

A Session Recap on the
Bottom Line











**CHILDREN AND THE
82ND TEXAS LEGISLATURE**



TEXANS CARE
for **CHILDREN**



TABLE OF CONTENTS

-  Introduction 1-3
-  Family Financial Security 4-6
-  Juvenile Justice 7-10
-  Schools' Responses To Children..... 11-13
-  Children's Mental Wellbeing 14-16
-  Coverage..... 17-18
-  Child and Maternal Health..... 19-23
-  Child Protection..... 24-28
-  End Notes..... 28
-  About Texans Care For Children 29





**THE BOTTOM LINE FOR OUR STATE IS NOT ABOUT MERE NUMBERS ON A BALANCE SHEET.
IT IS ABOUT REAL LIVES, TEXAS FAMILIES AND CHILDREN—AND OUR LEGACY TO THE FUTURE.**

This document is the last in a three-part series. The first, *A Report on the Bottom Line*, presented Texans Care for Children’s analysis and findings regarding the state of Texas policy for children. The second, *A Brief on the Bottom Line*, shared an agenda for improving conditions for children in order to promote a better tomorrow for all of us; it was the culmination of months of bringing together groups of stakeholders to identify common solutions that would make a real difference in children’s lives. This third report evaluates how those recommendations fared during the 82nd regular legislative session, as well as what is likely to come next for the bottom line—the Texas we all choose to live in.

Texans Care for Children focuses on children’s overall wellbeing. This includes family financial security; juvenile justice; children’s mental wellbeing; child and maternal health; and child protection. Children’s academic lives remain, for the most part, beyond our organizational scope. Still, the school setting is often critical to our focus areas. As a result, we were there in many education policy discussions, advocating for the wellbeing of children—just as, while not working on immigration issues directly, we were there in several immigration policy discussions, speaking up in pursuit of policies that support the wellbeing of all Texas children. Above all, we were there in many budget discussions, pointing out that Texas, despite all the rhetoric to the contrary, had many, many alternatives to balancing our state budget on the backs of children and families. We worked to bring critical attention to those revenue-raising options: to spend the Rainy Day Fund, a replenishing source of state savings; draw down federal dollars; create new revenue sources; and close tax loopholes that allow corporations to evade financial burdens that average Texans continue to shoulder. We engaged in this discussion as the only way to meaningfully talk about protecting the public systems we have built together over the years and being mindful of the Texas we leave behind.

This publication arrives amid a special session, and we are heartened by the opportunity to continue in this work. Throughout the session, legions of Texans—many for the first time—came to the Capitol, picked up the phone and let legislators know that they were not elected to dismantle social safety nets, underfund schools, or simply leave problems unaddressed. Rather, these new activists showed, leaders were elected to listen to real Texans, to plan for our state’s future, to protect children from harm, and to sustain the public structures and systems that help children grow into productive adulthood. Having these vocal Texans as partners moving forward is vital to putting Texas on a better path.

Many child-focused pieces of legislation that progressed through the session could be addressed apart from budget concerns. Knowing any item with a cost to the state would not receive a hearing, we looked to innovative approaches that addressed problems without increasing investment. This allowed us to continue to move on many fronts, and in these pages we present where these critical pieces landed—for now. Because with each item, as with the budget, these are movements, sometimes movement forward, sometimes back—but movements. The work is never done. Where there is victory, we must be vigilant in implementation. Where there is seeming defeat, we look for new ways to solve problems, and lessons learned for continued work ahead.

The close of regular session is just the beginning, and we invite you to join us in the work to improve the lives of Texas children and build a better future for all Texans.

Eileen Garcia
CEO, Texans Care for Children



A SESSION RECAP ON THE BOTTOM LINE



TEXANS CARE FOR CHILDREN PROGRESS REPORT ON THE 2011 SESSION



POSITIVE NEW LAWS FOR KIDS: More than 50 bills and bill provisions Texans Care for Children supported—including ten especially shaped by our advocacy—were among this session's positive policy changes for children.

Laws Heavily Shaped by Texans Care

SB 653 (Whitmire) Creates the Texas Juvenile Justice Department; ensures delinquency prevention is part of the new department's charge; moves toward more community-based alternatives to incarceration; and plans for sizing facilities in ways that promote successful youth rehabilitation

SB 1208 (Whitmire) Extends to age 19 the period for which a determinate sentence youth can be on juvenile probation

SB 1209 (Whitmire) Allows youth who will be tried as adults to be kept in juvenile detention facilities

HB 1983 (Kalkhorst) Tracks, improves awareness of, and addresses elective pre-term deliveries

HB 1386 (Coleman) A proposal we worked to reshape allows a suicide prevention program in schools

HB 968 (Strama)/**HB 622** (Hochberg) The Hochberg amendment eliminates some of the discretion schools had to send children to Disciplinary Alternative Education Programs

SB 219 (Nelson) Supports health and mental health services for children in CPS care

New Laws Actively Supported by Texans Care

HB 359 (Allen)/**SB 536** (Davis)/**HB 3758** (Giddings) Allows parents to opt out of corporal punishment for their children; tracks school resource officers' use of restraints on children; and eliminates ticketing of children prior to seventh grade

SB 226 (Nelson) Increases the usefulness of schools' physical fitness assessments by making it easier to correlate fitness and academic data, so parents can see the link between health and school performance

SB 89 (Lucio Jr.) Improves children's access to healthy, nutritious foods by strengthening the summer nutrition program for school children

A MIXED BAG FOR TEXAS KIDS:

HB 1942 (Diane Patrick) The law's good provisions require schools to have certain policies to prevent and respond to bullying. Its harmful provision allows a child who bullies to be moved to a different school; Texans Care helped improve this by advocating successfully for requiring parents to be consulted in the school board's transfer decision about their child.

SB 407 (Watson) has good provisions to allow the School Safety Center to educate teens about the dangers of "sexting." However, it also creates new criminal offenses that may lead to more youth being charged with crimes.

More Successful Bills Texans Care Supported

HB 3708 (Hochberg)/**SB 1235** (Watson) The Watson amendment supports low-income families' ability to save for their children's college education

SB 290 (Watson) Embeds financial literacy in elementary and middle school math classes

HB 34 (Branch) Integrates financial literacy into high school economics classes

HB 399 (Castro) Requires public colleges and universities to offer financial literacy education

HB 2615 (Veasey) Requires the state to provide financial literacy resources and information to HHSC clients

HB 2592/HB 2594 (Truitt) Regulates for the first time payday lending and requires new consumer credit education

HB 27 (Guillen) Requires judges to offer community service or installment-payment for fines for misdemeanor offenses

HB 350 (Walle) Requires that children ticketed at school for certain crimes be given community service or tutoring options in place of fines

HB 961 (Turner) Lowers the age at which a juvenile's records are sealed

SB 49 (Zaffirini) Requires that the parents of children sent to DAEPs be informed about the student's options for completing graduation-required coursework

SB 265 (West) Establishes qualifications for people who train child care staff and directors

SB 264 (Zaffirini) Requires workforce development boards to provide local child care quality information

HB 35 (Menendez) Extends a community coordination pilot project in Bexar County for children at risk of being placed in child welfare or juvenile justice systems

HB 1418 (Truitt) Requires the state to use respectful language for individuals with disabilities

SB 218 (Nelson) Implements Foster Care Redesign; adds new provisions to keep vulnerable children safe with relatives; and improves tracking of services and outcomes for youth in or aging out of foster care.

HB 943 (Dukes) Formalizes a strategic state response for children who run away from foster care placement

SB 501 (West) Creates an interagency council to address racial, ethnic, and regional disparities and disproportionality across state agencies that serve children

HB 753 (Raymond) Improves the ability of Child Protective Services to recruit and retain qualified caseworkers

SB 993 (Uresti) Improves the chances that a child removed from their home temporarily due to allegations of abuse or neglect will be placed in a safe setting with a relative

HB 848 (Guillen) Ensures relative caregivers can make certain decisions on behalf of children in their care during ongoing child abuse investigations

HB 2370 (Dukes) Requires relative caregivers who apply to take permanent custody of a child of the specific criminal convictions that will prevent them from doing so, as well as the potential risk evaluation

HB 452 (Lucio III) Supports temporary housing availability for former foster youth in college during their academic breaks

HB 2170 (Peña)/**SB 269** (Uresti) Requires free credit reports be provided to older foster youth and that foster children receive copies of the Foster Care Bill of Rights

HB 3234 (Hernandez Luna) Prioritizes case records requested by foster youth over other record requests

HB 3311/HB 3314 (Carter) Requires a child's attorney to meet with the child or caregiver before a court hearing and/or document pre-hearing meeting

SB 1026 (Harris) Places new requirements on attorneys for indigent parents to improve representation

HB 2488 (Scott) Allows the legal team for a child in family court to access his or her medical records

SB 1414 (Duncan)/**SB 471** (West) Bills that require training in prevention of child abuse and neglect for people who work with children in certain university, school and day care settings

SB 434 (Nelson) Establishes a task force on domestic violence to develop policy recommendations

SB 24 (Van de Putte)/**HB 289** (Jackson) Bills that criminalize trafficking of children; the former makes prostitution of a child a first-degree felony and allows parents and the judicial system to stand up for child trafficking victims

HB 2015 (Thompson) Makes the offense of prostitution by a minor cause for that child to need supervision, not punishment, under the law

HB 1994 (Weber) Allows the creation of First Offender Prostitution Programs to decrease commercial sexual exploitation

HB 2994 (Miles) Supports innovative urban farming technologies and research advances

For 25 years, Texans Care for Children has advanced state policies for children. Each legislative session, we bring together and lead coalitions of Texans determined to improve children's lives. For 2011, we forged partnerships to identify a series of important policy changes to improve child wellbeing. Many positive proposals became law; others became matters for wider public discourse and action. And alongside this activity to propel the state forward, Texans Care for Children also defended the state's kids against bad ideas that would have taken our state backwards.

HARMFUL PROPOSALS TEXANS CARE SUCCESSFULLY FOUGHT: We worked with legislative offices to actively kill, neutralize, or improve dozens of bills that would have been detrimental for young Texans.

Bills Texans Care Helped Defeat Altogether

HB 20 (Riddle)/**HB 221** (Fletcher)/**HB 690** (Martinez-Fischer)/**HB 341** (Fletcher) All these bills would have increased the penalties for youth who commit certain crimes

HB 230 (Phillips) A bill to limit halfway houses for some youth who have served their sentences

HB 86 (Simpson)/**HB 750** (Driver)/**HB 1356** (Gooden)/**HB 1167** (Van Taylor) **SB 354** (Wentworth) Bills to allow concealed handguns to be carried on college and university campuses

HB 2637 (Chisum) A bill to remove funds paid into the Children's Trust Fund for child abuse and neglect prevention

SB 1724 (Zaffirini) A bill to end some existing tuition and fee waivers for former foster youth

HB 1243 (Miller) A bill that would have led to more fragile infants being born in unsafe settings by labeling drug-addicted mothers felons

HB 435/HB 436/ HB 835 (Parker) Three bills that would have made it more difficult for relatives of child victims of abuse or neglect to be involved in their lives

HB 1151 (Raymond)/**HB 3451** (King) Bills proposing to limit the purchasing options for needy families on food stamps



HB 478 (Orr) A proposal to repeal the funding source for a program that purchases car seats for families who can't afford them

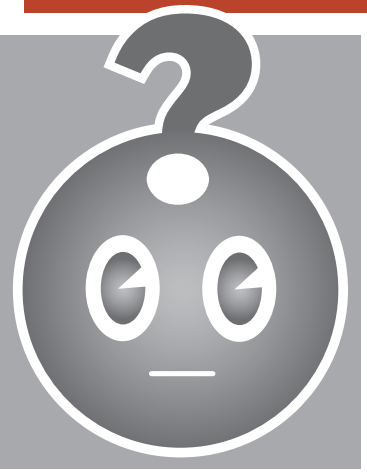
HB 1634 (Bonnen) A proposal to identify and work to end any mandate for local governments or schools that does not have specific funding in the legislature

HJR 29 (Callegari)/**HJR 37** (Hughes)/**HJR 59** (Hancock)/**SJR 12** (Patrick) Bills that would have made it harder to provide the state with new sources of revenue were fought by Texas Forward, a coalition Texans Care helped lead

Bills Texans Care Neutralized

HB 1224 (Reynolds) Language pertaining to the expulsion of students for hacking into computers was improved

HB 2119 (Madden) A provision that would have weakened the state's commitment to services for juvenile offenders with mental health diagnoses was eliminated



Attention for Critical Issues : Even where there was not a new law created or prevented, there were wins, where Texans Care for Children worked to bring issues out of the shadows and into the spotlight. We mobilized Texans—through grassroots activism, media coverage, and public awareness—around numerous proposals that we ensured made it onto the record as legislation filed and brought before the public eye. From securing hearings to promoting press coverage, we helped bring needed attention to real challenges Texas children face. That attention, in turn, smoothes the way for future legislative sessions, so one day these proposals, too, can become law.

