

A BILL TO BE ENTITLED

AN ACT

relating to the collection and use of certain information relating to child abuse and neglect and the provision of prevention and early intervention services; creating an offense.

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

SECTION 1. Subchapter A, Chapter 265, Family Code, is amended by adding Sections 265.0041, 265.0042, 265.0043, 265.0044, and 265.0045 to read as follows:

Sec. 265.0041. RISK MAPPING FOR PREVENTION AND EARLY INTERVENTION SERVICES. (a) The department may use risk mapping, including risk terrain modeling systems, predictive analytic systems, or geographic risk assessments, and may develop a system or assessment under Subsection (c) to:

(1) identify geographic areas of the state that have a high incidence of child maltreatment and child fatalities resulting from abuse or neglect;

(2) identify family dynamics and other factors that indicate a high risk of child maltreatment and child fatalities resulting from abuse or neglect;

(3) offer opportunities to provide prevention services through voluntary services to individuals living in areas identified under Subdivision (1) and individuals who exhibit factors identified under Subdivision (2); and

(4) guide decisions about the allocation of resources

1 for prevention and early intervention programs and services.

2 (b) The department may use data gathered or received under  
3 this section only as authorized by Section 265.0044.

4 (c) The Health and Human Services Commission, on behalf of  
5 the department, may enter into agreements with institutions of  
6 higher education to develop or adapt, in coordination with the  
7 department, a risk terrain modeling system, a predictive analytic  
8 system, or a geographic risk assessment to be used for purposes of  
9 this section.

10 Sec. 265.0042. COLLABORATION WITH INSTITUTIONS OF HIGHER  
11 EDUCATION. (a) Subject to the availability of funds, the Health  
12 and Human Services Commission, on behalf of the department, shall  
13 enter into agreements with institutions of higher education to  
14 conduct efficacy reviews of any prevention and early intervention  
15 programs that have not previously been evaluated for effectiveness  
16 through a scientific research evaluation process.

17 (b) Subject to the availability of funds, the department  
18 shall collaborate with an institution of higher education to create  
19 and track indicators of child well-being to determine the  
20 effectiveness of prevention and early intervention services.

21 Sec. 265.0043. INTERAGENCY SHARING OF DATA FOR RISK  
22 MAPPING. Notwithstanding any other provision of law, state  
23 agencies, including the Texas Education Agency, the Texas Juvenile  
24 Justice Department, the Health and Human Services Commission, the  
25 Department of State Health Services, and the Department of Public  
26 Safety, shall disclose information relevant to preventing or  
27 reducing the risk factors for child abuse, neglect, or juvenile

1 delinquency only to the division for the purpose of implementing  
2 Section 265.0041.

3 Sec. 265.0044. RESTRICTIONS ON USE AND ACCESS. (a) A  
4 governmental entity may not use information gathered or received  
5 for the purposes of Section 265.0041 or 265.0042 that identifies or  
6 that could reasonably identify an individual or family to target  
7 the individual or family to provide involuntary intervention  
8 services or for any other purpose other than as authorized by  
9 Section 265.0041 or 265.0042, unless the governmental entity  
10 gathered or received the information under other authority.

11 (b) A governmental entity that gathers or receives  
12 information for the purposes of Section 265.0041 or 265.0042 that  
13 identifies or that could reasonably identify an individual or  
14 family shall adopt rules to provide safeguards to ensure that:

15 (1) the use or disclosure of the information is  
16 restricted to the purposes of Section 265.0041 or 265.0042;

17 (2) only the minimum amount of information necessary  
18 to carry out the purposes of Section 265.0041 or 265.0042 is used or  
19 disclosed; and

20 (3) only individuals with a justified and documented  
21 business need are authorized to access the information.

22 (c) Except as provided by Subsection (d), information  
23 gathered or received for the purposes of Section 265.0041 or  
24 265.0042 is subject to all applicable state and federal laws and  
25 rules relating to privacy and access to the information.

26 (d) Information collected for the purposes of Section  
27 265.0041 or 265.0042 is confidential and not subject to disclosure

1 under Chapter 552, Government Code, or to disclosure in response to  
2 a subpoena and may not be released or made public except as provided  
3 by the rules adopted under this section.

4 (e) The executive commissioner of the Health and Human  
5 Services Commission shall adopt rules relating to the use and  
6 disclosure of information gathered or received for the purposes of  
7 Section 265.0041 or 265.0042, including rules:

8 (1) identifying persons who may receive the  
9 information;

10 (2) creating security procedures to protect the  
11 information, including requiring the use of nondisclosure  
12 agreements; and

13 (3) enacting any other restriction the executive  
14 commissioner determines is appropriate.

15 Sec. 265.0045. CRIMINAL PENALTY. (a) A person commits an  
16 offense if the person uses or discloses information in violation of  
17 Section 265.0044 or a rule relating to the use or disclosure of  
18 information adopted under that section.

19 (b) An offense under Subsection (a) is a state jail felony  
20 unless it is shown on the trial of the offense that the person has  
21 previously been convicted under this section, in which case the  
22 offense is a felony of the third degree.

23 SECTION 2. This Act takes effect September 1, 2017.