

BILL ANALYSIS

S.B. 821
By: Nelson
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been noted that the model for children's advocacy centers has grown in its geographic size as well as in its sophistication, service provision, and collaboration with multidisciplinary team partners. Although some revisions have been made over time, there have been calls for a more comprehensive update, given the success and rapid growth of services provided by children's advocacy centers. S.B. 821 updates the law to more clearly align current statutes with current practices, standards, services, and operations of children's advocacy centers to further the goal of better serving children who are victims of abuse in Texas.

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

S.B. 821 amends the Family Code to require a children's advocacy center to adopt a multidisciplinary team working protocol. The bill sets out the required contents of the working protocol and requires it to be executed by the participating agencies required to enter into the interagency memorandum of understanding. The bill requires the working protocol to be reexecuted at least every three years, on a significant change to the working protocol, or on a change of a signatory of a participating agency.

S.B. 821 revises provisions relating to the interagency memorandum of understanding by:

- requiring a center to enter into a memorandum of understanding regarding participation in the multidisciplinary team response;
- requiring the center and each of the following agencies to execute the memorandum of understanding:
 - the department responsible for child abuse and neglect investigations;
 - each county and municipal law enforcement agency with jurisdiction to investigate child abuse and neglect in the area to be served by the center; and
 - each county or district attorney with jurisdiction to prosecute child abuse and neglect cases in the area to be served by the center;

- removing a representative of any other governmental entity that participates in child abuse investigations or offers services to child abuse victims and that desires to participate in the operation of the center from the list of such agencies;
- requiring a memorandum of understanding to include the agreement of each participating agency to cooperate in:
 - minimizing the revictimization of alleged abuse and neglect victims and nonoffending family members through the investigation, assessment, intervention, and prosecution processes; and
 - maintaining a cooperative team approach to facilitate successful outcomes in the criminal justice and child protection systems through shared fact-finding and strong, collaborative case development;
- requiring the memorandum of understanding to be reexecuted at least every three years, on a significant change to the memorandum of understanding, or on a change of a signatory of a participating agency; and
- removing provisions authorizing the inclusion in a memorandum of understanding of the agreement of one or more participating entities to provide office space and administrative services for the center's operation.

S.B. 821 revises provisions relating to the duties of a center by requiring a center to:

- receive, review, and track Department of Family and Protective Services (DFPS) reports relating to the suspected abuse or neglect of a child or the death of a child from abuse or neglect to ensure a consistent, comprehensive approach to all cases that meet the criteria outlined in the multidisciplinary team working protocol;
- coordinate the activities of participating agencies relating to abuse and neglect investigations and delivery of services to alleged abuse and neglect victims and their families;
- facilitate assessment of alleged abuse or neglect victims and their families to determine their need for services relating to the investigation of abuse or neglect and provide needed services;
- comply with the standards adopted by the applicable statewide organization contracted with the Health and Human Services Commission (HHSC); and
- provide the following:
 - facilitation of a multidisciplinary team response to abuse or neglect allegations;
 - a formal process that requires the multidisciplinary team to routinely discuss and share information regarding investigations, case status, and services needed by children and families;
 - a system to monitor the progress and track the outcome of each case;
 - a certain child-focused setting regarding the disposition of abuse and neglect cases through the civil and criminal justice systems;
 - culturally competent services for children and families throughout the duration of a case;
 - victim support and advocacy services for children and families;
 - forensic interviews that are conducted in a neutral, fact-finding manner and coordinated to avoid duplicative interviewing;
 - access to specialized medical evaluations and treatment services for victims of alleged abuse or neglect;

- evidence-based, trauma-focused mental health services for children and nonoffending members of the child's family; and
- opportunities for community involvement through a formalized volunteer program dedicated to supporting the center.

The bill establishes that the center's duty to receive, review, and track certain DFPS reports does not relieve DFPS or a law enforcement agency of its duty to investigate a report of abuse or neglect as required by other law.

S.B. 821 clarifies that the executive officers, or an officer's applicable designee, that must be included as members of the governing board of a center are those responsible for the investigation or prosecution of child abuse and neglect cases in the area served by the center. The bill prohibits such executive officers or designees from constituting a majority of the membership of a center's governing board.

S.B. 821 authorizes a representative of any other entity to participate in the multidisciplinary team response as provided by the multidisciplinary team working protocol if certain qualifications are met. The bill requires a multidisciplinary team to be actively involved in the following multidisciplinary team response:

- coordinating the actions of the participating agencies involved in the investigation and prosecution of cases and the delivery of services to alleged abuse or neglect victims and the victims' families; and
- conducting at regularly scheduled intervals multidisciplinary review of appropriate abuse or neglect cases as provided by the working protocol.

The bill authorizes a multidisciplinary team member to share with and receive from other multidisciplinary team members certain confidential information when acting in the member's official capacity as an employee of a participating agency or a representative of any other qualified entity. The bill requires a request for confidential information provided to the center to be made to the agency that shared or provided the information. The bill updates provisions relating to electronic recordings of an interview with a child or a person with a disability made by a center in a possible criminal prosecution case involving such persons.

S.B. 821 updates provisions relating to HHSC's contract with a certain statewide organization to provide certain services and funds administration to support the contractual requirements for local children's advocacy center programs and removes DFPS as an entity that may contract with such an organization. The bill requires the statewide organization with which HHSC contracts to develop and adopt standards for children's advocacy centers. The bill repeals provisions relating to a requirement that the executive commissioner of HHSC by rule adopt standards for eligible local centers if HHSC enters into a contract with a statewide organization.

S.B. 821 revises and updates provisions relating to a public entity that operated as a center before November 1, 1995, or a nonprofit entity for a contract with a statewide organization with which HHSC has contracted to enhance the services provided by the centers to make conforming changes.

S.B. 821 repeals Section 264.410(c), Family Code.

EFFECTIVE DATE

September 1, 2019.