CHAPTER 1142

AN ACT

relating to maintaining and reporting certain information regarding certain child abuse or neglect cases and the provision of mental health services for children in those cases.

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

SECTION 1. Section 261.001, Family Code, is amended by adding Subdivision (9) to read as follows:

(9) "Severe emotional disturbance" means a mental, behavioral, or emotional disorder of sufficient duration to result in functional impairment that substantially interferes with or limits a person's role or ability to function in family, school, or community activities.

SECTION 2. Subsection (b), Section 261.004, Family Code, is amended to read as follows:

(b) The department shall report the following information:

(1) the number of initial phone calls received by the department alleging abuse and neglect;

(2) the number of children reported to the department as having been abused and neglected;

(3) the number of reports received by the department alleging abuse or neglect and assigned by the department for investigation;

(4) of the children to whom Subdivision (2) applies:

(A) the number for whom the report was
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1 substantiated;
2 (B) the number for whom the report was
3 unsubstantiated;
4 (C) the number for whom the report was determined
5 to be false;
6 (D) the number who did not receive services from
7 the department under a state or federal program;
8 (E) the number who received services, including
9 preventative services, from the department under a state or federal
10 program; and
11 (F) the number who were removed from the child's
12 home during the preceding year;
13 (5) the number of families in which the child was not
14 removed, but the child or family received services from the
15 department;
16 (6) the number of children who died during the
17 preceding year as a result of child abuse or neglect;
18 (7) of the children to whom Subdivision (6) applies,
19 the number who were in foster care at the time of death;
20 (8) the number of child protective services workers
21 responsible for report intake, assessment, or investigation;
22 (9) the response time by the department with respect
23 to conducting an initial investigation of a report of child abuse or
24 neglect;
25 (10) the response time by the department with respect
26 to commencing services to families and children for whom an
27 allegation of abuse or neglect has been made;
(11) the number of children who were returned to their families or who received family preservation services and who, before the fifth anniversary of the date of return or receipt, were the victims of substantiated reports of child abuse or neglect, including abuse or neglect resulting in the death of the child;

(12) the number of cases pursued by the department in each stage of the judicial process, including civil and criminal proceedings and the results of each proceeding; (and)

(13) the number of children for whom a person was appointed by the court to represent the best interests of the child and the average number of out-of-court contacts between the person and the child;

(14) the number of children who suffer from a severe emotional disturbance and for whom the department is appointed managing conservator because a person voluntarily relinquished custody of the child solely to obtain mental health services for the child.

SECTION 3. Chapter 262, Family Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. RELINQUISHING CHILD TO OBTAIN CERTAIN SERVICES

Sec. 262.351. DEFINITIONS. In this subchapter:

(1) "Department" means the Department of Family and Protective Services.

(2) "Severe emotional disturbance" has the meaning assigned by Section 261.001.

Sec. 262.352. JOINT MANAGING CONSERVATORSHIP OF CHILD.

Before a person relinquishes custody of a child who suffers from a
severe emotional disturbance in order to obtain mental health services for the child, the department must, if it is in the best interest of the child, discuss with the person relinquishing custody of the child the option of seeking a court order for joint managing conservatorship of the child with the department.

Sec. 262.353. STUDY TO DEVELOP ALTERNATIVES TO RELINQUISHMENT OF CUSTODY TO OBTAIN MENTAL HEALTH SERVICES. (a) The department and the Department of State Health Services shall jointly study and develop recommendations to prevent the practice of parents relinquishing custody of children with a severe emotional disturbance and placement of children in the conservatorship of the department solely to obtain mental health services for the child.

(b) As part of the study under Subsection (a), the department and the Department of State Health Services shall consider the advantages of providing mental health services using temporary residential treatment and intensive community-based services options, including:

(1) joint managing conservatorship of the child by the department and the child's parent;

(2) the Youth Empowerment Services waiver program;

(3) systems of care services;

(4) emergency respite services; and

(5) diversion residential treatment center services.

(c) The executive commissioner of the Health and Human Services Commission shall review the recommendations developed under Subsection (a) and may direct the implementation of any
recommendation that can be implemented with the department's current resources.

(d) Not later than September 30, 2014, the department and the Department of State Health Services shall file a report with the legislature and the Council on Children and Families on the results of the study required by Subsection (a). The report must include:

(1) each option to prevent relinquishment of parental custody that was considered during the study;
(2) each option recommended for implementation, if any;
(3) each option that is implemented using existing resources;
(4) any policy or statutory change needed to implement a recommended option;
(5) the fiscal impact of implementing each option, if any;
(6) the estimated number of children and families that may be affected by the implementation of each option; and
(7) any other significant information relating to the study.

(e) Not later than September 30 of each even-numbered year after the date the initial report is filed under Subsection (d), the department and the Department of State Health Services shall update the report. The updated report must include the implementation status of each recommended option under Subsection (d).

SECTION 4. Section 531.803, Government Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as
follows:

(a) The council shall:

(1) analyze the biennial legislative appropriations requests of members of the council for services provided to children and their families and identify appropriations that, through the coordination of members of the council, could be modified in the next legislative appropriation request to eliminate waste or increase available services and, not later than May 1 of each even-numbered year, prepare a report recommending those modifications for consideration during the development of the next biennial legislative appropriations request;

(2) investigate opportunities to increase flexible funding for health, education, and human services provided to children and their families;

(3) identify methods to remove barriers to local coordination of health, education, and human services provided to children and their families;

(4) identify methods to ensure that children and youth receive appropriate assessment, diagnoses, and intervention services;

(5) identify and develop methods and strategies to coordinate and enhance prevention services for children and their families;

(6) develop methods to prevent unnecessary parental relinquishment of custody of children and make recommendations to the executive commissioner regarding options for improving the system for serving families who relinquish, or are at risk of
relinquishing, custody of a child solely to obtain mental health services for the child, after considering whether it would be appropriate to serve those families without a finding of abuse or neglect or without including the finding of abuse or neglect in the central registry of reported cases of child abuse or neglect;

(7) [46+] prioritize assisting children in family settings rather than institutional settings;

(8) [47+] make recommendations about family involvement in the provision and planning of health, education, and human services for a child, including family partner and liaison models; and

(9) [48+] identify technological methods to ensure the efficient and timely transfer of information among state agencies providing health, education, and human services to children and their families.

(a-1) The executive commissioner shall review the council's recommendations under Subsection (a)(6) and direct the implementation of any policy changes the executive commissioner determines necessary that can be implemented using existing resources.

SECTION 5. This Act takes effect September 1, 2013.
President of the Senate

I hereby certify that S.B. No. 44 passed the Senate on May 2, 2013, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 25, 2013, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 44 passed the House, with amendment, on May 22, 2013, by the following vote: Yeas 148, Nays 0, two present not voting.

Chief Clerk of the House

14 JUNE '13

Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE SECRETARY OF STATE
10:00 O'CLOCK
JUN 14, 2013

Secretary of State