

## **BILL ANALYSIS**

Senate Research Center  
81R21256 NC-F

C.S.S.B. 861  
By: Wentworth  
Jurisprudence  
4/2/2009  
Committee Report (Substituted)

### **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 so that those needs can be addressed quickly and accurately, hopefully diverting these youths 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 prevents public and private agencies from communicating effectively or efficiently.

C.S.S.B. 861 establishes protocols for maximizing the exchange of information concerning at-risk youth.

### **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 Section 51.01, Family Code, to require that this title be construed to effectuate certain public purposes including, to identify at-risk behaviors and prevent the commission of unlawful acts by children and to achieve the foregoing purposes through interagency information sharing to the full extent allowed by federal law. Makes nonsubstantive changes.

SECTION 2. 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, at the request of another agency for specific information, to disclose to the other agency personally identifiable information relating to an at-risk youth, including identity, needs, treatment, social, criminal, and vocational history, probation or supervision status and compliance with the conditions of probation or supervision, and medial and mental health history, 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) Requires an agency to use information provided to the agency under this section only to identify at-risk youth, to assist the agency in providing services, or for research purposes.

(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. Authorizes an agency to enter into a memorandum of understanding with another agency to share information according to the agencies' protocols. Requires an agency to comply with this section regardless of whether the agency establishes an internal protocol or enters into a memorandum of understanding under this subsection.

(f) Provides that this section does not affect the confidential status of the information being shared. Authorizes the information to be released to a third party as directed by a court order or as otherwise authorized by law. Provides that personally identifiable information disclosed under this section is not subject to disclosure to a third party under Chapter 552 (Public Information), Government Code. Authorizes information that is not personally identifiable to be disclosed to a third party for research purposes as provided by an agency's protocol.

SECTION 2. Effective date: upon passage or September 1, 2009.