

By: Nelson

S.B. No. 354

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the transfer to the Health and Human Services  
3 Commission of contracting authority for children's advocacy  
4 centers and volunteer advocate programs.

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

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

8 Sec. 264.409. ADMINISTRATIVE CONTRACTS. (a) The  
9 department or the commission [~~office of the attorney general~~] may  
10 contract with a statewide organization of individuals or groups of  
11 individuals who have expertise in the establishment and operation  
12 of children's advocacy center programs. The statewide organization  
13 shall provide training, technical assistance, and evaluation  
14 services for local children's advocacy center programs.

15 (b) If the commission [~~office of the attorney general~~]  
16 enters into a contract under this section, the contract must  
17 provide that the statewide organization may not spend annually for  
18 administrative purposes more than 12 percent of the annual amount  
19 appropriated to the commission [~~office of the attorney general~~] for  
20 purposes of this section.

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

23 (a) The statewide organization with which the department or  
24 the commission [~~office of the attorney general~~] contracts under

1 Section 264.409 shall contract for services with eligible centers  
2 to enhance the existing services of the programs.

3 (c) If the commission [~~attorney general~~] enters into a  
4 contract with a statewide organization under Section 264.409, the  
5 executive commissioner [~~attorney general~~] by rule shall adopt  
6 standards for eligible local centers. The statewide organization  
7 shall assist the executive commissioner [~~attorney general~~] in  
8 developing the standards.

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

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

14 (1) has a signed memorandum of understanding as  
15 provided by Section 264.403;

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

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

21 (4) holds regularly scheduled case reviews as provided  
22 by Section 264.406;

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

25 (6) has developed a method of statistical information  
26 gathering on children receiving services through the center and  
27 shares such statistical information with the statewide

1 organization, the department, and the commission [~~office of the~~  
2 ~~attorney general~~] when requested;

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

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

7 (9) operates under a working protocol that includes a  
8 statement of:

9 (A) the center's mission;

10 (B) each agency's role and commitment to the  
11 center;

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

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

16 (E) the center's policies regarding  
17 confidentiality and conflict resolution; and

18 (10) implements at the center the following program  
19 components:

20 (A) a case tracking system that monitors  
21 statistical information on each child and nonoffending family  
22 member or other caregiver who receives services through the center  
23 and that includes progress and disposition information for each  
24 service the multidisciplinary team determines should be provided to  
25 the client;

26 (B) a child-focused setting that is comfortable,  
27 private, and physically and psychologically safe for diverse

1 populations of children and nonoffending family members and other  
2 caregivers;

3 (C) family advocacy and victim support services  
4 that include comprehensive case management and victim support  
5 services available to each child and the child's nonoffending  
6 family members or other caregivers as part of the services the  
7 multidisciplinary team determines should be provided to a client;

8 (D) forensic interviews conducted in a neutral,  
9 fact-finding manner and coordinated to avoid duplicative  
10 interviewing;

11 (E) specialized medical evaluation and treatment  
12 services that are available to all children who receive services  
13 through the center and coordinated with the services the  
14 multidisciplinary team determines should be provided to a child;

15 (F) specialized trauma-focused mental health  
16 services that are designed to meet the unique needs of child abuse  
17 victims and the victims' nonoffending family members or other  
18 caregivers and that are available as part of the services the  
19 multidisciplinary team determines should be provided to a client;  
20 and

21 (G) a system to ensure that all services  
22 available to center clients are culturally competent and diverse  
23 and are coordinated with the services the multidisciplinary team  
24 determines should be provided to a client.

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

27 (a) The statewide organization with which the commission

1 ~~[attorney general]~~ contracts under Section 264.603 shall contract  
2 for services with eligible volunteer advocate programs to provide  
3 advocacy services to abused or neglected children.

4 (c) The commission ~~[attorney general]~~ shall develop a scale  
5 of state financial support for volunteer advocate programs that  
6 declines over a six-year period beginning on the date each  
7 individual contract takes effect. After the end of the six-year  
8 period, the commission ~~[attorney general]~~ may not provide more than  
9 50 percent of the volunteer advocate program's funding.

10 (d) The executive commissioner ~~[attorney general]~~ by rule  
11 shall adopt standards for a local volunteer advocate program. The  
12 statewide organization shall assist the executive commissioner  
13 ~~[attorney general]~~ in developing the standards.

14 (e) The department, in cooperation with the statewide  
15 organization with which the commission ~~[attorney general]~~  
16 contracts under Section 264.603 and other interested agencies,  
17 shall support the expansion of court-appointed volunteer advocate  
18 programs into counties in which there is a need for the  
19 programs. In expanding into a county, a program shall work to  
20 ensure the independence of the program, to the extent possible, by  
21 establishing community support and accessing private funding from  
22 the community for the program.

23 (f) Expenses incurred by a volunteer advocate program to  
24 promote public awareness of the need for volunteer advocates or to  
25 explain the work performed by volunteer advocates that are paid  
26 with money from the commission ~~[attorney general]~~ volunteer  
27 advocate program account under Section 504.611, Transportation

1 Code, are not considered administrative expenses for the purpose of  
2 Section 264.603(b).

3 SECTION 5. Section 264.603, Family Code, is amended to read  
4 as follows:

5 Sec. 264.603. ADMINISTRATIVE CONTRACTS. (a) The  
6 commission [~~attorney general~~] shall contract with one statewide  
7 organization of individuals or groups of individuals who have  
8 expertise in the dynamics of child abuse and neglect and experience  
9 in operating volunteer advocate programs to provide training,  
10 technical assistance, and evaluation services for the benefit of  
11 local volunteer advocate programs. The contract shall:

12 (1) include measurable goals and objectives relating  
13 to the number of:

14 (A) volunteer advocates in the program; and

15 (B) children receiving services from the  
16 program; and

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

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

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

26 (b) The statewide organization with which the commission  
27 [~~attorney general~~] contracts under Section 264.603 may not contract

1 with a person that is not eligible under this section. However, the  
2 statewide organization may waive the requirement in Subsection  
3 (a)(3) for an established program in a rural area or under other  
4 special circumstances.

