

SUBJECT: Removing certain parents from DFPS registry for abuse and neglect

COMMITTEE: Human Services — committee substitute recommended

VOTE: 8 ayes — Raymond, Rose, Keough, S. King, Klick, Naishtat, Peña, Spitzer

0 nays

1 absent — Price

WITNESSES: For — Katherine Barillas, One Voice Texas; Deborah Rosales Elkins; (*Registered, but did not testify:* Albert Metz, ADAPT; Katharine Ligon, Center for Public Policy Priorities; Dennis Borel, Coalition of Texans with Disabilities; Robin Peyson, Communities for Recovery; Sarah Watkins and Joe Tate, Community Now!; Kathryn Lewis and Susan Murphree, Disability Rights Texas; Tanya Lavelle, Easter Seals Central Texas; Cate Graziani, Mental Health America of Texas; Laura Austin and Greg Hansch, National Alliance on Mental Illness (NAMI) Texas; Will Francis, National Association of Social Workers - Texas Chapter; Judy Powell, Parent Guidance Center; Clayton Travis, Texas Pediatric Society; Melody Chatelle, United Ways of Texas; Shaun Bickley; Marilyn Hartman; Linda Litzinger)

Against — None

On — John Specia, Department of Family and Protective Services; Colleen Horton, Hogg Foundation for Mental Health; (*Registered, but did not testify:* Denise Brady and Elizabeth "Liz" Kromrei, Department of Family and Protective Services)

BACKGROUND: Family Code, sec. 261.002 established a central registry of reported cases of child abuse or neglect under the Department of Family and Protective Services (DFPS).

Sec. 261.001 defines “severe emotional disturbance” as 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.

Intensive mental health services and treatment for children with serious emotional disturbance or significant behavior challenges sometimes are not accessible to the children and families who need them. In some cases parents place their child in the custody of Child Protective Services (CPS) to obtain the mental health services the child needs. Currently, when parents relinquish custody of their child to CPS, they are added to the abuse and neglect registry.

DIGEST:

CSHB 2039 would allow the executive commissioner of the Health and Human Services Commission to adopt rules for the central registry of reported cases of child abuse or neglect that would:

- prohibit the Department of Family and Protective Services (DFPS) from making a finding of abuse or neglect against a person in a case where DFPS was named managing conservator of a child with a severe emotional disturbance only because the child's family was unable to obtain mental health services for the child; and
- establish guidelines for reviewing the records in the registry and removing those records in a case where DFPS was named managing conservator of a child with a severe emotional disturbance only because the child's family was unable to obtain mental health services for the child.

The bill would remove the requirement that the rules provide for cooperation with local child service agencies and with other states in exchanging reports to effect a national registration system.

CSHB 2039 also would require that before DFPS filed a suit requesting managing conservatorship of a child who suffered from a severe emotional disturbance to obtain mental health services for the child, DFPS would have to, unless it was not in the best interest of the child, discuss with the child's parent or legal guardian the option of seeking a court

order for joint managing conservatorship of the child with DFPS.

CSHB 2039 also would require, on or before November 1 of each even-numbered year until September 1, 2019, that DFPS report the following information to the Legislature, with respect to the children described in above:

- the number of children for whom DFPS had been appointed managing conservator;
- the number of children for whom DFPS had been appointed joint managing conservator; and
- the number of children who were diverted to community or residential mental health services through another agency.

DFPS also would have to report the number of persons whose names were entered into the central registry of cases of child abuse and neglect only because DFPS was named managing conservator of a child who had severe emotional disturbance because the child's family was unable to obtain mental health services for the child.

This bill would take effect September 1, 2015.