

## **BILL ANALYSIS**

Senate Research Center  
81R4065 NC-D

S.B. 861  
By: Wentworth  
Jurisprudence  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

In Bexar County, local officials have embarked on a multi-agency Children's Diversion Initiative (initiative). The aim of the initiative is early identification of the needs of at-risk youth with mental illness or other needs so that they can be addressed quickly and accurately, hopefully diverting them from the juvenile system and child protective services.

A large barrier to coordinated assessments and intervention services is the inability of community agencies to communicate regarding the needs of children. The maze of state and federal laws and codes of ethics surrounding informed consent and confidentiality matters has public and private agencies unable to communicate effectively or efficiently.

As proposed, S.B. 861 establishes protocols for maximizing the exchange of information concerning at-risk youth between agencies.

### **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 Subchapter A, Chapter 58, Family Code, by adding Section 58.0052, as follows:

Sec. 58.0052. EXCHANGE OF INFORMATION CONCERNING AT-RISK YOUTH.

(a) Defines "agency" and "at-risk youth."

(b) Requires an agency to disclose certain information to another agency relating to an at-risk youth if the disclosure serves the purpose provided under Subsection (d) and to accept information relating to an at-risk youth that is sent to the agency for the purpose provided under Subsection (d).

(c) Requires an agency to comply with Subsection (b) regardless of whether other state law makes that information confidential.

(d) Authorizes an agency to use information provided to the agency under this section only to assist the agency in providing services to the at-risk youth who is the subject of the information.

(e) Authorizes an agency to establish an internal protocol for sharing information with other agencies as necessary to efficiently and promptly disclose and accept the information. Authorizes the protocol to specify the types of information to be shared under this section without violating federal law, including any federal funding requirements.

(f) Provides that this section does not affect the confidential status of the information being shared.

SECTION 2. Effective date: September 1, 2009.