

1-1 By: Nelson S.B. No. 354  
 1-2 (In the Senate - Filed January 26, 2015; February 2, 2015,  
 1-3 read first time and referred to Committee on Health and Human  
 1-4 Services; April 9, 2015, reported adversely, with favorable  
 1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;  
 1-6 April 9, 2015, 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. 354 By: Schwertner

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

1-21 relating to the transfer to the Health and Human Services  
 1-22 Commission of contracting authority for children's advocacy  
 1-23 centers and volunteer advocate programs.

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

1-25 SECTION 1. Section 264.409, Family Code, is amended to read  
 1-26 as follows:

1-27 Sec. 264.409. ADMINISTRATIVE CONTRACTS. (a) The  
 1-28 department or the commission ~~[office of the attorney general~~  
 1-29 ~~may]~~ contract with a statewide organization that is exempt from  
 1-30 federal income taxation under Section 501(a), Internal Revenue Code  
 1-31 of 1986, as an organization described by Section 501(c)(3) of that  
 1-32 code and designated as a supporting organization under Section  
 1-33 509(a)(3) of that code and that is composed of individuals or groups  
 1-34 of individuals who have expertise in the establishment and  
 1-35 operation of children's advocacy center programs. The statewide  
 1-36 organization shall provide training, technical assistance, ~~and~~  
 1-37 evaluation services, and funds administration to support  
 1-38 contractual requirements under Section 264.411 for local  
 1-39 children's advocacy center programs.

1-40 (b) If the commission ~~[office of the attorney general]~~  
 1-41 enters into a contract under this section, the contract must  
 1-42 provide that the statewide organization may not spend annually in  
 1-43 the performance of duties under Subsection (a) [for administrative  
 1-44 purposes] more than 12 percent of the annual amount appropriated to  
 1-45 the commission ~~[office of the attorney general]~~ for purposes of  
 1-46 this section.

1-47 SECTION 2. Sections 264.410(a) and (c), Family Code, are  
 1-48 amended to read as follows:

1-49 (a) The statewide organization with which the department or  
 1-50 the commission ~~[office of the attorney general]~~ contracts under  
 1-51 Section 264.409 shall contract for services with eligible centers  
 1-52 to enhance the existing services of the programs.

1-53 (c) If the commission ~~[attorney general]~~ enters into a  
 1-54 contract with a statewide organization under Section 264.409, the  
 1-55 executive commissioner ~~[attorney general]~~ by rule shall adopt  
 1-56 standards for eligible local centers. The statewide organization  
 1-57 shall assist the executive commissioner ~~[attorney general]~~ in  
 1-58 developing the standards.

1-59 SECTION 3. Section 264.411(a), Family Code, is amended to  
 1-60 read as follows:

2-1 (a) A public entity that operated as a center under this  
2-2 subchapter before November 1, 1995, or a nonprofit entity is  
2-3 eligible for a contract under Section 264.410 if the entity:  
2-4 (1) has a signed memorandum of understanding as  
2-5 provided by Section 264.403;  
2-6 (2) operates under the authority of a governing board  
2-7 as provided by Section 264.404;  
2-8 (3) has a multidisciplinary team of persons involved  
2-9 in the investigation or prosecution of child abuse cases or the  
2-10 delivery of services as provided by Section 264.406;  
2-11 (4) holds regularly scheduled case reviews as provided  
2-12 by Section 264.406;  
2-13 (5) operates in a neutral and physically separate  
2-14 space from the day-to-day operations of any public agency partner;  
2-15 (6) has developed a method of statistical information  
2-16 gathering on children receiving services through the center and  
2-17 shares such statistical information with the statewide  
2-18 organization, the department, and the commission [~~office of the~~  
2-19 ~~attorney general~~] when requested;  
2-20 (7) has an in-house volunteer program;  
2-21 (8) employs an executive director who is answerable to  
2-22 the board of directors of the entity and who is not the exclusive  
2-23 salaried employee of any public agency partner;  
2-24 (9) operates under a working protocol that includes a  
2-25 statement of:  
2-26 (A) the center's mission;  
2-27 (B) each agency's role and commitment to the  
2-28 center;  
2-29 (C) the type of cases to be handled by the center;  
2-30 (D) the center's procedures for conducting case  
2-31 reviews and forensic interviews and for ensuring access to  
2-32 specialized medical and mental health services; and  
2-33 (E) the center's policies regarding  
2-34 confidentiality and conflict resolution; and  
2-35 (10) implements at the center the following program  
2-36 components:  
2-37 (A) a case tracking system that monitors  
2-38 statistical information on each child and nonoffending family  
2-39 member or other caregiver who receives services through the center  
2-40 and that includes progress and disposition information for each  
2-41 service the multidisciplinary team determines should be provided to  
2-42 the client;  
2-43 (B) a child-focused setting that is comfortable,  
2-44 private, and physically and psychologically safe for diverse  
2-45 populations of children and nonoffending family members and other  
2-46 caregivers;  
2-47 (C) family advocacy and victim support services  
2-48 that include comprehensive case management and victim support  
2-49 services available to each child and the child's nonoffending  
2-50 family members or other caregivers as part of the services the  
2-51 multidisciplinary team determines should be provided to a client;  
2-52 (D) forensic interviews conducted in a neutral,  
2-53 fact-finding manner and coordinated to avoid duplicative  
2-54 interviewing;  
2-55 (E) specialized medical evaluation and treatment  
2-56 services that are available to all children who receive services  
2-57 through the center and coordinated with the services the  
2-58 multidisciplinary team determines should be provided to a child;  
2-59 (F) specialized trauma-focused mental health  
2-60 services that are designed to meet the unique needs of child abuse  
2-61 victims and the victims' nonoffending family members or other  
2-62 caregivers and that are available as part of the services the  
2-63 multidisciplinary team determines should be provided to a client;  
2-64 and  
2-65 (G) a system to ensure that all services  
2-66 available to center clients are culturally competent and diverse  
2-67 and are coordinated with the services the multidisciplinary team  
2-68 determines should be provided to a client.  
2-69 SECTION 4. Sections 264.602(a), (c), (d), (e), and (f),