5 SECTION 7. Section 264.605, Family Code, is amended to read  
6 as follows:

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

10 SECTION 8. Section 264.606, Family Code, is amended to read  
11 as follows:

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

16 (1) the volunteer advocate program's eligibility for  
17 and use of funds from local, state, or federal governmental  
18 sources, philanthropic organizations, and other sources;

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

22 (3) whether the volunteer advocate program provides  
23 services that encourage the permanent placement of children through  
24 reunification with their families or timely placement with an  
25 adoptive family; and

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

1 SECTION 9. Section 264.607, Family Code, is amended to read  
2 as follows:

3 Sec. 264.607. CONTRACT REQUIREMENTS. [~~(a)~~] The commission  
4 [~~attorney general~~] shall require that a contract under Section  
5 264.602 require the volunteer advocate program to:

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

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

11 (3) provide as a minimum:

12 (A) independent and factual information in  
13 writing to the court and to counsel for the parties involved  
14 regarding the child;

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

17 (C) monitoring of the child to ensure the safety  
18 of the child and to prevent unnecessary movement of the child to  
19 multiple temporary placements;

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

22 (E) community education relating to child abuse  
23 and neglect;

24 (F) referral services to existing community  
25 services;

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



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

3 (I) compliance with the standards adopted under  
4 Section 264.602.

5 SECTION 10. Section 264.608, Family Code, is amended to  
6 read as follows:

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

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

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

14 (3) provides information on:

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

16 (B) services provided and the number of children  
17 for whom the services were provided; and

18 (C) any other information relating to the  
19 services provided by the volunteer advocate programs under this  
20 chapter.

21 (b) The commission [~~attorney general~~] shall submit copies  
22 of the report to the governor, lieutenant governor, speaker of the  
23 house of representatives, [~~the~~] Legislative Budget Board, and  
24 members of the legislature.

25 SECTION 11. Section 264.609, Family Code, is amended to  
26 read as follows:

27 Sec. 264.609. RULE-MAKING AUTHORITY. The executive

1 commissioner [~~attorney general~~] may adopt rules necessary to  
2 implement this subchapter [~~chapter~~].

3 SECTION 12. Section 264.610, Family Code, is amended to  
4 read as follows:

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

9 SECTION 13. Section 264.611, Family Code, is amended to  
10 read as follows:

11 Sec. 264.611. CONSULTATIONS. In implementing this chapter,  
12 the commission [~~attorney general~~] shall consult with individuals or  
13 groups of individuals who have expertise in the dynamics of child  
14 abuse and neglect and experience in operating volunteer advocate  
15 programs.

16 SECTION 14. Section 264.612, Family Code, is amended to  
17 read as follows:

18 Sec. 264.612. FUNDING. (a) The commission [~~attorney~~  
19 ~~general~~] may solicit and receive grants or money from either  
20 private or public sources, including by appropriation by the  
21 legislature from the general revenue fund, to implement this  
22 chapter.

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

26 SECTION 15. Section 504.611, Transportation Code, is  
27 amended to read as follows:

1           Sec. 504.611. VOLUNTEER ADVOCATE PROGRAM LICENSE PLATES.

2       (a)    The department shall issue specialty license plates in  
3 recognition of children. The department shall design the license  
4 plates in consultation with the Health and Human Services  
5 Commission [~~attorney general~~].

6           (b) After deduction of the department's administrative  
7 costs, the remainder of the fee for issuance of the license plates  
8 shall be deposited to the credit of the [~~attorney general~~]  
9 volunteer advocate program account in the general revenue fund.  
10 Money deposited to the credit of the volunteer advocate program  
11 account may be used only by the Health and Human Services Commission  
12 [~~attorney general~~] to fund a contract entered into by the  
13 commission [~~attorney general~~] under Section 264.602, Family Code.

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

18           (b) The office of the attorney general shall work in  
19 cooperation with and at the direction of the Health and Human  
20 Services Commission to facilitate the transfer described by this  
21 section.

22           (c) A rule, form, policy, procedure, or decision of the  
23 attorney general that is related to a power or duty transferred  
24 under Subsection (a) of this section continues in effect as a rule,  
25 form, policy, procedure, or decision of the Health and Human  
26 Services Commission until superseded by an act of the commission or  
27 executive commissioner of the commission.

1           (d) A contract negotiation or proceeding involving the  
2 attorney general that is related to a power or duty transferred  
3 under Subsection (a) of this section is transferred without change  
4 in status to the Health and Human Services Commission, and the  
5 commission assumes, without a change in status, the position of the  
6 attorney general in a negotiation or proceeding relating to a power  
7 or duty transferred under Subsection (a) of this section to which  
8 the attorney general is a party.

9           (e) All personal property, including records, in the  
10 custody of the attorney general related to a power or duty  
11 transferred under Subsection (a) of this section is transferred to  
12 and becomes the property of the Health and Human Services  
13 Commission.

14           (f) All contracts, memoranda of understanding, and rights  
15 of the attorney general related to a power or duty transferred under  
16 Subsection (a) of this section are transferred to the Health and  
17 Human Services Commission.

18           (g) All money appropriated by the legislature to the  
19 attorney general related to a power or duty transferred under  
20 Subsection (a) of this section, including money for providing  
21 administrative support, is transferred to the Health and Human  
22 Services Commission.

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

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