

## **BILL ANALYSIS**

Senate Research Center

S.B. 1857  
By: Whitmire  
Criminal Justice  
3/31/2017  
As Filed

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

State laws allow some information sharing relating to juveniles between the governmental entities that serve them. These state laws have tended to be more restrictive than federal laws such as the Health Information Privacy and Accountability Act and the Family Educational Rights Privacy Act. The overly restrictive laws hamper state and local governments' ability to provide effective services to Texas children. Over the past few sessions the legislature has worked to improve the sharing of information between governmental agencies.

The sharing of information prevents the duplication of services, improves the quality of services, provides a means to test the effectiveness of programs, and most importantly, leads to better outcomes for Texas children. During the 82nd legislative session, S.B. 1106 was passed to increase sharing of a juvenile's information between governmental entities while preserving the individual's rights to privacy.

S.B. 1106 amended the law relating to the exchange of confidential information among certain governmental entities concerning certain juveniles. There has continued to be some issues with the sharing of information between the Texas Juvenile Probation Departments and the Department of Family Protective Services.

In the 84th legislative session, S.B. 206 also amended this law, but it only specified the sharing of information from juvenile probation departments to the Department of Family and Protective Services.

S.B. 1857 amends the Family Code to allow for information to be given to probation departments and not just received from probation departments. It also expands on the type of youth that fall into this category of sharing.

As proposed, S.B. 1857 amends current law relating to the exchange of certain information between the Department of Family and Protective Services and other juvenile service providers.

### **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 58.0052, Family Code, by adding Subsection (b-1), as follows:

(b-1) Requires the Department of Family and Protective Services (DFPS), or a single source continuum contractor who contracts with DFPS to provide foster care services to, on request, not later than 14 business days after the date of the request, share with a state or local juvenile justice agency as defined by Section 58.101 (Definitions) information that assists in the continuation of services or in providing services to a multi-system youth who meets certain criteria.

(b-2) Provides that on request, a state or local juvenile justice agency as defined by Section 58.101 (Definitions), will share with DFPS or a single source continuum

contractor who contracts with DFPS to provide foster care services information that assists in the continuation of services or in providing services for a multi-system youth that is or has been in the custody of the state or local juvenile justice agency, on probation, or otherwise under their authority.

(b-3) Requires any re-release by either DFPS or the state or local juvenile justice agency to a third party or other juvenile service provider to only be to assist in the continuation of services to the multi-system youth or in providing services to the youth and to be in compliance with applicable federal law.

SECTION 2. Effective date: upon passage or September 1, 2017.