HB 3351 (Turner) A bill that would have juveniles certified to stand trial as adults only in cases when the crime they are accused of was violent

HB 349 (Walle) A requirement that school districts report and collect data on ticketing children and the use of officer restraints or force on school campuses

SB 1116 (Whitmire) A plan to eliminate Class C misdemeanor ticketing of school children for disruptive school behavior

HB 1340 (Walle) A plan to help schools effectively implement the TEA-recommended schoolwide Positive Behavioral Intervention and Supports approach to campus behavioral and mental health

HB 348 (Walle) A requirement that school resource and district peace officers spend some of their training time learning strategies for effectively handling children with special needs

HB 2270/HB 1192 (Castro) Two requirements that private insurers cover early childhood intervention services and serious emotional disturbances in children in group health plans

SB 681 (West) A proposal to address and improve initial assessments of children entering Child Protective Services so they can receive appropriate mental health and other services

HB 636 (Zerwas) A proposal to create a Texas-based health insurance exchange so that Texans have the same opportunities as residents of other states under the Affordable Care Act

SB 1004 (Lucio, Jr.)/**HB 2214** (Farias) Two bills to enact a penny-per-ounce tax on sugary drinks to combat obesity and raise needed revenue

SB 224 (Nelson) A bill to institute recognition for school campuses that effectively implement coordinated school health

SB 185 (Nelson)/**SB 186** (Nelson) Bills to increase physical activity minimum requirements in middle school and reinstate physical education and health graduation requirements in high school

HB 3770 (Burkett) A proposed requirement that elementary schools offer recess

HB 1105 (Harper-Brown)/**SB 513** (Ellis) A proposal to promote walking and bicycling by requiring plans for accommodations like sidewalks, crosswalks, and bike lanes in new road construction

HB 2505 (Walle) A proposal to improve the state's ability to plan for and address prematurity in infants and related health challenges in Texas

SB 1050 (West) A proposal to improve reporting of early and medically unwarranted c-sections and inductions for all births in Texas to reduce the practice

HB 670 (Crowover)/**SB 355** (Ellis) The "smoke-free Texas" bills to reduce children's exposure to secondhand smoke by eliminating smoking in certain public places was still pending in the special session at time of press

SB 506 (Deuell) A proposal to require dissemination of public information about mercury levels in fish and dangers of mercury contamination

HB 2299 (Coleman)/**SB 1854** (Deuell) Proposals to renew the Women's Health Program, which provides preventive health care and family-planning services in Texas

HB 3350 (Turner) A bill to allow judges to keep determinative-sentenced youth in TYC facilities past age 19 to complete their rehabilitation

SB 593 (West) A requirement that schools with a history of disproportionately referring students with special needs and children of color for disciplinary action develop and implement a remediation plan

HB 127 (Alvarado) A proposal to restrict the sale of sugary drinks on school campuses

SB 759 (West) A proposal that former foster youth be considered in the state's low-income housing plan

HB 2996/HB 2997 (Miles) Two bills that would have provided incentives and support for urban farming to increase fresh foods in local communities, ultimately vetoed by the Governor



where a \$27 billion shortfall dominated legislative decisions, many vital public systems were shortchanged, and many essential steps to turning the tide of poverty were not politically viable. Within this challenging landscape, Texans Care's primary strategy for defending against deep cuts in services was advocacy for a balanced approach to balancing the budget through concerted efforts in each policy area and as a steering member and communications supporter of the Texas Forward coalition. We also actively worked against legislation that would have made it more difficult to raise needed revenue in the future. **HJR 29** by Representative Bill Callegari, **HJR 37** by Representative Bryan Hughes, **HJR 59** by Representative Kelly Hancock, and **SJR 12** by Senator Dan Patrick would have required that any new tax or any increase to an existing tax be approved by 2/3 of each chamber rather than the currently required majority vote. None of these bills ever made it to the full House or Senate for debate.

FAMILY FINANCIAL SECURITY

Promoting future prosperity for Texas requires coming together to support a foundation of economic security for families. In 2011, the Texas Legislature's budgetary choices likely worsened the economic security of children in Texas. Already among the 50 states, ours has the third-highest percentage of children growing up in low-income households. Families with children in poverty struggle to pay for basics like food, housing, and clothing, and children who grow up experiencing poverty-related stress are more likely to struggle in school and remain poor later in life. Although the sting of financial insecurity remains present in too many children's lives, Texans Care for Children helped usher in important progress in two areas this session: raising awareness about positive financial practices and beginning to curb predatory lending.

Family financial insecurity serves as both a byproduct and a cause of many other social challenges. In a budget landscape

Educational Access

Educational access is crucial for raising the bar for all Texas children. Texas falls behind the nation in both K-12 and post-secondary educational completion. The state also ranks 42nd in the country in educational attainment by income level, which means that family income plays a major role in determining whether or not a child goes to college.

Despite polls suggesting that spending the Rainy Day Fund or raising revenue would have been more popular with voters, legislators cut billions of dollars from the budget for public schools in 2011. A prominent lawmaker even mused publicly about one day ending the "entitlement" of public education for every Texas child. Higher education took a budgetary hit, as well. For example, TEXAS Grants, a state program that provides aid to financially strapped college students, will serve 28,700 fewer low-income young adults in the next budget, compared to the current one.

Two bills that do promote access to education were signed by the Governor and became law. **SB 975** by Senator Juan "Chuy" Hinojosa allows for junior colleges in certain areas to create credit recovery programs to help young adults who dropped out of high school and who lack only a few

credits to get their high school diploma or GED. This bill will only apply to Hidalgo County for now, but will apply statewide in September 2013. Texans Care for Children actively supported **SB 1325** by Senator Kirk Watson because it has potential to enhance the ability of the Texas Save and Match Program to help families save for their children's post-secondary education through a matched savings account. The bill, which resembles one that nearly became law during the last session but was ultimately defeated because it contained a drafting error, stalled in committee, but its provisions were successfully amended onto **HB 3708** by Representative Scott Hochberg. Unfortunately, the Legislature appropriated no funds for the program.

Public Benefits

As more families fell into poverty during the recession, public safety net programs saw an increase in applications for benefits. Hundreds of thousands more families with children are applying for Texas' Supplemental Nutrition Assistance Program (SNAP, formerly known as food stamps), CHIP and Medicaid, and the federal free and reduced price lunch program, due to the economic downturn. However, the state budget reduces Texas' commitment to public benefits.

Although federal law requires that the state enroll children and families in public benefits that they qualify for, many Texas children do not receive the help for which they are eligible due to challenges in Texas' eligibility and enrollment system. Two bills to address these challenges became law with the Governor's signature. **HB 2819** by Representative Susan King contains several provisions intended to streamline SNAP eligibility and improve the timeliness and accuracy of this system, the subject of a recent lawsuit. **HB 710** by Representative Armando Walle impacts the eligibility process for SNAP and TANF. It eliminates requirements for electronic finger-printing and photo-imaging, which have not proven to be cost effective, instead requiring the use of other appropriate, cost-effective technologies to prevent fraud.

The Governor signed **SB 77** by Senator Jane Nelson, which applies to the Child and Adult Care Food Program (CACFP) that provides assistance for certain child care feeding programs for children in their care. This bill regulates the organizations that manage CACFP assistance for many homes and centers by making their management subject to criminal background checks and requiring that they maintain certain performance bonds.

Many bills filed this session would have changed the terms of unemployment compensation benefits in one way or another. Only one passed and was signed into law by the Governor. **HB 2831** by Representative Drew Darby changes state law in order to maximize the state's receipt of federal funding for extended unemployment benefits. The bill was instigated by

a recent change in federal law that increased the federal share of extended, longer term unemployment benefits from 50% to 100%.

Several members of the House—Representatives Leo Berman, Lyle Larson, Bill Zedler, Van Taylor—filed proposals to limit public benefits to children who are foreign born or whose parents are foreign born. Many of these bills were written broadly so that they would have stripped benefits from U.S. citizens and legal immigrants. Texans Care

opposes legislation that decreases supports to children. Fortunately, only one of these bills even got out of committee, and none of them became law.

**HB 710 eliminates costly red tape
and helps link families to
programs more efficiently.**

Financial Literacy

Texans Care for Children supported four bills that increase access to financial literacy across the lifespan and that were signed into law by the Governor. For kindergarten through 8th graders, **SB 290** by Senator Kirk Watson requires that financial literacy be embedded in the math curriculum so that children learn personal financial literacy skills from an early age. **HB 34** by Representative Dan Branch targets high school students by requiring financial literacy, including how to pay for college, to be taught in economics classes starting in the 2013-14 school year. **HB 399** by Representative Joaquin Castro requires Texas public colleges and universities



to offer financial literacy instruction—covering budgeting, credit cards, savings, loan repayment, taxes, and other personal financial matters—to college students. **HB 2615** by Representative Marc Veasey affects adults, by requiring the Consumer Credit Commissioner to compile information on financial literacy resources into a one-page document that it posts on its website and makes available to those who receive any services through the Health and Human Services Commission.

Predatory Financial Practices

When a household does not have access to traditional financial institutions, like banks and credit unions, fees for routine financial services add up quickly and deplete a family's resources. This legislative session, advocacy groups, including Texans Care for Children, came together to address low- and moderate-income families' access to credit and problems created by a loophole in the Credit Services Organizations (CSO) Act. Passed in 1987 in Texas, it allows payday lenders to operate as credit service organizations. While the interest rate on payday loans is legally capped at 10%, there is no limit to the service fees CSOs can charge. Fees typically range from \$15-25 per \$100 loan, a substantial charge given the average payday loan is around \$500. The loophole allows payday and auto-title lenders to avoid the controls, oversight, and consumer protections that govern other lenders.

A proposal to close the payday lending loophole and regulate payday lenders and their fees was filed with bipartisan support from numerous legislators, including Representatives Tom Craddick, Joe Farias, Eddie Rodriguez,

and Eric Johnson and Senators Royce West and Wendy Davis. Though these bills, supported by Texans Care and widely covered in the Texas press, began the legislative session with much promise, intense opposition from the payday lending industry ultimately defeated them. Instead, **HB 2592** and **HB 2594** by Representative Vicki Truitt were signed by the Governor. Under these laws, predatory lenders will face some regulation for the first time and new consumer credit education will be available. Advocates, Truitt, and Senator John Carona devoted tremendous time and effort to mediation with the payday lending industry, and, although the bills that became law fall short of the original legislative proposals, they are an important first step in balancing the influence of this powerful, predatory industry. Both Truitt and Carona have committed to working on this issue during the legislative interim and filing stronger legislation next session.

Several more bills intended to protect consumers from harmful lending practices became law with the Governor's signature. **SB 17** by Carona regulates residential mortgage servicers not already regulated as banks, credit unions, or savings and loans. The bill is intended to address bad actors in the home mortgage industry who have been increasingly the subject of consumer complaints through the recent economic recession. The bill was signed by the Governor, as was **SB 767** by Senator Rodney Ellis, which offers protection for homeowners faced with possible foreclosure by regulating residential mortgage foreclosure consulting services. **SB 141** by Senator Kevin Eltife (carried in the House by Representative Rafael Anchia) makes debt settlement services subject to regulation like that which applies to debt management services under the Office of Consumer Credit Commissioner.

The session began with much press attention to the numerous bills filed that would have expanded gambling in various ways, something opposed by Texans Care for Children. None of the proposals became law.

Housing

Little happened this legislative session to improve low-income families' access to housing. The Texas State Affordable Housing Corporation was reviewed by the Texas Sunset Commission last session. However, its Sunset bill failed to pass, so the agency was reviewed again prior to the convening of this Legislature. **HB 1818** by Representative Linda Harper-Brown (companion **SB 649** by Hinojosa), which has now been signed into law by the Governor, will continue this state agency, though it made no major changes to low-income housing assistance policy. A housing bill supported by Texans Care was **SB 759** by West, which would have added youth aging out of foster care, veterans, and farmworkers to the state low-income housing plan for consideration of their housing needs. Although the bill made it through the Senate and was voted out of committee in the House, it was never set for debate on the House floor.



JUVENILE JUSTICE

When troubled children commit crimes and wind up incarcerated, the cost to Texas is high. Leading up to the legislative session and during it, Texans Care for Children worked to raise awareness among legislators and in the media about alternatives to youth incarceration and juvenile justice system involvement. Compared to even a few years ago, state leaders today pay much closer attention to tactics that work to keep children out of the traditional correctional system, and there is renewed interest in community-based rehabilitation programs. In keeping with this new focus, lawmakers planned an overhaul of Texas' juvenile justice system and invited Texans Care for Children to be the only multi-issue children's advocacy organization at the table, informing the choices legislators made and providing a strong voice for prevention.

