

BILL ANALYSIS

C.S.S.B. 944
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Parents and local leaders have reported experiencing issues with the state supported living center admissions process. Specifically, local intellectual and developmental disability authorities have frequently stalled or refused to refer potential residents, even when the admission criteria is met. When this occurs, a potential resident is left without the care that they desperately need. C.S.S.B. 944 seeks to address this issue by authorizing the commitment of a proposed resident to long-term placement in a residential care facility without the recommendation by an interdisciplinary team typically required, provided the court determines beyond a reasonable doubt that the statutory requirements for admission are met.

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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 944 amends the Health and Safety Code to authorize a court to commit a proposed resident to long-term placement in a residential care facility without an interdisciplinary team recommendation as currently required by law if the court determines beyond a reasonable doubt that the proposed resident meets the statutory requirements for commitment to a residential care facility. With respect to those requirements, the bill specifies that the evidence showing the proposed resident, because of their intellectual disability, represents certain risk of impairment or injury and cannot provide for their most basic personal physical needs because of their intellectual disability must be contained in either:

- a petition to the court to issue the commitment order by the guardian of the proposed resident or, if the proposed resident is a minor, the parent of the proposed resident; or
- the current interdisciplinary team report and recommendations, if applicable.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 944 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute replaces the reference to a proposed patient in the engrossed with a reference to a proposed resident with respect to the bill's authorization for a court to commit the person to long-term placement in a residential care facility without an interdisciplinary team recommendation. Additionally, whereas the engrossed authorized such long-term placement if the court determines beyond a reasonable doubt that the placement is appropriate, the substitute authorizes such placement if the court determines beyond a reasonable doubt that the proposed resident meets the statutory requirements for commitment to a residential care facility.