3-1 Family Code, are amended to read as follows:

3-2 (a) The statewide organization with which the commission  
 3-3 [~~attorney general~~] contracts under Section 264.603 shall contract  
 3-4 for services with eligible volunteer advocate programs to provide  
 3-5 advocacy services to abused or neglected children.

3-6 (c) The commission [~~attorney general~~] shall develop a scale  
 3-7 of state financial support for volunteer advocate programs that  
 3-8 declines over a six-year period beginning on the date each  
 3-9 individual contract takes effect. After the end of the six-year  
 3-10 period, the commission [~~attorney general~~] may not provide more than  
 3-11 50 percent of the volunteer advocate program's funding.

3-12 (d) The executive commissioner [~~attorney general~~] by rule  
 3-13 shall adopt standards for a local volunteer advocate program. The  
 3-14 statewide organization shall assist the executive commissioner  
 3-15 [~~attorney general~~] in developing the standards.

3-16 (e) The department, in cooperation with the statewide  
 3-17 organization with which the commission [~~attorney general~~]  
 3-18 contracts under Section 264.603 and other interested agencies,  
 3-19 shall support the expansion of court-appointed volunteer advocate  
 3-20 programs into counties in which there is a need for the  
 3-21 programs. In expanding into a county, a program shall work to  
 3-22 ensure the independence of the program, to the extent possible, by  
 3-23 establishing community support and accessing private funding from  
 3-24 the community for the program.

3-25 (f) Expenses incurred by a volunteer advocate program to  
 3-26 promote public awareness of the need for volunteer advocates or to  
 3-27 explain the work performed by volunteer advocates that are paid  
 3-28 with money from the commission [~~attorney general~~] volunteer  
 3-29 advocate program account under Section 504.611, Transportation  
 3-30 Code, are not considered administrative expenses for the purpose of  
 3-31 Section 264.603(b).

3-32 SECTION 5. Section 264.603, Family Code, is amended to read  
 3-33 as follows:

3-34 Sec. 264.603. ADMINISTRATIVE CONTRACTS. (a) The  
 3-35 commission [~~attorney general~~] shall contract with one statewide  
 3-36 organization that is exempt from federal income taxation under  
 3-37 Section 501(a), Internal Revenue Code of 1986, as an organization  
 3-38 described by Section 501(c)(3) of that code and designated as a  
 3-39 supporting organization under Section 509(a)(3) of that code, and  
 3-40 that is composed of individuals or groups of individuals who have  
 3-41 expertise in the dynamics of child abuse and neglect and experience  
 3-42 in operating volunteer advocate programs to provide training,  
 3-43 technical assistance, and evaluation services for the benefit of  
 3-44 local volunteer advocate programs. The contract shall:

3-45 (1) include measurable goals and objectives relating  
 3-46 to the number of:

- 3-47 (A) volunteer advocates in the program; and
- 3-48 (B) children receiving services from the  
 3-49 program; and

3-50 (2) follow practices designed to ensure compliance  
 3-51 with standards referenced in the contract.