The revenue shortfall guided the Legislature's budget decisions for all public systems, including juvenile justice, but Texans Care advocated for a balanced approach, including new revenue, to avoid deep cuts in critical services. We opposed reduced funding for juvenile justice, recommending that any funds taken out of the deep end of the system be redirected into front-end programs that have a positive return on investment: delinquency prevention, treating youth in their local communities, diversion programs, and increased rehabilitative programming. Unfortunately, the Legislature passed a budget that cut \$124 million dollars from the state's two juvenile justice agencies—the Texas Youth Commission (TYC) and the Texas Juvenile Probation Commission (TJPC.)

The agencies were cut by \$117 million (26%) and \$7 million (2%) over the biennium, respectively.

TYC announced early that it would close three secure juvenile facilities to meet the new budget expectations. The TYC Board of Directors voted in June to close the Crockett State School in Crockett, the Al Price State Juvenile Correction Facility in Beaumont, and the Ron Jackson State Juvenile Correctional Complex Unit II in Brownwood by July 31, 2011. The McLennan State Juvenile Correctional Facility Units I and II, which share a single campus in Mart, will be merged into one facility.



Restructuring and Fiscal Realignment

In 2009, the Legislature considered merging TYC and TJPC during review by the Texas Sunset Commission, but kept the agencies separate in order to give previous reforms time to be fully implemented. In 2011, the two agencies again underwent Sunset review, and the Legislature chose to merge the two into the new Texas Juvenile Justice Department (TJJD.) One primary motivation was that savings from the merger would help the state's revenue shortfall, though the merger results in a mere \$3.3 million in savings this biennium. However, if restructuring is implemented in a way that prioritizes community corrections for youth over state-run

secure facilities, it has the potential to save \$88 million a year.

Committed to diversion and community corrections, Texans Care immediately went to work to use the merger as an opportunity. We sought to improve

recently implemented juvenile justice reforms, emphasize delinquency prevention, realign funding to increase community corrections, and promote the use of small juvenile justice facilities that prioritize youth's treatment needs, provide meaningful rehabilitation in a therapeutic environment, and locate youth in or near their home community. The merger of the two agencies was approved

State leaders pay closer attention today to strategies that work to keep children out of the traditional correctional system.

when **SB 653** by Senator John Whitmire (companion **HB 1915** by Representative Jerry Madden) was signed by the Governor. Texans Care will continue working with our advocacy partners and the leadership of the new agency to promote the use of community-corrections strategies proven to be effective. Significant provisions of the bill include:

- TYC and TJPC are abolished and the new TJJD board appointed as of December 1, 2011. All staff, programs, policies, and obligations pertaining to TYC and TJPC will transfer to TJJD.
- A transition team including a representative from TYC, TJPC, the Lieutenant Governor, the Speaker of the House, and the Governor’s office will be put in place in September. The transition team is responsible for helping the new board implement the transition.
- The purpose of TJJD is to create a system that provides a full continuum of effective services, prioritizing community- and family-based programs over commitment to a secure facility.
- TJJD’s goals include supporting a county-based system that reduces the need for out-of-home placement, locating facilities close to necessary workforce and youths’ families, and using secure facilities—when necessary—that are sized for effective rehabilitation.
- TJJD will have responsibility for providing prevention and intervention services related to juvenile delinquency, truancy, and dropping out of school, making the state agency with the most incentive to prevent youth from entering the system the one responsible for doing so.
- Youth committed to TJJD will receive an initial exam within three business days to identify how to address their treatment needs. Specialized treatment needs—including medical, substance abuse, psychiatric, sex offending, and violent offending—will be assessed during the exam. An individualized, written plan for the youth will be developed as soon as possible.
- TJJD will use performance measures related to youth outcomes, public safety, and victim restoration to evaluate the effectiveness of programs and services.
- As in the past, the Office of the Independent Ombudsman (OIO) will have authority to investigate issues relating to a child committed to a state-run facility. The OIO will not have authority related to children in county-run facilities or programs, though local juvenile probation departments must provide the OIO data related to complaints, abuse, neglect, or exploitation.
- The Office of the Inspector General (OIG) will now report directly to the TJJD Board, rather than the Executive Director. The OIG retains jurisdiction over crimes in state-run facilities or those committed by TJJD employees and will receive data on crimes in locally run facilities. Alleged violations in county-operated programs will be referred to local law enforcement.



Youth in the Adult Criminal Justice System

Children as young as age 14 can be tried as an adult and serve time in adult prisons. Recent research shows that youth sent to the adult system are not more violent, nor do they have a longer criminal history, than youth sentenced by juvenile courts. And while, juvenile probation and some TYC programs are shown to be rehabilitative for youth who complete the programs, each year the state sends more than 200 youth into the adult criminal justice system where youth are held, often in seclusion, in adult facilities that do not promote rehabilitation nor have the tools to accommodate children. The Center for Disease Control reports that “transferring juveniles to the adult system is counterproductive as a strategy for preventing or reducing violence.”

Texans Care leads the Juvenile Justice Roundtable and worked with our Roundtable partners to identify ways to improve sentencing options to keep children out of adult prisons and jails. In these settings, youth face higher risks of suicide, physical and sexual assault, and mental illness and have limited access to education and age-appropriate services and rehabilitative programs that prepare them for reentry into society. We brought together a workgroup of judges, lawyers, and other legal experts to develop proposals to reduce the number of youth committed to adult corrections. This work resulted in a package of five related policies Texans Care supported, two of which were signed by the Governor and became law this legislative session:

- **SB 1208** SB 1208 by Whitmire extends to age 19 how long a youth on determinate sentence probation can remain on juvenile probation, allowing one more year

for youth to receive meaningful rehabilitative services. This makes the ages for probation parallel to the ages for commitment to a state lock-up, which should level the playing field between these two sentencing options.

- **SB 1209** by Whitmire (and **HB 3303** by Representative Marisa Marquez) allows youth who will stand trial as an adult to be kept in a juvenile detention facility before trial. Before this bill, counties were required to house these youth in adult jails to keep them separate from other youthful offenders who are, in the eyes of the court, still juveniles. This bill will allow youth to be held in facilities that are better prepared to meet their needs while awaiting trial.

The other three proposals in this package did not become law this year and Texans Care will pursue these policy changes in the future:

- **HB 3350** by Representative Sylvester Turner would have allowed judges to keep a determinate-sentence youth in TYC facilities after their 19th birthday in order to complete rehabilitative programming. Since these youth go back before the judge for review after completing the juvenile portion of their sentence, the bill would likely have reduced the number of transfers to adult prisons for youth who hit TYC’s maximum age before finishing the rehabilitation program.
- **HB 3351** by Turner and **HB 3698** by Representative Pete Gallego would have limited the offenses for which a juvenile can be certified as an adult to the most violent offenses, instead of any felony. They would have ensured that youth who commit less serious crimes are not sentenced more harshly than youth who commit more serious crimes. **HB 3351** was voted out of committee, but did not move further along because of a misperception about increased costs.
- The final proposal—to require that youth certified and convicted as adults be housed in youth facilities until they reach adulthood—was never filed as a bill. It was intended to keep youthful offenders safe and provide them access to education and rehabilitative services while incarcerated to increase their likelihood of staying away from crime after release from prison.

A bill filed in response to a specific case in Tarrant County, **SB 1617** by Senator Chris Harris, was signed by the Governor. In the rare case where a victim dies after proceedings in juvenile court have begun on a lesser charge, this bill allows a youth to be transferred to stand trial as an adult. Currently, all charges from a single incident must occur in either the adult or juvenile system. Senator Juan “Chuy” Hinojosa filed **SB 973**, an important bill that did

not get a hearing. **SB 973** would have retroactively changed the sentence for juvenile offenders given life without parole to a life sentence, making parole an option. The bill builds on a policy adopted last legislative session with Texans Care for Children’s backing, abolishing life without parole for juveniles. The 2009 measure did not apply to the

20 people who may never experience adult life outside of prison because they were sentenced to life without parole prior to 2009 for crimes they committed as children.

Court Involvement

This legislative session, Texans Care also worked on initiatives that reduce the long-term negative effects of involvement in the justice system for youths’ futures and livelihoods. Juveniles often face fines instead of jail time when convicted of misdemeanor offenses. However, many youth are not yet income earners and come from low-income families. Two bills were passed this session that will help youth cover fines without creating an undue burden on their families. Texans Care supported **HB 27** by Representative Ryan Guillen, which requires judges to allow defendants fined in misdemeanor cases to pay the fine in installments or have the fine discharged through community service. Prior to this bill, judges could offer installment plans or community service, but were not required to. **HB 27** was signed by the Governor, as was **HB 350** by Representative Armando Walle, also supported by Texans Care. This bill allows judges to require a youth who receives a Class C misdemeanor ticket at school to discharge all or part of the fees or fine through community service or tutoring programs.

HB 961 by Turner came very close to becoming law last legislative session, and successfully made it into law with the Governor’s signature this session. **HB 961** lowers the age at which a juvenile’s records are placed under restricted access from age 21 to 17, and it is no longer contingent upon not having committed an offense after age 17. The bill also lowers the age for sealing felony adjudications from 21 to 19.

“Sexting”

The “sexting” bill, **SB 407** by Senator Kirk Watson, received much media attention during the legislative session and was signed into law. The bill addresses a fairly new concern created by teenagers sending text messages of images of themselves, friends, or partners “engaging in sexual conduct.” One component of the bill requires the School Safety Center to develop programs to educate teens on the consequences of sexting, including effects on relationships and potential future employment. Texans Care supported this provision of the bill; however, Texans Care worked to change other provisions that create new criminal offenses for this childish behavior. The law has some protections for

minors who are married or in dating relationships, but none for single teens. The new offenses—Class C misdemeanor for first offenses, Class B misdemeanor for malicious intent or second offenses, Class A misdemeanor for third offenses—will likely lead to a dramatic increase in the number of youth charged with crimes. SB 407 does not account for normal exploration by teens and, instead, is likely to create bigger problems than the one it aims to address.

Juvenile Delinquency Prevention

Investing in youth before they enter the juvenile justice system can save the state substantial money in the long run by preventing youth from ending up in secure facilities that average \$180,919 per stay per youth. In order to promote public delinquency prevention efforts, Texans Care for Children advocated for delinquency, truancy, and drop-out prevention initiatives to be brought under the new Texas Juvenile Justice Department. Prior to SB 653, delinquency prevention was administered through the Department of Family and Protective Services while drop-out prevention was primarily administered by the Texas Education Agency. TJJD is required to create and administer a statewide plan for prevention and intervention, improve efficiency and coordination of prevention dollars, fund research-based

programs, and use outcome measures. The department will distribute funds to community-based prevention and intervention service providers using a competitive process.

Penalties for Crimes

Delinquency, truancy, and drop-out prevention initiatives will be brought under the new Texas Department of Juvenile Justice.

Texans Care for Children actively worked against multiple House bills that would have enhanced penalties for crimes often committed by juveniles. Enhancing penalties does not deter crime but rather increases the financial burden

on families for fines or sends youth further into the justice system. The enhancement bills opposed by Texans Care that failed this session were **HB 20** by Representative Debbie Riddle and **HB 221** by Representative Allen Fletcher both to increase the penalty for burglary of a vehicle; **HB 341** by Fletcher regarding burglary while evading arrest or detention; and **HB 690** by Trey Martinez Fischer increasing the penalty for graffiti on a historic structure.

Another bill opposed by Texans Care also died in the Senate. **HB 230** by Representative Larry Phillips would have created barriers for some halfway houses that could have limited the supportive housing resources available for young people trying to build a successful life after incarceration.



SCHOOL RESPONSES TO CHILDREN

A great deal of children's wellbeing gets determined in the classroom and schoolyard. Although Texans Care for Children is not an education advocacy organization, these environments play an inextricable role in children's health and mental health. In the child and maternal health section, we discuss school health-related bills, while here we look at issues pertaining to school discipline and behavioral issues. When mental health problems go unaddressed, students' schoolwork may suffer, or they may get into trouble and find themselves being pushed out of their classrooms and towards the juvenile and criminal justice systems. With the leading predictor of future involvement in the juvenile justice system being school disciplinary action, school discipline policy is a large component of Texans Care's juvenile justice work.

The 2011 Texas Legislature made major cuts to education in many areas. Communities in Schools (CIS), a prevention program that addresses social, emotional and behavioral concerns of students at risk of dropping out of school, will provide services to about 32,000 fewer students each year in the next budget (scaled back from an initial plan to slash 65,000 students from this proven-effective program). Class sizes may also increase, making classroom management more challenging. Schools may be more inclined to remove students with challenging behaviors rather than address the child's needs on campus. In this environment, Texans Care worked to end school discipline practices that treat students like criminals. We advocated for legislative policies that provide teachers the tools they need to manage the classroom and prevent disciplinary problems.

