

SUBJECT: Services for youths with mental illness or retardation released from TYC

COMMITTEE: Corrections — committee substitute recommended

VOTE: 10 ayes — McReynolds, Madden, Dutton, England, Hodge, Marquez,  
Martinez, S. Miller, Ortiz, Sheffield

0 nays

1 absent — Kolkhorst

WITNESSES: For — Richard Lavallo, Advocacy, Incorporated; Joe Lovelace, Texas Council of Community Mental Health and Mental Retardation Centers; *(Registered, but did not testify):* Jim Allison, County Judges and Commissioners Association of Texas; Conni Barker, DePelchin Children's Center; Dawn Choate, The Arc of Texas; Katrina Daniels, Bexar County District Attorney's Office; Nicole Flores, The ACLU of Texas; Deborah Fowler, Texas Appleseed; Isela Gutierrez, Texas Criminal Justice Coalition; Shannon Noble, Texas Counseling Association; Robin Peyson, National Alliance on Mental Illness Texas; Stephen Reeves, Christian Life Commission, Baptist General Convention of Texas; Cindy Segovia, Bexar County Commissioners Court; Riley Shaw, Tarrant County District Attorney's Office; Jodie Smith, Texans Care for Children; Randy Turner, Tarrant County Juvenile Services; Gyl Wadge, Mental Health America of Texas; Clifford Gay)

Against — None

On — Ross Robinson, Department of State Health Services; Cherlyn Townsend, Texas Youth Commission; Dee Wilson, TDCJ/ Texas Correctional Office on Offenders with Medical or Mental Impairments

BACKGROUND: Human Resources Code, sec. 61.077(b) requires the Texas Youth Commission (TYC) to discharge from its custody children who are mentally ill or mentally retarded, if the child has completed the required minimum length for the offense and TYC determines that the child is unable to progress in its rehabilitation programs because of the mental illness or mental retardation. This requirement does not apply to children committed to TYC under determinate (fixed) sentences.

The Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI) provides services, including a continuity of care system, to certain youths on parole from TYC. Services can include assessments, service coordination, medication monitoring, advocacy services, transitional services to other treatment programs, and benefit eligibility.

**DIGEST:**

CSHB 4451 would make children discharged from TYC, because their mental illness or mental retardation makes them unable to progress in the agency's rehabilitation program, eligible to receive continuity of care services from TCOOMMI. Before these children were discharged, TYC would have to refer them to TCOOMMI for the continuity of care services.

TCOOMMI would be authorized to serve those discharged from TYC for a minimum of 90 days, but as long as necessary for the child to demonstrate sufficient stability to transition successfully to services from a local mental health or mental retardation authority.

CSHB 4451 also would change eligibility for services during parole, which currently ends at age 17, to run until the end of the child's parole term.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2009. It would apply to children discharged or paroled on or after the effective date.

**SUPPORTERS  
SAY:**

CSHB 4451 would allow certain children with mental illness or mental retardation to obtain continuity of care services when they are discharged from TYC. Currently, paroled youths with mental illness or mental retardation can receive these services, but not those who are discharged due specifically to their mental illness or mental retardation. CSHB 4451 would solve this problem by authorizing TCOOMMI to serve these youths.

CSHB 4451 would address another gap in current law by allowing TCOOMMI to continue to provide its services to TYC youths for a child's entire parole term. Currently, when a child on parole who is receiving TCOOMMI services turns 17, TCOOMMI services cannot continue. Sometimes these youths do not meet the criteria to receive adult services,

so the youth remains on parole but does not get services. CSHB would make sure services continue during certain youths entire parole term.

There would be no fiscal impact to the state because TCOOMMI can provide its services within its current appropriation.

**OPPONENTS  
SAY:**

No apparent opposition.

**NOTES:**

The committee substitute made minor changes to the original bill, including turning it into a Legislative Council draft and making it effective immediately.