 Services Commission.

2 (b) The office of the attorney general shall work in
3 cooperation with and at the direction of the Health and Human
4 Services Commission to facilitate the transfer described by this
5 section.

6 (c) A rule, form, policy, procedure, or decision of the
7 attorney general that is related to a power or duty transferred
8 under Subsection (a) of this section continues in effect as a rule,
9 form, policy, procedure, or decision of the Health and Human
10 Services Commission until superseded by an act of the commission or
11 executive commissioner of the commission.

12 (d) A contract negotiation or proceeding involving the
13 attorney general that is related to a power or duty transferred
14 under Subsection (a) of this section is transferred without change
15 in status to the Health and Human Services Commission, and the
16 commission assumes, without a change in status, the position of the
17 attorney general in a negotiation or proceeding relating to a power
18 or duty transferred under Subsection (a) of this section to which
19 the attorney general is a party.

20 (e) All personal property, including records, in the
21 custody of the attorney general related to a power or duty
22 transferred under Subsection (a) of this section is transferred to
23 and becomes the property of the Health and Human Services
24 Commission.

25 (f) All contracts, memoranda of understanding, and rights
26 of the attorney general related to a power or duty transferred under
27 Subsection (a) of this section are transferred to the Health and

1 Human Services Commission.

2 (g) All money appropriated by the legislature to the
3 attorney general related to a power or duty transferred under
4 Subsection (a) of this section, including money for providing
5 administrative support, is transferred to the Health and Human
6 Services Commission.

7 SECTION 17. A contract transferred under Section 16 of this
8 Act may not be canceled by the Health and Human Services Commission
9 except as provided by the terms of the contract.

10 SECTION 18. This Act takes effect September 1, 2015.