

BILL ANALYSIS

Senate Research Center
85R20719 LHC-F

C.S.S.B. 1857
By: Whitmire
Criminal Justice
4/5/2017
Committee Report (Substituted)

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. (Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 1857 amends current law relating to the exchange of certain information between the Department of Family and Protective Services or certain foster care services contractors and a state or local juvenile justice agency.

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 amending Subsection (a) and adding Subsections (b-1) and (b-2), as follows:

(a) Defines "juvenile justice agency." Redesignates Subdivisions (1), (2), and (3), defining "juvenile service provider," "multi-system youth," and "personal health information," as Subdivisions (2), (3), and (4).

(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, at the request of a state or local juvenile justice agency, to, not later than the 14th business

day after the date of the request, share with the juvenile justice agency information in the possession of DFPS or contractor that assists the agency in the continuation of services for or providing services to a multi-system youth who meets certain criteria.

(b-2) Requires a state or local juvenile justice agency, at the request of DFPS or a single continuum contractor who contracts with DFPS to provide foster care services, to share with DFPS or contractor information in the possession of the juvenile justice agency that assists DFPS or the contractor in the continuation of services for or providing services to a multi-system youth who is or has been in the custody or control of the juvenile justice agency.

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