3-52 (b) The contract under this section shall provide that not  
 3-53 more than 12 percent of the annual legislative appropriation to  
 3-54 implement this subchapter may be spent for administrative purposes  
 3-55 by the statewide organization with which the commission [~~attorney~~  
 3-56 ~~general~~] contracts under this section.

3-57 SECTION 6. Section 264.604(b), Family Code, is amended to  
 3-58 read as follows:

3-59 (b) The statewide organization with which the commission  
 3-60 [~~attorney general~~] contracts under Section 264.603 may not contract  
 3-61 with a person that is not eligible under this section. However, the  
 3-62 statewide organization may waive the requirement in Subsection  
 3-63 (a)(3) for an established program in a rural area or under other  
 3-64 special circumstances.

3-65 SECTION 7. Section 264.605, Family Code, is amended to read  
 3-66 as follows:

3-67 Sec. 264.605. CONTRACT FORM. A person shall apply for a  
 3-68 contract under Section 264.602 on a form provided by the commission  
 3-69 [~~attorney general~~].

4-1 SECTION 8. Section 264.606, Family Code, is amended to read  
4-2 as follows:

4-3 Sec. 264.606. CRITERIA FOR AWARD OF CONTRACTS. The  
4-4 statewide organization with which the commission [~~attorney~~  
4-5 ~~general~~] contracts under Section 264.603 shall consider the  
4-6 following in awarding a contract under Section 264.602:

4-7 (1) the volunteer advocate program's eligibility for  
4-8 and use of funds from local, state, or federal governmental  
4-9 sources, philanthropic organizations, and other sources;

4-10 (2) community support for the volunteer advocate  
4-11 program as indicated by financial contributions from civic  
4-12 organizations, individuals, and other community resources;

4-13 (3) whether the volunteer advocate program provides  
4-14 services that encourage the permanent placement of children through  
4-15 reunification with their families or timely placement with an  
4-16 adoptive family; and

4-17 (4) whether the volunteer advocate program has the  
4-18 endorsement and cooperation of the local juvenile court system.

4-19 SECTION 9. Section 264.607, Family Code, is amended to read  
4-20 as follows:

4-21 Sec. 264.607. CONTRACT REQUIREMENTS. [~~(a)~~] The commission  
4-22 [~~attorney general~~] shall require that a contract under Section  
4-23 264.602 require the volunteer advocate program to:

4-24 (1) make quarterly and annual financial reports on a  
4-25 form provided by the commission [~~attorney general~~];

4-26 (2) cooperate with inspections and audits that the  
4-27 commission [~~attorney general~~] makes to ensure service standards and  
4-28 fiscal responsibility; and

4-29 (3) provide as a minimum:

4-30 (A) independent and factual information in  
4-31 writing to the court and to counsel for the parties involved  
4-32 regarding the child;

4-33 (B) advocacy through the courts for permanent  
4-34 home placement and rehabilitation services for the child;

4-35 (C) monitoring of the child to ensure the safety  
4-36 of the child and to prevent unnecessary movement of the child to  
4-37 multiple temporary placements;

4-38 (D) reports in writing to the presiding judge and  
4-39 to counsel for the parties involved;

4-40 (E) community education relating to child abuse  
4-41 and neglect;

4-42 (F) referral services to existing community  
4-43 services;

4-44 (G) a volunteer recruitment and training  
4-45 program, including adequate screening procedures for volunteers;

4-46 (H) procedures to assure the confidentiality of  
4-47 records or information relating to the child; and

4-48 (I) compliance with the standards adopted under  
4-49 Section 264.602.

4-50 SECTION 10. Section 264.608, Family Code, is amended to  
4-51 read as follows:

4-52 Sec. 264.608. REPORT TO THE LEGISLATURE. (a) Not later  
4-53 than December 1 of each year, the commission [~~attorney general~~]  
4-54 shall publish a report that:

4-55 (1) summarizes reports from volunteer advocate  
4-56 programs under contract with the commission [~~attorney general~~];

4-57 (2) analyzes the effectiveness of the contracts made  
4-58 by the commission [~~attorney general~~] under this chapter; and

4-59 (3) provides information on:

4-60 (A) the expenditure of funds under this chapter;

4-61 (B) services provided and the number of children  
4-62 for whom the services were provided; and

4-63 (C) any other information relating to the  
4-64 services provided by the volunteer advocate programs under this  
4-65 chapter.

4-66 (b) The commission [~~attorney general~~] shall submit copies  
4-67 of the report to the governor, lieutenant governor, speaker of the  
4-68 house of representatives, [~~the~~] Legislative Budget Board, and  
4-69 members of the legislature.



