

BILL ANALYSIS

Senate Research Center

H.B. 1213
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Health & Human Services
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Engrossed

DIGEST AND PURPOSE

According to the Health and Human Services Commission (HHSC), there are currently more than 1,200 Texas children with disabilities living in institutions. The Children's Long-Term Care Policy Council under the auspices of HHSC states that disabled children are more likely to thrive or meet their potential when living in a family-based setting. Current law requires HHSC to provide permanency planning with the goal of placing children in a enduring and nurturing parental relationship for each child residing in an institution. However, Texas does not have a specialized system for recruiting and developing family-based alternatives for children residing in institutions or at risk of institutional placement. H.B. 1213 requires HHSC to create and implement a system of family-based alternatives to the institutionalization of children.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 531B, Government Code, by adding Section 531.055, as follows:

Sec. 531.055. FAMILY-BASED ALTERNATIVES FOR CHILDREN. (a) Provides that the purpose of the system of family-based alternatives required by this section is to further the state's policy of providing for a child's basic needs for safety, security, and stability through ensuring that a child becomes a part of a successful permanent family as soon as possible.

(b) Provides that in achieving the purpose described by Subsection (a), the system is intended to be operated in a manner that recognizes that parents are a valued and integral part of the process established under the system. Requires the system to encourage parents to participate in all decisions affecting their children and shall respect the authority of parents, other than parents whose parental rights have been terminated, to make decisions regarding their children.

(c) Defines "child," "family-based alternative," "institution," and "waiver services."

(d) Requires the Health and Human Services Commission (commission) to contract with a community organization, including a faith-based community organization, or a nonprofit organization for the development and implementation of a system under which a child who cannot reside with the child's birth family may receive necessary services in a family-based alternative instead of an institution. Requires an organization, to be eligible for the contract under this subsection, to possess knowledge regarding the support needs of children with disabilities and their families. Provides that for purposes of this subsection, a community organization, including a faith-based community organization, or a nonprofit organization does not include certain entities.

- (e) Authorizes the contractor to subcontract for one or more components of implementation of the system with certain organizations or entities.
- (f) Requires the commission to begin implementation of the system in areas of this state with high numbers of children who reside in institutions.
- (g) Requires each affected health and human services agency to cooperate with the contractor and any subcontractors and take all action necessary to implement the system and comply with the requirements of this section. Provides that the commission has final authority to make any decisions and resolve any disputes regarding the system.
- (h) Authorizes the system to be administered in cooperation with public and private entities.
- (i) Requires the system to provide for certain services.
- (j) Requires the commission, in complying with the requirement imposed by Subsection (i)(3), to ensure that the procedures for providing information to parents or a guardian permit and encourage the participation of an individual who is not affiliated with the institution in which the child resides or with an institution in which the child could be placed.
- (k) Authorizes the system, in placing a child in a family-based alternative, to use a variety of placement options, including an arrangement in which shared parenting occurs between the alternative family and the child's birth family. Requires a family-based alternative placement, regardless of the option used, to be designed to be a long-term arrangement, except in cases in which the child's birth family chooses to return the child to their home. Provides that in cases in which the birth family's parental rights have been terminated, adoption of the child by the child's alternative family is an available option.
- (l) Authorizes the commission or the contractor to solicit and accept gifts, grants, and donations to support the system's functions under this section.
- (m) Requires the commission to consider and, when appropriate, incorporate current research and recommendations developed by other public and private entities involved in analyzing public policy relating to children residing in institutions.
- (n) Requires the commission, as necessary to implement this section, to perform certain duties.
- (o) Requires the commission, not later than January 1 of each year, to report to the legislature on the implementation of the system. Requires the report to include a statement of certain information.

SECTION 2. Provides that effective September 1, 2003, or a later date on which the Texas Department of Aging and Disability Services assumes the functions of the Texas Department on Aging, as provided by Chapter 1505, Acts of the 76th Legislature, Regular Session, 1999, a reference in Section 531.055, Government Code, as added by this Act, to the commission means the Texas Department of Aging and Disability Services. Provides that this section of this Act has no effect if the Texas Department of Aging and Disability Services does not assume the functions of the Texas Department on Aging.

SECTION 3. Requires the Health and Human Services Commission, notwithstanding Section 531.055(o), Government Code, as added by this Act, to submit the report required by that section

beginning with the report due on January 1, 2003.

SECTION 4. Requires the Health and Human Services Commission to perform certain duties.

SECTION 5. Provides that if, before implementing any provision of this Act, a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 6. Effective date: September 1, 2001.