Transparency

Because school discipline policies and activities vary widely from district to district, Texans Care for Children continues to push for more transparency, not only to allow parents and taxpayers to know what happens in schools but also so that schools may assess how they compare to other schools. Texans Care helped to develop and promote **SB 593** by Senator Royce West to require schools that disproportionately refer special education students and students of color for disciplinary action to develop and implement a remediation plan. Although opposition to this level of accountability

prevented this bill from receiving a hearing, another Texans Care for Children priority transparency bill did. **HB 349** by Representative Armando Walle would have required school districts to collect and report data on Class C misdemeanor tickets issued to students, restraints, and use of force on all students at school. This information would allow parents to know what happens at their children's schools and also would give school police and school boards a better understanding of what their policy and security dollars are buying. Currently, school police officers only collect data on restraints used on special education students. **HB 349** died in committee, though provisions from Senator Wendy Davis' reporting bill on restraints, **SB 536**, became law by being successfully amended onto **HB 359** by Representative Alma Allen, which became law. This bill requires that restraints used by school resource officers—police contracted by the school—be tracked and reported as they are for school police officers.

Ticketing

Two bills that aimed to eliminate the practice of issuing criminal citations for minor disciplinary issues in schools



fares well. Many legislators were shocked to hear that more than 275,000 non-driving citations were written to minors in 2010, most of which were written at school for non-criminal behavior such as chewing gum or talking in class. Texans Care actively supported **SB 1116** by Senator John Whitmire, which would have eliminated altogether the issuance of Class C misdemeanors to students for disruption of transportation, disruption of classroom, and disorderly conduct at school. **SB 1116** fell victim to the deadlines of the regular legislative session after making it to the House. However, Representative Helen Giddings successfully amended language similar to her **HB 3758**, also supported by Texans Care, onto **HB 359**, which became law. The amendment eliminates citations for minor misbehavior at school and on the school bus for students in sixth grade and younger.

Effectively addressing the causes of truancy is an important opportunity to prevent a young person from dropping out of school, which has its own dismal consequences: more than 80% of Texas prison inmates are high-school dropouts. The strategy that most schools use when students chronically miss school is to criminalize the behavior by issuing the student a Class C misdemeanor citation. Texans Care, our advocacy partners, and many legislators sought to end this counterproductive practice. A new law, **SB 1489** by Whitmire eliminates ticketing for “failure to attend” school for students age 10-11 and age 18-21, and requires schools to adopt truancy prevention measures to reduce referrals to court for truancy through citations or conduct in need of supervision.

Corporal Punishment

Tens of thousands of Texas school children can still be physically punished by school officials, because Texas is one of only a handful of states that still allow corporal punishment. Representative Alma Allen filed **HB 916** to end corporal punishment in public schools. Although that bill, which Texans Care supported, did not get out of committee, **HB 359** did. As filed, this Texans Care-supported bill required that schools get written permission from parents before using physical punishment on their children. After a contentious debate on the House floor, **HB 359** was weakened by changing its parental opt-in provision to a yearly parental opt-out provision (where a child would be subject to corporal punishment unless the parent opted out, in writing, each year); other amendments that further weakened the bill were removed by the Senate. The amended **HB 359**, along with amendments regarding ticketing and the use of restraints on special education students was signed by the Governor and will be in effect for the next school year.

Removal from Classroom and Expulsion

Instead of preventing or addressing disciplinary problems in the classroom, too many schools remove students from the classroom, send them to a Disciplinary Alternative Education Program (DAEP) or Juvenile Justice Alternative Education Program (JJAEP), or expel them. Texans Care advocates for

alternatives to pushing kids out of the classroom, into the juvenile justice system, or on the track to dropping out of school. One of these alternatives is giving teachers the tools necessary to manage their classroom and deal with disciplinary problems.

One of Texans Care’s legislative priorities was to eliminate “serious or persistent misbehavior” in a DAEP as grounds for discretionary expulsion and referral to juvenile court. This option has been used with broad discretion and has resulted in students being expelled and sent to a JJAEP—part of the juvenile justice system—for such minor behaviors as reading in math class or carrying a lunch tray with one hand. Three bills were filed to eliminate this catch-all provision that allows for expulsion for almost anything: **HB 622** by Representative Scott Hochberg, **HB 195** by Walle, and **SB 718** by Senator Leticia Van de Putte. **HB 622** eliminated persistent misbehavior as grounds for expulsion, and instead defined “serious misbehavior” with specific penal code violations. **HB 195** and **SB 718** changed “serious or persistent” misbehavior to “serious and persistent,” but did not define the offense. **HB 622** was voted out of committee but got stuck in the House Calendars Committee. However, the language from **HB 622** was successfully amended onto **HB 968** by Representative Mark Strama, which requires a student be placed in a DAEP if the student receives deferred adjudication for, or if the superintendent has reasonable belief the student has, committed aggravated robbery outside of school. **HB 968** was sent to the Governor and became law.

In response to an incident of students hacking into school computers, the Fort Bend school district requested **HB 1224** by Representative Ron Reynolds. The bill would have allowed schools to expel a student for hacking into a school computer or network without permission, even if they did no harm nor attempted to do harm. After receiving opposition from advocates, including Texans Care and committee members, the bill was made more specific so as not to create yet another catchall for expelling students from school. While not ideal, the amended bill, which was signed by the Governor and became law, was an improvement.

In a session where it was difficult to pass legislation that provided mandates for schools, the passage and signature from the Governor of **SB 49** by Senator Judith Zaffirini, supported by Texans Care for Children, was a notable success. This new law requires that a school notify a parent of a student who is removed from the classroom and placed in a DAEP of the student’s options for completing coursework required for graduation.

Bullying

Several bills were filed this session to address growing concerns over bullying at school. Signed by the Governor and effective for the 2011-2012 school year, **HB 1942** by Representative Diane Patrick was amended to include additional bullying provisions not included in the original



bill as filed. Texans Care supported many provisions in HB 1942, such as requiring schools to adopt policies to prevent and respond to inappropriate behavior; providing training to school staff, students and parents; and providing assistance to both victims of bullying and students who engage in bullying behavior. However, Texans Care worked against a provision contained in many of the bullying bills and in the final version of **HB 1942** that will allow school boards to transfer a student who engages in bullying behavior to another campus. This option could too easily lead to schools pushing students out of the classroom, moving the bullying behavior to another campus instead of using effective interventions to prevent further bullying. Although the provision remained, by working with partners, we were able to mitigate the harmful impact of this provision by adding a requirement for schools to consult with the bullying child's parent before transferring the student. A parent will not be able to stop the transfer, but will be better positioned to prepare for the decision and help inform the process so that the best decision for all parties is made.

Texans Care also supported **HB 1386** by Representative Garnet Coleman, which also became law with the Governor's signature. The bill will allow school districts to implement a suicide-prevention program to recognize early warning signs in children and, when necessary, notify parents to intervene. Suicide is the fourth-leading cause of death for children age 10-14 and the third for adolescents age 15-24.

School-wide Positive Behavioral Interventions and Supports

A schoolwide Positive Behavioral Interventions and Supports (SW-PBIS) approach effectively addresses the mental and behavioral health needs of all students while supporting their success in school. Our stakeholders in both the mental health and juvenile justice arenas called for wider use of SW-PBIS, so Texans Care for Children worked with local, state, and national experts to develop legislation that would better

align state policies and resources to help schools that wish to implement SW-PBIS do so successfully. We mobilized advocates to contact lawmakers and were instrumental in generating press coverage in major media markets, bringing more attention to the rationale for SW-PBIS. Despite that the Texas Education Agency (TEA) already recommends implementation of SW-PBIS and that there was key legislative support for the idea, the bill that emerged, **HB 1340** by Walle, fell victim to the Legislature's reluctance to place requirements on TEA. The bill would have required that a TEA representative participate with others in crafting a plan to assist schools in adopting and implementing this effective approach. Texans Care is already exploring ways to promote the implementation of SW-PBIS during the interim, helping to build momentum for next session and working to get the approach into more schools across the state.

School Resource Officer Training

The trend of criminalizing student behaviors, especially those of students with special needs, could be reversed if school resource officers and peace officers were adequately trained in child development, disabilities and mental health concerns, and effective strategies in working with children who have special needs. Texans Care for Children worked with Rep. Walle to file **HB 348**, a bill that would have helped keep students with special needs, such as those with disabilities, mental health concerns, or those who have experienced trauma, in school and out of the juvenile justice system by requiring that some existing training hours for School Resource and District Peace Officers be dedicated to these issues. **HB 348** was passed out of committee but was never scheduled for floor debate. Texans Care worked to have the bill amended onto **SB 542** by Senator Glenn Hegar and Representative Allen Fletcher, but the amendment was removed in conference committee due to pressure from police lobbyists who opposed the requirement that officers working with children at school have different training than officers working in other areas of law enforcement.



CHILDREN'S MENTAL WELLBEING

Simply residing in Texas means a child is less likely to access mental health services than a child living in nearly any other state. In 2007, Texas ranked last among states in children with emotional, developmental or behavioral problems receiving mental health treatment, nearly 20 percentage points below the national average.ⁱ Historically, Texas has ranked at or near the bottom amongst the states in spending on public mental health services for all age groups; only about 15% of this funding is spent on kids.ⁱⁱ

In recent years, mental health advocates have successfully worked together to educate lawmakers and the public on the high costs associated with unmet mental health needs,

including persons in crisis ending up in emergency rooms or jails. The Legislature responded in previous sessions by increasing funding for public mental health services, but this session it debated cutting funds for most of these services, including a 20% reduction to community mental health services to children. Texans Care joined with others, warning policymakers of the impact such cuts would have and securing media coverage about it statewide. As a result, the Legislature passed a budget that largely funds public mental health services at the same levels it currently does, though without accounting for inflation or growth in the state's child population. Though funding for children's community mental health services may even increase as much as 15% in the next two years compared to current funding levels, there will not be enough resources to serve all eligible children who seek services through the public mental health system.

A disproportionate number of youth with mental health concerns are involved in the juvenile justice system. Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI) is charged with providing services addressing the needs of adults and juveniles who have mental health diagnoses. TCOOMMI's ability to serve juvenile offenders was threatened this session, as attempts were made in the House to eliminate TCOOMMI's funding for juveniles and the office's mandate to serve them. While funding for TCOOMMI was reduced, the program will continue to serve juvenile offenders with a mental health diagnosis. Texans Care testified against **HB 2119** by Representative Jerry Madden, due to concerns it would weaken TCOOMMI's commitment to provide a continuity of care for juvenile offenders with mental health diagnoses. Texans Care successfully worked with legislative and state agency staff to address these concerns, so that HB 2119, as signed into law, does not turn the clock back on Texas' ability to serve juvenile offenders with mental illness.

Avoiding deep cuts to the public mental health system is a definite win this session. However, the fact remains that the public mental health system in Texas is funded at levels far below where it needs to be to meet the mental health needs of children and parents struggling with mental health concerns. While the state did move more funds into children's mental health, the additional funds it used were diverted from state family planning services, a program which promotes women and children's health. This legislative action arguably reflects political ideology more than it does leadership for children's well-being.

Funding cuts to substance abuse programming in the Department of State Health Services' budget will result in about 900 fewer youth receiving substance abuse intervention

services each month compared to current funding levels. A related bill, **SB 291** by Senator Kirk Watson, would have moved alcohol awareness requirements from schools' Health curriculum to the Science curriculum, in response to the 2009 Legislature's decision to no longer make health classes a graduation requirement. Texans Care supported this bill, which passed out of the Senate, but it was left pending in a House committee.

Early Childhood Intervention

Texas' Early Childhood Intervention (ECI) system has experienced significant challenges in recent years, faced with growing caseloads, children and families with more complex needs, and inadequate funding. Knowing the devastating impact the proposed 20% budget cut would have on this already struggling program and its ability to provide early intervention services to infants and toddlers with developmental delays or disabilities, Texans Care helped launch the ECI Advocacy Coalition to raise awareness and mobilize support for the program. Advocates across the state heeded the call, reaching out to lawmakers and urging adequate funding for ECI. Raising awareness about ECI, including flooding legislative offices with calls and securing numerous media reports about the value of the program, led to an additional \$20 million for ECI in the budget compared to the Legislature's initial proposal. However, lawmakers made the decision to increase ECI's funding at the expense of family planning services, an important program that also supports healthy families. Even with the additional funds, the Legislature chose to fund ECI at about \$30 million less than the program received in 2010-2011. As a result, about 4,000 fewer infants and toddlers will receive ECI services each month in the next two years. The Department of Assistive and Rehabilitative Services has already drafted new rules to limit the number of children who can receive ECI services to accommodate the reduced funding.