5-1 SECTION 11. Section 264.609, Family Code, is amended to  
5-2 read as follows:

5-3 Sec. 264.609. RULE-MAKING AUTHORITY. The executive  
5-4 commissioner [~~attorney general~~] may adopt rules necessary to  
5-5 implement this subchapter [~~chapter~~].

5-6 SECTION 12. Section 264.610, Family Code, is amended to  
5-7 read as follows:

5-8 Sec. 264.610. CONFIDENTIALITY. The commission [~~attorney~~  
5-9 ~~general~~] may not disclose information gained through reports,  
5-10 collected case data, or inspections that would identify a person  
5-11 working at or receiving services from a volunteer advocate program.

5-12 SECTION 13. Section 264.611, Family Code, is amended to  
5-13 read as follows:

5-14 Sec. 264.611. CONSULTATIONS. In implementing this chapter,  
5-15 the commission [~~attorney general~~] shall consult with individuals or  
5-16 groups of individuals who have expertise in the dynamics of child  
5-17 abuse and neglect and experience in operating volunteer advocate  
5-18 programs.

5-19 SECTION 14. Section 264.612, Family Code, is amended to  
5-20 read as follows:

5-21 Sec. 264.612. FUNDING. (a) The commission [~~attorney~~  
5-22 ~~general~~] may solicit and receive grants or money from either  
5-23 private or public sources, including by appropriation by the  
5-24 legislature from the general revenue fund, to implement this  
5-25 chapter.

5-26 (b) The need for and importance of the implementation of  
5-27 this chapter by the commission [~~attorney general~~] requires priority  
5-28 and preferential consideration for appropriation.

5-29 SECTION 15. Section 504.611, Transportation Code, is  
5-30 amended to read as follows:

5-31 Sec. 504.611. VOLUNTEER ADVOCATE PROGRAM LICENSE PLATES.  
5-32 (a) The department shall issue specialty license plates in  
5-33 recognition of children. The department shall design the license  
5-34 plates in consultation with the Health and Human Services  
5-35 Commission [~~attorney general~~].

5-36 (b) After deduction of the department's administrative  
5-37 costs, the remainder of the fee for issuance of the license plates  
5-38 shall be deposited to the credit of the [~~attorney general~~]  
5-39 volunteer advocate program account in the general revenue fund.  
5-40 Money deposited to the credit of the volunteer advocate program  
5-41 account may be used only by the Health and Human Services Commission  
5-42 [~~attorney general~~] to fund a contract entered into by the  
5-43 commission [~~attorney general~~] under Section 264.602, Family Code.

5-44 SECTION 16. (a) On the effective date of this Act, the  
5-45 powers and duties of the attorney general under Subchapters E and G,  
5-46 Chapter 264, Family Code, are transferred to the Health and Human  
5-47 Services Commission.

5-48 (b) The office of the attorney general shall work in  
5-49 cooperation with and at the direction of the Health and Human  
5-50 Services Commission to facilitate the transfer described by this  
5-51 section.

5-52 (c) A rule, form, policy, procedure, or decision of the  
5-53 attorney general that is related to a power or duty transferred  
5-54 under Subsection (a) of this section continues in effect as a rule,  
5-55 form, policy, procedure, or decision of the Health and Human  
5-56 Services Commission until superseded by an act of the commission or  
5-57 executive commissioner of the commission.

5-58 (d) A contract negotiation or proceeding involving the  
5-59 attorney general that is related to a power or duty transferred  
5-60 under Subsection (a) of this section is transferred without change  
5-61 in status to the Health and Human Services Commission, and the  
5-62 commission assumes, without a change in status, the position of the  
5-63 attorney general in a negotiation or proceeding relating to a power  
5-64 or duty transferred under Subsection (a) of this section to which  
5-65 the attorney general is a party.

5-66 (e) All personal property, including records, in the  
5-67 custody of the attorney general related to a power or duty  
5-68 transferred under Subsection (a) of this section is transferred to  
5-69 and becomes the property of the Health and Human Services

6-1 Commission.

6-2 (f) All contracts, memoranda of understanding, and rights  
6-3 of the attorney general related to a power or duty transferred under  
6-4 Subsection (a) of this section are transferred to the Health and  
6-5 Human Services Commission.

6-6 (g) All money appropriated by the legislature to the  
6-7 attorney general related to a power or duty transferred under  
6-8 Subsection (a) of this section, including money for providing  
6-9 administrative support, is transferred to the Health and Human  
6-10 Services Commission.

6-11 SECTION 17. A contract transferred under Section 16 of this  
6-12 Act may not be canceled by the Health and Human Services Commission  
6-13 except as provided by the terms of the contract.

6-14 SECTION 18. This Act takes effect September 1, 2015.

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