

BILL ANALYSIS

C.S.H.B. 3786
By: Coleman
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been noted that substance abuse is a major factor in the forced removal of children from their homes, but it has also been noted that family drug courts have contributed in successfully reducing the number of such removals. C.S.H.B. 3786 seeks to address these issues by providing for family drug court studies.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Health and Human Services Commission in SECTION 2 of this bill.

ANALYSIS

C.S.H.B. 3786 amends the Government Code to require the commissioners court of each county that has not established a family drug court program, not later than September 1, 2020, to study the effect the creation of a family drug court would have in the county. The bill requires the sheriff and, as applicable, the county attorney, district attorney, or criminal district attorney to assist in conducting the study. The bill requires each commissioners court in a county conducting a study to request assistance from specified persons located in the county.

C.S.H.B. 3786 requires the study to analyze the effectiveness of creating a court that specializes in cases in which a parent or person standing in parental relation suffers from drug addiction and the effectiveness of case management used by a family drug court program to rehabilitate a parent or person standing in parental relation who has had a child removed from the parent's or person's care by the Department of Family and Protective Services (DFPS) or who is under investigation to determine if a child should be removed from the parent's or person's care by DFPS. The bill's provisions relating to a family drug court study expire January 1, 2021.

C.S.H.B. 3786 establishes the family drug court fund as a dedicated account in the general revenue fund in the state treasury that consists of legislative appropriations to the fund and gifts, grants, and other donations received for the fund. The bill requires the Health and Human Services Commission (HHSC) to administer the family drug court fund and restricts the use of money in the account to the award of grants to counties to establish and administer a family drug court. The bill requires a county to submit the study on the effect of the creation of a family drug court in the county and a detailed proposal of the establishment of the court to receive money from the family drug court fund.

C.S.H.B. 3786 requires HHSC to adopt rules establishing the criteria for awarding a grant to

counties to establish a family drug court not later than January 1, 2020.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3786 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes the deadline by which the commissioners court of an applicable county is required to conduct a family drug court study from September 1, 2018, to September 1, 2020.

The substitute revises provisions relating to the family drug court fund by:

- not including "county" in the name of the fund;
- clarifying that the fund is administered by HHSC;
- explicitly restricting the use of money in the account to the award of grants to counties to establish and administer a family drug court; and
- requiring that a county submit a detailed proposal of the establishment of a family drug court as a condition for the county to receive money from the fund.