Another strategy identified by Texans Care to bring additional resources into the ECI system is requiring private group health plans to cover certain ECI services, like physical therapy and occupational therapy. Texans Care worked with Representative Joaquin Castro to file **HB 2270**, a bill that would have accomplished this. Although the bill never made it out of committee, it was one of the few insurance "mandate" bills filed this session to receive a hearing. This helps pave the way for further advancement next session, and Castro has indicated he is committed to pursuing this issue.

Child Care

Quality child development programs facilitate children's mental wellbeing and have lasting, positive effects on their

lives. Early care and education programs provide safe care for children while parents work and help prepare kids for success in school. Unfortunately, the quality of child-care programs in Texas is generally low, with training requirements, group sizes, and staff ratios falling below nationally recognized standards. The Governor signed two bills by Senator Royce West that should help address some of these concerns. **SB 260** increases the number of pre-service and annual training hours required of child-care staff and directors, and **SB 265** will help ensure persons who provide that training are qualified to do so. **SB 264** by Senator Judith Zaffirini, also signed by the Governor, will help parents choose quality child-care programs by requiring local workforce development boards to provide information on quality child-care indicators for each child-care provider in their region. Texans Care for Children was part of early discussions about how to address

quality in child-care settings and registered support for each of these bills during the legislative session.

Coverage for Serious Emotional Disturbance

Families with private insurance coverage face

significant barriers accessing treatment for their children with mental illness. In fact, because they do not qualify for public health benefits nor can they afford the cost of treatment out of pocket, it is most often middle-class families who report feeling compelled to relinquish their child to the child welfare system or have their child arrested in order to receive needed treatment for serious mental health concerns. **HB 1192** by Castro would have helped children with mental disorders most in need of help accessing treatment by requiring private group insurance plans to provide coverage for children with serious emotional disturbances (SED). The bill was a legislative priority for Texans Care for Children and, along with other advocates, we successfully pushed for HB 1192 to be voted out of committee and put a spotlight on the bill by ensuring news coverage of it in major media markets. Although the bill did not get set for a vote by the full House, passage out of committee was itself significant, given the reluctance of legislators to impose mandates on the private insurance industry. As legislators and the public became more aware of the need for SED coverage by private insurers, the effort is well positioned for success next session.

Coordinating Services

Some children and youth have complex mental and behavioral concerns that bring them into contact with multiple programs and systems. Too often, these programs are fragmented and disconnected, leading to inadequate services for youth, confusion and frustration for families, and missed opportunities and inefficiencies for the programs that serve them. As funding cuts occur across state and local programs, interagency coordination is more important than

ever to keep children with complex needs out of hospitals or the child welfare or juvenile justice systems. Unfortunately, the Legislature shortsightedly eliminated funding for two initiatives that assist communities in coordinating services to keep children and youth in their homes, schools, and communities and out of more restrictive and costly settings. The programs, championed by Texans Care, were the Texas Integrated Funding Initiative (TIFI) and Community Resource Coordination Groups (CRCGs).

SB 1817 by Zaffirini would have helped sustain TIFI's promotion of a system-of-care approach by merging the family-driven TIFI Consortium into another family-driven advisory body related to children with disabilities, the Children's Policy Council. Texans Care worked to advance **SB 1817**, but the bill did not pass, so we will continue to work in the interim to identify ways for the state to support a systems-of-care approach that effectively serves children and youth with serious emotional disturbances in community settings. The Governor signed **HB 35** by Representative Jose Menendez, a bill supported by Texans Care that extends a pilot project established in the previous legislative session. This Bexar County pilot works to keep children at risk of being expelled or placed in child welfare or juvenile justice settings in their communities through improved coordination and collaboration among local agencies. We remain hopeful that the project's success can inform and influence statewide policies and practices in the future.



Advocates came together and prevented passage of a series of policies harmful to those with mental health challenges.

Enhanced Penalties

Texans Care for Children raised concerns with legislators about efforts to make an act of simple assault, normally a Class A Misdemeanor, a Third Degree Felony if the assault is committed against emergency room personnel. Given the number of persons experiencing mental health crisis who end up in emergency rooms, **SB 295** by Senator Kirk Watson would have resulted in the further criminalization of mental illness. Texas

should be doing more to divert youth and persons with mental illness from involvement in the juvenile or criminal justice systems, not setting up new pathways for them to enter them. Evidence shows that diverting people from the criminal justice system into treatment, rather than out of treatment and into jail, saves lives and money. **SB 295** did not pass, failing to receive a final vote on the House floor before the session's end.

Concealed Handguns

Texans Care joined many others in opposing several bills filed this session that would have allowed licensed concealed handguns to be carried on college and university campuses, including **HB 86** by Representative David Simpson, **HB 750** by Representative Joe Driver, **HB 1356** by Representative Lance Gooden, **SB 354** by Senator Jeff Wentworth, and **HB 1167** by Representative Van Taylor. Instead of making campuses safer, the presence of guns would create additional safety risks for students, including those contemplating suicide. Several of the "campus carry" bills were voted out of committee, but none became law. Texans Care also opposed **HB 698** by Representative Dan Huberty, which would have allowed school board members and superintendants to carry licensed concealed handguns into school board meetings. While this bill also passed out of committee, it too failed to be set for a vote by the full House.

Inclusion

Texans Care joined many other groups and individuals in support of **HB 1481** by Representative Vicki Truitt, which requires the state to use respectful language when referring to individuals with disabilities. The bill was intended to discontinue use of outdated terms that are frequently hurtful and demeaning to individuals and their families. **HB 1481** was signed into law by the Governor.

COVERAGE

From the first well baby check-ups to adolescent treatments for health or mental health concerns, the care children get from qualified professionals matters for their future success. In childhood, such care represents an incredible bargain, perhaps the most cost-effective coverage on the market. The Children's Health Insurance Program (CHIP) and Children's Medicaid are two ways that low-income children access comprehensive coverage, which scientists say helps foster healthy development and growth. Along with pediatric services, CHIP and Medicaid cover mental health, vision, and dental services for children who need them. Texans Care for Children tracked over 130 bills related to health care coverage and/or the implementation of federal health care reform. Several important pieces of the debate around health care funding, coverage, and reform remained unresolved at the end of the legislative session. As the Legislature moved into a special session called by the Governor, it considered some of these outstanding health policy decisions. It also was poised to underfund the state's health care obligations in unprecedented ways, requiring that a hefty emergency supplemental bill be passed early in the 2013 session to prevent Medicaid and CHIP running out of money. In this portion of the Recap, we include the discussions and decisions made during the regular session and into the special session.

Payment and Delivery Reform

Two large bills were filed during the regular session, **SB 7** and **SB 8** by Senator Jane Nelson, to make the delivery of health care more efficient. **SB 7** included strategies for improvements in the quality of health care provided specifically through CHIP and Medicaid. **SB 7** was an attempt to shift from the traditional payment for health services, to instead structure payment for better health outcomes. During the regular session, **SB 7** was reported favorably from the full Senate and the House Public Health Committee, but failed to pass. The bill was, however, taken up for consideration in the special session and tied together with several other health-related issues in a bill that was again called **SB 7**. These measures did pass the full House and Senate in the special session.

SB 8 shared the purpose of improving the quality and efficiency of health care, but was not specifically limited to CHIP and Medicaid. **SB 8** would have attempted to contain health-care spending by allowing the creation of health-care collaboratives. Different versions of the bill were passed in the House and Senate, resulting in a Conference



Committee where eventually the clock ran out. **SB 7** from the special session, however, did include pieces of **SB 8**—as well as elements of **SB 23** by Nelson, **HB 32** by Representative Brandon Creighton, and **HB 3537** by Representative Van Taylor—from the regular session. **SB 23** which did not pass as a stand-alone bill in the Regular Session, but was included as part of **SB 7** in the special session, was largely viewed as a cost-savings bill. Among other things, **SB 23** expands managed care into the Rio Grande Valley and adds a cost-saving prescription drug benefit into Medicaid Managed Care. As of publication, the House and Senate were in final stages of approving **SB 7**, though it still must go through several more steps before becoming law.

CHIP/Medicaid

There were both positive and negative CHIP and Medicaid bills filed this session, but none of them were able to gain much traction. Several positive bills, like **HB 503** by Representative Armando Walle, to make Children's Medicaid eligibility continuous for 12 months, were filed. This important effort, which has been pursued in previous sessions with Texans Care for Children's leadership, would have helped children access health insurance, but because there is also a cost to the state when more qualified children can retain their health coverage, the bill did not make it out of committee. Conversely, **HB 1320** by Representative Jodie Laubenberg which would have reduced CHIP

eligibility from 12 months to 6 months, a measure we know creates unnecessary gaps in low-income children's health coverage and violates federal law under the Affordable Care Act, also expired before session ended.

The Budget

A significant portion of the health and coverage discussion revolved around whether to make across-the-board 10% rate cuts in the budget for doctors and other providers who deliver health care to Medicaid patients. Texas already has one of the worst reimbursement rates in the nation, and this type of reduction would have almost certainly caused providers to reduce or stop treating Medicaid patients, most of whom are children, altogether. Nonetheless, the elderly and disabled would have borne the brunt of this cut—as the elderly and disabled account for the greatest portion of the state's Medicaid *spending*. Throughout the regular session, providers, nursing homes, parents, and advocates (including Texans Care for Children, which co-sponsored Cover Texas Now Day at the Capitol) all spoke out against the proposed 10% provider rate cuts. The proposal was also politically unpopular, with 9 in 10 Texas voters polled by the Texas Tribune and the University of Texas on two occasions during the session voicing opposition to cuts in provider payments and children's health care. CHIP and Medicaid providers took a 2% physician payment cut in 2011, so rate cuts in the 2012-2013 budget would have been on top of this and further reduced access to care. When all was said and done, lawmakers did not cut primary care physician payments under Children's Medicaid and CHIP, and children's hospitals were spared from some large cuts made to other hospitals. The Legislature did also cut 8% in provider payments for "other CHIP providers" like optometrists—a policy that has now become law.

Health Care and Federal Law

During the regular session there were several bills filed to either block the implementation of federal health care reform or allow Texas to have complete discretion over the administration of health care without federal matching dollars, both ideas opposed by Texans Care for Children. Currently, Texas pays a portion of the bills for programs like Medicaid and CHIP, and the federal government pays the rest. If the federal government agreed, bills that ask for block grants or waivers from the Centers for Medicaid and Medicare Services (CMS) would result in Texas receiving a set amount of money and then being responsible for any cost growth or population growth that exceeds the amount the state receives. One such bill that failed to pass was **HB 5** by Representative Lois Kolkhort, re-filed in the special session as **SB 5** by Senator Joan Huffman, which would authorize Texas to enter into an Interstate Health Care

Compact with other states and obtain block grants for Medicare, Medicaid, and CHIP. **HB 13** by Kolkhorst, which failed to pass in the regular session and looked unlikely to pass in the special session, directed HHSC to obtain a waiver from CMS to have Texas set up our own state-run health care system. The bill has also been re-filed in the special session. Many health advocates have concerns that these bills would undermine coverage by making fewer families eligible, providing

fewer benefits for patients, and decreasing the state's receipt of federal funds that alleviate caseload and cost growth. As of publication, the Legislature is still in special session and could take action on SB 5 or HB 13.

HB 636 by Representative John Zerwas would have created the Texas Health Insurance Connector, and it is the only Texans Care-supported bill related to actually preparing Texas for the implementation of federal health care reform that gained any traction this session. Many insiders believe that to meet the federal deadline of 2014 for implementing a Texas health insurance exchange the Texas Department of Insurance would have to be authorized by the legislature to start setting up the exchange this session. Instead, the legislature focused on bills to block or undermine the implementation of federal health care reform. Many advocates and insurance industry professionals believe that by not passing **HB 636**, Texas will now default to the federal version of the exchange and likely not be able to set up a Texas-specific exchange before the deadline.

Primary care physician payments under Children's Medicaid and CHIP, and children's hospitals were spared from some large cuts.



CHILD AND MATERNAL HEALTH

Even before the 82nd Legislative Session officially began, the discussion about children’s health was dominated not by a vision of wellness for our future workforce and communities nor by attention to real needs, but instead by the significant revenue shortfall. In the beginning, lawmakers spoke bluntly about opting out of maintenance of basic public services in Texas, such as Medicaid, despite that doing so would damage lives and the very health-care system all Texans rely on. While that idea was ultimately abandoned, health care remained a sticking point for lawmakers, because a large portion of the overall budget is dedicated to it. The budget debate framed the discussion around health care in several important ways.

