

BILL ANALYSIS

Senate Research Center

S.B. 1139
By: Ellis
Jurisprudence
4-1-97
As Filed

DIGEST

Currently, a children's advocacy center (center) is a place where law enforcement, district attorneys, and caseworkers investigate abuse without subjecting child victims to repeated interviews. The governing board of a center is required to appoint a multidisciplinary team to work in the center to review new and pending child abuse cases. Team members do not have access to records or reports kept by the Department of Protective and Regulatory Services, or other agencies that contain valuable information regarding the alleged or suspected abuse of a child. This bill would amend current law to give the member of a multidisciplinary team access to certain confidential information when the member is acting in an official capacity. Additionally, this bill would require the information used or obtained by the multidisciplinary team member to be confidential and to be disclosed only to certain parties.

PURPOSE

As proposed, S.B. 1139 amends current Family Code provisions to give a member of a multidisciplinary team access to certain confidential information when the member is acting in an official capacity. Additionally, this bill requires the information used or obtained by the multidisciplinary team member to be confidential and to be disclosed only to certain parties.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 264.406, Family Code, by adding Subsection (f), to provide that when acting in the member's official capacity, a multidisciplinary team member is authorized to receive information made confidential by Section 40.005, Human Resources Code, or Section 261.201 or 264.408, Family Code.

SECTION 2. Amends Chapter 264E, Family Code, by adding Sections 264.408-264.411, as follows:

Sec. 264.408. USE OF INFORMATION AND RECORDS; CONFIDENTIALITY AND OWNERSHIP. Provides that the files, reports, records, communications, and working papers used or developed in providing services under this chapter are confidential and not subject to public release under Chapter 552, Government Code, and may only be disclosed for purposes consistent with this chapter. Sets forth the persons or entities to whom disclosure may be made. Provides that information related to the investigation of a report of abuse or neglect under Chapter 261 and services provided as a result of the investigation is confidential as provided by Section 261.201. Authorizes the Department of Protective and Regulatory Services (DPRS), a law enforcement agency, and a prosecuting attorney to share with a children's advocacy center (center) information that is confidential under Section 261.201 as needed to provide services under this chapter. Provides that confidential information shared with or provided to a center remains the property of the agency that shared or provided the information to the center. Sets forth guidelines relating to a videotaped interview of a child made at a center. Requires DPRS to be allowed access to a center's videotaped interviews of children.

Sec. 264.409. ADMINISTRATIVE CONTRACTS. Authorizes DPRS to contract with a statewide organization of individuals or groups of individuals who have expertise in the establishment and operation of children's advocacy center programs. Requires the statewide organization to provide training, technical assistance, and evaluation services for local children's advocacy center programs.

Sec. 264.410. CONTRACTS WITH CHILDREN'S ADVOCACY CENTERS. Requires the statewide organization with which DPRS contracts under Section 264.409 to contract for services with eligible centers to enhance the existing services of the programs. Prohibits the contract under this section from resulting in the reduction of the financial support a local center receives from another source.

Sec. 264.411. ELIGIBILITY FOR CONTRACTS. Provides that a public entity or nonprofit entity is eligible for a contract under Section 264.410 if the entity meets certain conditions. Authorizes the statewide organization to waive the requirements specified in Subsection (a) if it determines that the waiver will not adversely affect the center's ability to carry out its duties under Section 264.405. Requires any waiver that is granted to be identified in the written contract with the center. Authorizes an appeal of a decision denying a waiver to be made to DPRS's executive director, who may reverse the decision. Requires the statewide organization, if the executive director approves a request for a waiver on appeal, to contract with the center and to include the waiver in the contract.

SECTION 3. Emergency clause.

Effective date: upon passage.