

BILL ANALYSIS

S.B. 687
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Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties have expressed concern regarding the limited funds available to the prevention and early intervention services division within the Department of Family and Protective Services to allocate toward community-based projects for the prevention of child abuse and neglect. S.B. 687 seeks to address this concern by providing for methods by which the division may assemble limited information related to child abuse or neglect to match communities with the prevention programs that best address their specific needs.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes 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 an applicable governmental entity and to the executive commissioner of the Health and Human Services Commission in SECTION 1 of this bill.

ANALYSIS

S.B. 687 amends the Family Code to authorize the Department of Family and Protective Services (DFPS) to use risk mapping, including risk terrain modeling systems, predictive analytic systems, or geographic risk assessments, and to develop such a system or assessment to identify geographic areas of Texas that have a high incidence of child maltreatment and child fatalities resulting from abuse or neglect, identify family dynamics and other factors that indicate a high risk of child maltreatment and child fatalities resulting from abuse or neglect, offer opportunities to provide prevention services through voluntary services to individuals living in the identified geographic areas and individuals who exhibit the identified factors, and guide decisions about the allocation of resources for prevention and early intervention programs and services. The bill restricts the authority of DFPS to use data gathered or received for purposes of risk mapping for prevention and early intervention services and authorizes the Health and Human Services Commission (HHSC), on behalf of DFPS, to enter into agreements with institutions of higher education to develop or adapt, in coordination with DFPS, a risk terrain modeling system, a predictive analytic system, or a geographic risk assessment to be used for those purposes.

S.B. 687 requires HHSC, on behalf of DFPS and subject to the availability of funds, to enter into agreements with institutions of higher education to conduct efficacy reviews of any prevention and early intervention programs that have not previously been evaluated for effectiveness through a scientific research evaluation process. The bill requires DFPS, subject to the availability of funds, to collaborate with an institution of higher education to create and track indicators of child well-being to determine the effectiveness of prevention and early intervention

services.

S.B. 687 requires state agencies, including the Texas Education Agency, the Texas Juvenile Justice Department, HHSC, the Department of State Health Services, and the Department of Public Safety, to disclose information relevant to preventing or reducing the risk factors for child abuse, neglect, or juvenile delinquency only to the prevention and early intervention services division within DFPS for the purpose of implementing the bill's provisions regarding risk mapping for prevention and early intervention services. The bill prohibits a governmental entity from using information gathered or received for the purposes of the bill's provisions regarding risk mapping for prevention and early intervention services or the bill's provisions regarding collaboration with institutions of higher education that identifies or that could reasonably identify an individual or family to target the individual or family to provide involuntary intervention services or for any purpose other than as authorized by those bill provisions, unless the governmental entity gathered or received the information under other authority. The bill requires a governmental entity that gathers or receives information for the purposes of those bill provisions that identifies or that could reasonably identify an individual or family to adopt rules to provide safeguards to ensure that the use or disclosure of the information is restricted to those purposes, only the minimum amount of information necessary to carry out those purposes is used or disclosed, and only individuals with a justified and documented business need are authorized to access the information. The bill makes information gathered or received for those purposes subject to all applicable state and federal laws and rules relating to privacy and access to the information and establishes that the information is confidential and not subject to disclosure under state public information law or to disclosure in response to a subpoena. The bill prohibits the information from being released or made public except as provided by the rules adopted under the bill. The bill requires the executive commissioner of HHSC to adopt rules relating to the use and disclosure of such information.

S.B. 687 creates a state jail felony offense for a person who uses or discloses information in violation of the bill's provisions restricting the use and access of certain information or of an adopted rule relating to the use or disclosure of that information. The bill enhances the penalty for a subsequent conviction of that offense to a third degree felony.

EFFECTIVE DATE

September 1, 2017.