First, there were discussions about making the delivery of health care more efficient, including through the development of legislative proposals, like **SB 7** and **SB 8** by Senator Jane Nelson, for payment and delivery reforms in Texas. However, instead of coupling this reform discussion with a strategy to meet the real needs of Texas children, lawmakers proposed deep cuts to services for even the most vulnerable Texans. The first versions of the budget included decisions that meant fewer Texas children with special health care needs, like cystic fibrosis, would receive care, decreases to women and children’s health services like routine newborn screenings for working Texas families, and an across-the-board 10% provider rate cut for doctors and other providers who deliver health care to low-income children. Already having one of the worst Medicaid provider reimbursement rates in the nation, this measure would have all but ensured that low-income Texas children would lose access to health care, and that nursing homes across Texas would be forced to close their doors. The elderly and disabled account for the greatest portion of Medicaid spending. Texans Care for Children joined advocates and Texas families in speaking out to Texas lawmakers about how shortsighted and devastating these health care cuts would be.

Throughout the session, we also reminded lawmakers that the health care portion of our budget reflects a broader approach by the state to proactively curb health care costs, invest in our children, and ensure that Texas is a place where future generations want to live. Before cutting into vital health programs at the expense of Texas children, we asked lawmakers to consider reasonable options for bringing state

revenue into alignment with Texans’ current and future health-care needs. In the end, Texas lawmakers avoided some of the cuts (such as the across-the-board provider rate cuts) and enacted others, failing to prioritize the health and wellness of Texas children and families.

Obesity

Currently, 42% of Texas fourth-graders are overweight,ⁱⁱⁱ while over 20% of Texas school-children are already obese.^{iv} According to the Texas Comptroller’s newest report, obesity cost Texas businesses \$9.5 billion dollars in 2009, and that cost is expected to rise to over \$30 billion dollars by 2030.^v Current costs related to obesity in Texas—financial, social, and medical—are unsustainable.

Effective statewide policies to curb obesity in Texas are critical to containing health-care costs and ensuring that our forthcoming workforce is able to tackle the challenges of the future. As the obesity epidemic has taken root, public health officials and health-care providers have emphasized that we are surrounded by environments that encourage unhealthy behaviors, while discouraging healthy behaviors, and that there are an increasing number of barriers to maintaining a healthy weight. The good news is that there is a growing body of research about obesity, the contributing factors,



and what we can do to solve the problem. The challenge of statewide policy is consistently reminding policymakers that obesity is more than an individual problem; it is a community and statewide epidemic that is financially wearing on our health-care system and so requires a public-health response.

A positive measure to fight the obesity epidemic, which largely flew under the radar during the regular session, will allow the Comptroller to use \$2 million to oversee an anti-obesity program. The language appeared in several bills throughout the regular session, but finally passed as a part of **HB 1** by Representative Jim Pitts. As a longtime advocate of obesity prevention, the Comptroller now has the authority to map obesity data to identify areas of the state where children are at high risk for obesity, to award school-based grants to fight obesity, and to create an obesity information web portal to communicate with schools, businesses and the public about the economic impact of obesity in Texas. This positive measure will help high-risk schools fight the obesity epidemic and raise awareness about the serious impact of obesity in Texas.

Sugary Drinks

Eating right and exercising are vital for children's health, but reducing childhood obesity also requires paying more attention to a major contributor to weight: sugary drinks. Americans' consumption of sugary drinks, like soda, has more than doubled in the past four decades,^{vi} in direct relationship to the dramatic rise in obesity rates, and children are the age group most likely to drink these beverages regularly. Public health experts attribute 43% of the rise in caloric intake over the last thirty years to increased consumption of sweetened beverages alone.^{vii} Due to overwhelming evidence that sugary drinks are a major contributor to the child obesity epidemic, Texans Care for Children launched *Drink Well Texas*, an effort to raise awareness about children's sugary-drink consumption in Texas and generate support for a penny-per-ounce tax on soft drinks. A penny-per-ounce tax would be sufficient to curb consumption and generate an estimated \$1.3 billion dollars a year for Texas to reinvest in obesity prevention. **SB 1004** by Senator Eddie Lucio, Jr. and **HB 2214** by Representative Joe Farias were both introduced as a targeted tax on unhealthy, sugar-sweetened beverages. Although the proposals differed, they were both filed with the public-interest goal of curbing consumption of an unhealthy product to reduce obesity and overweight prevalence, while generating needed revenue for the state.^{viii} For example, **HB 2214**, a priority bill that Texans Care for Children was instrumental in developing with Farias's office, would have reinvested tax revenue into obesity prevention programs, like coordinated school health. Despite much legislator opposition to proposals for taxes, the Senate Finance Committee held a hearing on **SB 1004**, which generated wide-ranging support from health advocates, including the Texas Pediatric Society

and the Children's Hospital Association of Texas, leading to significant media coverage and heightened awareness about the link between sugary drinks and obesity. Both proposals met heavy industry opposition, and beverage trade groups reportedly hired eight lobbyists to help defeat the proposal. Although the bill was left pending in committee, **SB 1004** was the biggest revenue-generating bill to get a hearing in years and represents a first step for a policy that has the potential to reverse child obesity—just as the cigarette tax did for smoking.

School Health

Families, communities, schools, and child care settings all have a role to play in ensuring a healthy start for Texans. Several bills to improve school health and fight child obesity were filed this session. A bill that Texans Care for Children worked on actively that was signed into law by the Governor is **SB 226** by Nelson. This new law will increase the usefulness of FitnessGram, the state-adopted annual physical fitness assessment, data by requiring reporting of de-identified, individual fitness data to the Texas Education Agency, allowing the Agency to accurately correlate fitness data with academic data and make that data available to parents.

As FitnessGram provides a fitness report card for students and their families, it is largely a tool to gauge fitness levels, and an opportunity to provide parents with an evaluation of their child's health. While all elementary students and most middle school students will still be captured, **HB 400** by Representative Rob Eissler, which became **SB 8** by Senator Florence Shapiro in the special session and looks likely to become law, requires that Fitnessgram only be conducted for those students in P.E. As law, **SB 8** will all but eliminate the Fitnessgram for high schoolers because very few of these students are enrolled in P.E. **SB 8** takes away a key tool that parents have to make important health decisions. Without Fitnessgram, many parents have no meaningful measure of their child's physical health. Texans Care for Children actively opposed this policy proposal throughout the regular and special sessions amid concerns that compromising the integrity of the fitness assessment would result in a step backwards in the campaign to reduce obesity.

Coordinated school health is the evidence-based program recommended by the Centers for Disease Control to fight the obesity epidemic. It provides nutrition education standards, health and fitness standards, health assessments and school wellness programs, and has been integrated into Texas schools since 2001. **SB 224** by Nelson would have recognized schools for meeting and exceeding minimum standards for implementing coordinated school health. While the bill passed the full Senate and was voted favorably from the House Public Education Committee, it did not make it to the House floor for a vote.

Other bills Texans Care supported related to health and obesity included **SB 185** by Nelson, which would have

required 30 minutes of physical activity for 6th, 7th, and 8th grade students throughout the school year, versus the current four semester requirement, and **SB 186** by Nelson which would have increased the P.E. requirement for high school graduation from one credit to one and one-half credits and added one-half credit for Health, restoring requirements to 2009 levels. Prior to passage of **HB 3** in 2009, three semesters of P.E. were required for high school graduation. Currently, only one semester is required. Another positive school health bill that was filed but did not get a hearing, **HB 3770** by Representative Cindy Burkett, would have required mandatory recess, a measure that research tells us has a positive impact on both health and classroom behavior. **HB 3467** by Representative Diane Patrick, restricting school districts from offering food containing industrially produced trans fat to students had a hearing in House Public Education, but was left pending in committee. **HB 127** by Representative Carol Alvarado would have addressed a major contributor to child obesity, sugary drinks, by prohibiting public schools from selling certain beverages (like sugary soda) during school hours. **HB 127** was voted favorably from the House with bipartisan support, but failed to make it out of the Senate.

Built Environment

Places where teens feel safe walking, biking, or getting outside experience significantly lower rates of youth obesity, even when other factors, like income, are taken into account.^{ix} Complete streets—roads designed for the safety of all users, including pedestrians and bicyclists—promote health. The National Institutes of Medicine recommends legislation that promotes sidewalks, bikeways, and other features of complete streets as a strategy to fight child obesity.^x This session, Texans Care for Children made physical activity in the community environment a priority by actively supporting **HB 1105** by Representative Linda Harper-Brown and **SB 513** by Senator Rodney Ellis, to encourage walking and bicycling for health, transportation and recreation. These bills would have ensured that, when new roads are built or repairs are made to old ones, accommodations like sidewalks, crosswalks, and bike lanes are made part of the plan. The bills were both voted favorably from the House and Senate Transportation Committees, but regrettably did not make it further in the process.

Food Access

Many Texas children lack sufficient access to healthy, nutritious foods that are essential to maintaining a healthy weight. Three positive bills by Representative Borris Miles, **HB 2994**, **HB 2996**, and **HB 2997**, designed to address this problem by supporting urban agriculture and increasing access to healthy food, made it to the Governor's desk. Although **HB 2994** was signed by the Governor and will officially become law, **HB 2996** and **HB 2997** were both vetoed. **HB 2994**, will support innovative urban farming

technologies and research advancements. **HB 2996** would have created the Texas Urban Agricultural Innovation Authority and incentivized urban agriculture business development, and **HB 2997** would have created the urban farming pilot program and the Select Committee on Urban Farming to expand urban agricultural projects and to advance technology, drive sustainable business models, and increase fresh foods in local communities. In a different, constructive effort to improve access to fresh fruits and vegetables, **SB 184** by Nelson would have directed the General Land Office to develop a plan for the establishment of community food gardens on property that is owned or controlled by the state, and is not being used, or is being substantially underused. Unfortunately, **SB 184** was never granted a hearing by the Senate Natural Resources Committee.

SB 89 by Lucio, relating to summer food programs, was another positive food access proposal that was signed by the Governor. **SB 89** was a Texans Care for Children priority because as law, **SB 89** will help address the lack of sufficient access to healthy, nutritious foods by expanding summer food programs. When the bill was heard by the House Agriculture Committee several members expressed an interest in changing the summer food program so that schools would have to choose to participate, versus being allowed not to participate if they have barriers, which is how the program works now. Changing the program in this way would have almost certainly reduced the number of hungry children with access to meals. It was a concerted effort on the part of food advocates, churches, supportive legislators, and program providers that preserved the program and convinced lawmakers it should not be undermined. The program is important because, while many low-income school-aged children have access to healthy breakfasts and lunches during the school year, when school breaks for summer these children often lose access to healthy meals. In the end, **SB 89** remained intact, and it will help support local Texas economies. As a fully funded federal initiative, the summer food program already successfully draws down \$52 million in federal funds each year to low-income communities in Texas; because **SB 89** will allow more children to participate in the program, it will also help bring more federal dollars back to Texas.

In addition to proposals that would increase access to healthy, nutritious foods this Session, **HB 1151** by Representative Richard Raymond and **HB 3451** by Representative Susan King would have limited options under the Supplemental Nutrition Assistance Program (SNAP, formerly known as food stamps) and worsened food insecurity issues in Texas. Texas has the nation's second-highest rate of children who have limited or uncertain access to nutritionally adequate foods. Texas also has the lowest number of supermarkets per capita of any state in the nation. Policies to limit what a family can purchase with SNAP without increasing access to affordable, healthy foods would merely exacerbate food insecurity. Policies that

target the root causes of obesity and empower individuals to determine and purchase healthy options, without compromising food insecure Texas children and families, are better, more sustainable solutions for fighting the obesity epidemic. Neither HB 1151 nor HB 3451 passed.

The Budget

In tight budget times, preventive health services are often the first area to be cut—and the 82nd Legislative Session was no exception. Not all infant and child health challenges can be prevented, but many can, leading to long-term savings in our health system. These savings represent healthier students, more productive workers, and a more prosperous Texas. We need not look any further than our increasing obesity-related health-care costs to see the expenses will continue to rise if the problem is left unaddressed. Yet, the budget will cut community-based obesity prevention/chronic disease prevention programs by 43%. The Department of State Health Services' community-based obesity prevention programs are responsible for the essential public health functions related to nutrition, physical activity, and obesity prevention. Texans Care for Children opposed these cuts, along with other damaging health-related cuts. However, since the majority of Texas lawmakers remained unwilling to utilize the Rainy Day Fund or pass measures to raise more revenue, obesity prevention and chronic disease prevention cuts remained intact. Prevention is not only a smart investment in the future; it is essential to keep Texas children healthy, and to put a stop to unnecessary health-care costs.

Texans Care also worked against **HB 1634** by Representative Dennis Bonnen. This bill would have created a workgroup to identify all mandates in state law that require a local government—including school districts—to provide services that the Legislature did not specifically fund. If this bill had passed, local governments would not have had to keep providing any of the workgroup-identified services, which could include school health programs that help prevent child obesity. This bill was prevented from being voted out of committee.

