

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 1607  
By: Whitmire  
Criminal Justice  
4/16/1999  
Committee Report (Substituted)

### **DIGEST**

Currently, a substantial number of youth committed to the Texas Youth Commission (TYC) have children of their own. In 1997, 13 young women had babies while incarcerated in TYC facilities. These babies were then removed from their mothers and were placed in the care of a guardian or relative to await the mother's release. One study estimates that children with an incarcerated parent may be almost six times more likely than their counterparts to be incarcerated. This bill would authorize TYC to establish programs that prepare child-mothers not only to be successfully reestablished into the community, but to be good parents as well; authorize TYC to permit a mother to keep her baby with her for up to 36 months following birth; and would limit TYC's responsibility for the care of the baby.

### **PURPOSE**

As proposed, C.S.S.B. 1607 establishes an infant care and parenting program in the Texas Youth Commission.

### **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 Chapter 61E, Human Resources Code, by adding Section 61.0762, as follows:

Sec. 61.0762. INFANT CARE AND PARENTING PROGRAM. Authorizes the Texas Youth Commission (TYC) to establish infant care and parenting programs for children who are parents. Authorizes TYC to permit a child who is the mother of an infant younger than 36 months to have possession of her infant in a residential program that has an infant care and parenting program until the infant reaches the age of 36 months or the mother is released under supervision if: the infant's father or other relative agrees in advance to place the infant in the possession of the infant's mother; the infant's parents and any other person having a duty of support (duty-bound person) acknowledge that TYC assumes no responsibility for the infant beyond the responsibility of care that is ordinarily due the mother and the reasonable accommodations that are necessary for the care of the infant; the parents and any duty-bound person agree to indemnify and hold TYC harmless from any claims that may be made against TYC for the infant's support, including medical support; and TYC determines that the placement is in the best interest of both the child and her infant.

SECTION 2. Emergency clause.  
Effective date: 90 days after adjournment.

### **SUMMARY OF COMMITTEE CHANGES**

SECTION 1.

Amends 61.0762, Human Resources Code, to authorize TYC to permit a child who is the mother of an infant to have possession of her infant in a residential program until a certain time if the infant's parents and any duty-bound person acknowledge that TYC assumes no responsibility for the infant beyond the responsibility of care that is ordinarily due the mother and the reasonable

accommodations that are necessary for the care of the infant, and the parents and any duty-bound person agree to indemnify and hold TYC harmless from any claims that may be made against TYC for the infant's support.