Infant and Maternal Health

Prematurity

Health issues encountered in infancy can have lifelong effects on wellbeing and development. Texans Care for Children prioritizes infant and maternal health issues because each child brings the promise of a healthier, stronger future for Texas; making good on that promise begins with good health in the prenatal period.

Prematurity and low birthweight are serious and growing problems in Texas that can lead to lifelong disabilities. In addition to lifelong health complications, the annual costs of medical care, early intervention services, special education services, and lost household productivity associated

with preterm births in the U.S. is \$51,600 per child born prematurely. Evidence indicates Texas is facing a significant problem related to our growing number of premature and low birthweight babies. Because critical decisions made before a child is born, and throughout the delivery process, can shape health and wellbeing for a lifetime, Texans Care for Children specifically identified maternal health, prematurity, low birthweight, and pre-term, non-medically indicated deliveries as priority infant health issues leading up to the 82nd Legislative Session. Seeking to make these infant health issues a priority for bill filing, we hosted an Infant Health Summit at the Capitol early in the session and brought together experts to inform legislative staff about the state of infant health in Texas, prematurity, and reducing maternal and infant delivery trauma.

In 2006, 54,000 babies in Texas were born preterm and 33,000 were born low birthweight. To address the rising number of premature and low birthweight births in Texas, a Texans Care for Children priority bill **HB 2505** by Representative Armando Walle, would have created a continuum-of-care taskforce to investigate causes, develop resources, and make recommendations that would help curb the high rate of rehospitalization among premature infants. The taskforce, comprised of doctors, nurses, nonprofits, maternal and child health organizations, and parents would have served two major functions: to investigate the causes of rising premature births and re-hospitalization in Texas and to develop different types of educational resources for providers and families. Regrettably, HB 2505 did not make it out of the House Public Health Committee after being heard in part due to a misunderstanding about the scope of this bill as compared to another bill drafted to limit usage of neonatal intensive care units.

C-sections and inductions are procedures that were designed for pregnancies with medical complications and emergencies. By definition, elective c-sections and elective inductions are procedures performed prior to 39 weeks' gestation without a valid medical reason, a practice that is widely acknowledged as compromising health outcomes and that some hospitals have banned.^{xi} Another Texans Care for Children priority bill, **SB 1050** by Senator Royce West would have asked health care providers to be accountable for performing these higher risk, non-medically indicated, pre-term procedures by reporting on this practice. Texans Care developed the proposal for this bill, worked with the office each step of the way, and generated media coverage about the bill. Although **SB 1050** was voted favorably from the Senate Health and Human Services Committee, the Texas Hospital Association actively opposed the proposal, and the bill did not go further in the process. A positive infant and maternal health measure related to elective c-sections and elective inductions that did pass, however, is **HB 1983** by Representative Lois Kolkhorst. During the interim Texans Care met with Rep. Kolkhorst and her office to raise awareness of the critical role these elective procedures play in increasing rates of prematurity. As law, HB 1983 has

three parts—it directs HHSC to achieve a cost savings by reducing the number of non-medically indicated pre-term deliveries; it requires HHSC to collect information about the number of non-medically indicated pre-term deliveries paid for by Medicaid; and it requires hospitals that provide obstetrical services to collaborate with physicians to develop quality incentives that will reduce elective pre-term deliveries. The bill, which was signed by the Governor, is a positive first step in raising awareness about a practice documented to be costly and to lead to negative health outcomes.

This Legislature took no significant action to promote breastfeeding, one of the most effective and lowest-cost ways to support child health.

Healthy Environments

Air quality has a pervasive effect on child development and wellbeing. Creating smoke-free public places would help ensure that children and pregnant women are not exposed to secondhand smoke, the dangers of which are well documented. Texans Care for Children supported **HB 670** by Representative Myra Crownover and **SB 355** by Ellis that would have eliminated smoking in certain workplaces and public places. The proposals were projected to save millions in taxpayer dollars by eliminating the Medicaid costs that result from exposure to secondhand smoke in bars and restaurants. The bills garnered bipartisan support, as they have in previous sessions, but as time was running out in the regular session, the Texas House of Representatives passed the smoking restrictions as an amendment to **SB 1811**, a Fiscal Matters bill by Senator Robert Duncan. SB 1811, however, contained several controversial fiscal proposals and, in the end, failed to pass. The proposal arose again during the special session but was not resolved at the time of publication.

Failure to limit harmful substances, and failure to let families know when there is a danger of contamination, can adversely affect long-term child wellbeing. **SB 506** by Senator Bob Deuell, another Texans Care priority bill, would have helped address this problem by requiring that mercury contamination in fish at levels now known to be harmful be reported to the public. If SB 506 had passed, it would have helped alert pregnant women, nursing mothers, and parents of young children about specific dangers related to mercury consumption and better inform their consumption decisions. As coal-fired power plants are a significant source of mercury emissions, SB 506 met opposition from groups like the North American Coal Corporation and the American Coalition for Clean Coal Electricity when it was heard in the Senate Health and Human Services Committee. The bill passed out of the Senate, but did not pass the House.

Injury prevention is an important way to promote and secure the physical health of young children. Car seats are a preventive measure shown to effectively reduce the risk of fatal injury for babies and toddlers traveling in cars. **HB 478** by Representative Rob Orr would have repealed an existing

court fee associated with the offense of not properly securing a child passenger in a car. The fee collected goes to the Texas Department of Transportation for purchasing car seats for low-income families. Repealing the fee would have resulted in some families losing access to car seats. Texans Care opposed this bill and mobilized partners against this reduction in funding. HB 478 never came out of the Senate Transportation and Homeland Security Committee.

Maternal Health

Maternal health programs for low-income women did not fare well this session. The family planning program and Women's Health Program are the two funding streams that provide low-income women with preventive care and birth control and planning—not abortion. (By law, participating clinics cannot use these funds to perform or promote abortions.) Texans Care for Children provided testimony in support of women's health services funding and the renewal of the Women's Health Program because promoting infant health begins before birth through proper prenatal care for pregnant women and ongoing attention to maternal health.

Both the Women's Health Program, which serves 120,000 women, and women's health services emerged as two of the most contentious issues this session. Even with extra provisions to prevent Planned Parenthood from providing health care to women, the two bills to renew the Women's Health Program **HB 2299** by Representative Garnet Coleman and **SB 1854** by Deuell stalled out after significant pressure from groups who oppose family planning and those on the other side who opposed limiting providers. Throughout the session, the Women's Health Program was caught in the middle of a political and legal debate between those who would not support the bill unless it barred organizations like Planned Parenthood from participating and those who opposed such a provision and questioned the legality of excluding providers. Although late in session it appeared that the entire Women's Health Program was in jeopardy of being eliminated, the state budget was amended just days before the end of session to allow the state to seek federal permission to continue it.

In addition to jeopardizing renewal of the Women's Health Program, the House proposed cutting two-thirds of the family planning program funding, and the eventual outcome from the House-Senate Budget Conference Committee was a 60% cut to family planning. This decision means that hundreds of thousands of low-income Texas women will not be able to get preventive care. According to cost estimates by the Legislative Budget Board, the absence of women's health services will result in millions of dollars in new Medicaid expenses for Texas due to unplanned pregnancies and their common complications. The decision not to provide preventive health care to women could be one of the legislature's costliest failures for children and for all Texans.



CHILD PROTECTION

When it comes to protecting children from child abuse and neglect and supporting those who enter the state's care, the 82nd Legislative session required a major focus on budget advocacy. Initially, both chambers made deep cuts to vital funding for the Department of Family and Protective Services (DFPS). The budget that was signed by the Governor maintained past funding levels, but did not include support needed to provide services for a growing child population. The approved budget will decrease the agency's cap for full-time employees by 208 direct-delivery staff. DFPS currently has many positions vacant, so it will be able to absorb some of the staff reductions. Nonetheless, the budget cut is expected to increase the average daily caseload per worker in 2013 by 8% for Investigations, 25% for Family Based Safety Services, and 7% for Conservatorship workers. Caseloads are already unmanageable for many caseworkers, and this budget may harm the safety and wellbeing of the children and families served by DFPS.

Statewide Intake manages the call center for reports of child and adult abuse and neglect. Currently, the average hold time for statewide intake is over eight minutes; however, many callers are placed on hold much longer and are forced to abandon the call. With no additional funding provided for workers, caller hold times will increase to 10.5 minutes in FY 2013 and corresponding abandonment rate is projected to increase 18%. Statewide Intake is the first line of support and defense for those being abused and neglected, and funding is needed to support DFPS' mission to "Protect the Unprotected." A related bill, **HB 1342** by Representative Armando Walle, supported by Texans Care for Children, would have guided DFPS to cap caseloads for Child Protective Services (CPS) caseworkers in all stages of service, supported DFPS' efforts to ensure hold times for calls to the Child Abuse Hotline did not exceed eight minutes, and required the Commissioner to calculate the call abandonment rate. Due to the budget crisis, the bill did not pass.

The state invests far less in prevention than in child welfare services once abuse or neglect has been identified. In tight budget times, prevention is often the first area cut. Indeed, the session began with the Legislature proposing to cut prevention funding by more than 55%, though it was moderated as session progressed. Funding for prevention programs at DFPS—which includes both delinquency prevention and child abuse and neglect prevention—was cut by 30%, though the cut to child abuse prevention was deeper, at 44%. In the future, responsibility for abuse and neglect prevention will remain at DFPS, though the agency's current delinquency prevention programs will shift to a newly created state agency, the Texas Juvenile Justice Department. Texans Care for Children, with the support of other advocates, helped block passage of **HB 2637** by Representative Warren Chisum that would have moved fees paid into the Children's Trust Fund for child abuse and neglect prevention to the Family Trust fund for other initiatives.

The relative caregiver program and relative daycare subsidies were both slashed in early versions of the budget. Although funding was maintained at the end, the final budget does not fund caseload growth. It requires DFPS to use a sliding scale for relative daycare, which will result in decreased availability of this service for moderate income families. Though the House initially cut funding for protective day care—a vital service that reduces the risk of abuse and neglect—the final budget maintained this funding. Adoption subsidies were funded for 2012-2013 in the final budget, though earlier

versions of the budget did not fund any new adoptions for the next biennium.

Improving Foster Care Services and Child Outcomes

In January 2010, DFPS began the Foster Care Redesign project aiming to improve the outcomes of children, youth and families. Through the Public Private Partnership (PPP) and focus groups, DFPS worked with select stakeholders to develop recommendations for a redesigned foster care system. DFPS requested legislative approval to move forward with the redesign project, which was passed in **SB 218** by Senator Jane Nelson and signed by the Governor. The bill requires DFPS to implement Foster Care Redesign and approves foster care payment rates under the redesigned system.

Texans Care for Children supported SB 218, which also provides additional measures to improve outcomes for those served by the child welfare system. The bill authorizes DFPS to seek a protective order on behalf of a child—currently DFPS can only seek a temporary restraining order—and supports further related training of CPS workers in obtaining a protective order for a child as an alternative to removing a child from the home. This provision supports a child's ability to remain in the home, while ensuring the safety of the child is not ignored. **SB 218** requires DFPS to involve a child's parent in developing service plans and allows a parent to file a motion with the court at any time to seek amendments to a service plan.

HB 943 by Representative Dukes was supported by Texans Care and signed into law by the Governor. It supports the needs of youth who run away from a foster care placement. The bill requires DFPS to make diligent efforts to locate the child and document these efforts in the child's case record. Most notably, DFPS is required to interview a child to determine why the child ran away, where the child stayed, and if the child was harmed while missing from foster care. This mandate will help DFPS support a child's stay in foster care and decrease likelihood of future attempts to run away.

Another bill supported by Texans Care and signed into law was **SB 501** by Senator Royce West, which creates an inter-agency council for addressing disproportionality across the juvenile justice, child welfare, education, and mental health systems at each stage of service. A representative from the Center for Elimination of Disproportionality and Disparities within the Health and Human Services Commission (HHSC) will serve as the presiding officer of the interagency council. The council is required to produce a report addressing the council's findings and recommendations, and to present an implementation plan. Additionally, the council is required to investigate and report health and health access disparities among racial, multicultural, disadvantaged, ethnic and regional populations and develop strategies to eliminate these disparities.

Texans Care also supported **HB 753**, by Representative Richard Raymond, which was signed by the Governor. It requires DFPS to use assessment tools to match those applying for CPS employment with an appropriate position based on the applicant's skills, personality traits, and experience. Additionally, HB 753 requires DFPS to give preference to applicants with a master's or bachelor's degree in social work for certain positions. This bill also requires the department to study the salaries of CPS caseworkers and the turnover rate for each type of caseworker.

Mental Health

SB 681 by West reflected the work of a targeted workgroup of Partners in Child Protection Reform, a forum facilitated by Texans Care. SB 681 would have created a taskforce to improve assessments used in the child welfare system through development of clear guidelines for assessment reports and parameters for acceptable assessment tools. This bill sought to improve the process by which many service and placement decisions are made for children in the foster care system and required DFPS to follow the taskforce recommendations. General concerns in the House that taskforces increase government prevented this bill from passing on the House floor, even though the bill had no cost and would have provided more efficiency at DFPS. While the substance of the bill was amended on to other legislation, it was removed prior to final passage.

Senator Nelson's **SB 219** was signed by the Governor. It supports more effective health and mental health services for children in foster care and kinship care by requiring training in trauma-informed programs and services for DFPS staff, foster parents, adoptive parents, kinship caregivers, and physicians and healthcare providers serving children in CPS. Texans Care worked through the interim with Nelson's staff to explore solutions to the mental health challenges foster children face. Caseworkers and supervisors will be required to take an annual refresher course in trauma-informed program service provisions. SB 219 also acknowledges the effectiveness of telemedicine by requiring HHSC to explore ways to increase the use of telemedicine services by STAR Health providers, who serve foster children, in underserved areas. The bill also encourages the preventative care and screening regimen provided under Children's Medicaid—Texas Health Steps—to children in foster care, including a mental health screening at each exam.

Another bill that made its way to the Governor's desk and became law is **HB 3531** by Representative Mark Strama that requires HHSC to implement a monitoring system to track psychotropic medications prescribed to children in DFPS conservatorship and STAR Health Medicaid managed care program. The monitoring system would be required to include a medical review of certain medications. This bill is not expected to result in any practice changes, as DFPS is currently using a monitoring system to track medications and completing reviews, when needed.

Caregivers: Kinship and Foster Care

Kinship care is the placement of a child with a relative or close friend of the family when a child has been removed from home due to abuse or neglect. Additional support for kin caregivers is needed to ensure more children stay out of foster care.

SB 993 by Senator Carlos Uresti revises DFPS policy about parental child safety placements—temporary out-of-home placements for a child while abuse or neglect is being investigated or while a parent is receiving services to help him or her care for the child. The bill specifies that a child safety placement be made by the parent and approved by DFPS, puts parent notification measures in place, and guides how to end a child safety placement so that a child does not linger in what is meant to be a temporary situation. This bill also has measures to increase the effectiveness of the relative search process so that a child brought into foster care is more likely to be placed with a relative rather than in foster care. A related bill, **HB 848** by Representative Ryan Guillen allows a parent to give authority to a caregiver caring for a child under a parental child safety plan for certain acts—such as school enrollment and medical care authorization—for the child during a CPS investigation. Both bills were supported by Texans Care and signed into law by the Governor, as was **HB 2370** by Dukes. This bill requires DFPS and child-placing agencies to inform relative caregivers who apply to take permanent custody of a child of the specific criminal convictions that will prevent them from doing so, as well as the potential risk evaluation.

HB 2560 by Representative Ralph Sheffield impacts foster parents by prohibiting DFPS from mandating that a foster parent with a concealed handgun license not carry a handgun in a vehicle while transporting a foster child currently residing in their home. This bill was signed by the Governor and became law. **HB 807** by Representative Parker also became law. It requires DFPS to provide at least 48 hours notice to a foster caregiver before changing a child's placement, unless court-ordered or in case of emergency.

Youth Transitioning Out of Foster Care

The number of foster care alumni in Texas is expected to continue growing due to a surge in the number of out-of-home child protective placements in the 1990s and early 2000s. Many foster youth have multiple challenges after leaving foster care and need additional support to be successful and productive adults. There were a number of bills filed this session that addressed the needs of youth “aging out” of care.

The previously mentioned **SB 218** by Nelson aims to improve the collection and reporting of outcomes of youth in care. The bill requires DFPS to collect and report service and outcome information for certain current and former foster youth to be used in the National Youth in Transition Database. Additionally, this bill waives driver's license fees

for youth 18 and under, and for youth ages 18-21 living in extended foster care.

HB 452 by Representative Eddie Lucio III was supported by Texans Care because it fills a housing gap for former foster youth who are now in college by requiring colleges and universities to assist them in locating temporary housing during academic breaks and allowing the institution to pay for the housing. Funding for this support can come from legislative appropriations or solicitation of grants, gifts, and donations. This bill became law.

Texans Care for Children helped prevent the passage of **SB 1724** by Senator Judith Zaffirini that would have changed eligibility requirements for youth receiving a tuition and fee waiver for college and other post-secondary education. If passed, this bill would have excluded many youth who are currently eligible by implementing grade point average requirements and a credit hours cap.

A bill Texans Care testified for that became law is **HB 2170** by Representative Aaron Peña. This bill requires DFPS to provide the Foster Care Bill of Rights to each child placed in foster care in the child's primary language, if possible. This provision was taken from **SB 269**, a bill that failed to move out of committee. Also, **HB 2170** requires DFPS to provide a free credit report annually to foster youth 16 years and older so that they may correct damage from identify theft—a significant threat to youth whose personal information is often accessible to many people—before leaving foster care.

HB 3234 by Representative Ana Hernandez Luna requires that DFPS prioritize requests for case records to children and youth discharged from foster care above other requests for records that it receives. Currently, former foster youth have to wait months before getting their case records, hindering their ability to have the case-related information needed to support independent living and emotional well-being. This bill was signed by the Governor.

Supported by many child welfare advocates, including Texans Care, **SB 63** by Zaffirini (companion **HB 1709** by Dukes) would have created a structure for an Individual Development Account (IDA) program for youth in foster care. These matching-savings accounts provide opportunities for youth to save for and pursue home ownership, postsecondary education, and business development. **SB 63** was passed by the Senate and came out of the House Human Services committee, but was never set on the calendar to be heard by the House. We will continue to work with our partners to make IDAs a part of the service planning provided to foster youth.

Judicial Aspects of Child Abuse and Neglect Cases

Bills were filed and passed this session to improve child and parental representation during legal proceedings of

child abuse and neglect cases. **HB 3311** and **HB 3314** by Representative Stefani Carter require a child's attorney to meet with the child or caregiver before a court hearing in a setting that allows for private discussions or, if the child is not present at the hearing, to file a statement with the judge documenting their pre-hearing meeting. **SB 1026** by Senator Christopher Harris supports the representation of indigent parents by requiring the attorney to meet with parents before hearings, receive additional training on representation in child welfare cases, and be more involved in case-related activities. Additionally, SB 1026 outlines duties of an attorney appointed to an alleged father. All three were supported by Texans Care and signed by the Governor, as was, **HB 2488** by Representative Connie Scott, which supports a legal team's access to medical information. The bill allows a child's attorney, guardian ad litem, or amicus attorney to receive a child's medical records without further orders.

In addition to working in support of good legislation, Texans Care for Children also was successful in preventing passage of several harmful bills. **HB 1243** by Representative Doug Miller would have fast-tracked the adoption of babies born to drug-using mothers and made the mother guilty of a felony. Though interventions are needed to help drug-using mothers and their children, this bill would have had a negative impact on infant wellbeing by creating a strong incentive for mothers to avoid prenatal care and birthing establishments for fear of prosecution, which is particularly problematic for a drug-exposed infant who is more likely to be medically fragile. The bill would have removed the requirement to work towards family reunification, the first solution in child abuse and neglect cases, severing a baby's right to be with the mother and siblings. **HB 436** by Parker would have made family reunification more difficult for children in foster care by allowing foster parents to file suit to terminate parental rights only six months into the legal case. Representative Parker's **HB 835** would have shortened the timeframe in which relatives could request custody of a child, and his **HB 435** would have stripped absent fathers' rights to counsel in a suit to terminate parental rights.

Child Abuse and Neglect Prevention

Texans Care joined with many child welfare advocates in working for legislation related to child abuse and neglect prevention training, and two of these bills passed into law. **SB 1414** by Senator Robert Duncan became law and requires volunteers and employees of programs held on campuses of institutions of higher education to take training on child abuse and neglect. **SB 471** by West was signed by the Governor and requires each school district to add information related to child maltreatment and prevention techniques to their current training on sexual abuse of children. Also, the bill requires day-care facilities and child-placing agencies to provide specific training on recognizing and prevention of sexual abuse and other forms of child maltreatment.

SB 434 by Nelson establishes a task force to examine the relationship between family violence and child abuse and neglect and develop related policy recommendations; it was supported by Texans Care and signed by the Governor. Also signed into law was **SB 1154** by Uresti. This bill re-establishes a task force to develop a strategy to reduce child abuse and neglect and improve child welfare. **HB 253** by Representative Harvey Hilderbran, signed by the Governor, authorizes a court to issue a temporary restraining order to remove an alleged perpetrator from the home, rather than removing the child, in a case of abuse or neglect.

Human Trafficking

Texas first addressed human trafficking in 2003 and has continued to support efforts to combat these crimes. This session, the Legislature took significant steps forward on this complicated and pressing issue. Many of the bills that were sent to the Governor reflected recommendations from the Texas Human Trafficking Prevention Task Force Report, published by the Attorney General's Office.

HB 3000 by Representative Senfronia Thompson creates the offense of continuous trafficking of persons, which applies to those who commit the offense of human trafficking two or more times during a 30-day period. The bill was signed into law by the Governor, as was **HCR 68** by Representative Todd Hunter (carried in the Senate by Senator Leticia Van de Putte), which creates a joint interim committee to study human trafficking in Texas that will submit a full report to the next Legislature.

The Governor also signed into law **SB 24** by Van de Putte that supports the recommendations of the Attorney General's Human Trafficking Prevention Task Force Report by creating a legally distinct definition of sex trafficking and labor trafficking and makes prostitution of a child a first-degree felony. The bill supports the protection of child victims by allowing a parent or guardian of a minor who is a human trafficking victim to seek a protective order against the perpetrator and allows the judicial system to treat child human trafficking victims the same as sexual assault victims.

HB 2015 by Thompson amends the Family Code to include the offense of prostitution by a minor as an offense that warrants a need for supervision. Members of the Juvenile Justice Roundtable, which Texans Care facilitates, were the impetus for the bill, and it was signed into law by the Governor. Currently, prostitution by a minor is seen as delinquent conduct and pushes victims into the juvenile justice system. Additionally, the child's records will be sealed. This bill supports the services and legal acknowledgment of youth that are impacted by human trafficking.

Two bills that were signed by the Governor and became law give law enforcement additional tools to address human trafficking. **HB 289** by Representative Jim Jackson

adds human trafficking and sexual employment of a child to the list of offenses considered a common nuisance, and **HB 2014** by Thompson adds human trafficking to the list of offenses that hinder a business from having a license or permit to serve alcohol. Texas Alcoholic Beverage Commission (TABC) personnel are often the first to become aware of a human trafficking problem in the establishments they regulate, and this bill gives them the authority to take appropriate action.

HB 2014 also adds human trafficking and prostitution of a child as a condition for revoking bail. This bill requires a court to order a defendant to pay restitution to minor victims of human trafficking or prostitution in an amount equal to the costs of rehabilitation services for the victim. Also, courts will now be required to report the number of human trafficking and prostitution cases to the Office of Court Administration. Providing more protection to child victims, HB 2014 enhances the offense of employment harmful to children to a second-degree felony and provides for an additional enhancement, if the child victim was younger than 14 years old at the time of the crime.

In an effort to combat the commercial sexual exploitation of individuals, **HB 1994** by Representative Randy Weber allows county and local courts to create First Offender Prostitution Programs. This bill was supported by Texans Care and signed by the Governor. These programs have become more popular across the county and allow first-time offenders arrested of solicitation to understand their role in human trafficking and victimization.

HB 2329 by Representative Bill Zedler helps protect the identity of human trafficking victims by requiring the Office of the Attorney General to develop and distribute law enforcement forms that promote the use of pseudonyms when working with victims. This bill allows human trafficking victims and individuals representing individuals younger than 18 years old to file an application for a protective order and authorizes courts to order protection of the victim's family members without notice to the offender. These provisions extend current court measures to help protect the victims of human trafficking and acknowledge the importance of confidentiality to a victim's overall safety. This bill was signed by the Governor and became law.

END NOTES

- i Kaiser Family Foundation. (2007). *Percent of Children (2-17) with Emotional, Developmental, or Behavioral Problems that Received Mental Health Care, 2007*. <http://statehealthfacts.org/comparetable.jsp?typ=2&ind=53&cat=2&sub=14&sortc=1&o=a>
- ii National Association of State Mental Health Program Directors Research Institute, Inc. (NRI Inc.). State Mental Health Agency Profile Systems (Profiles) and Revenues and Expenditures Study. Revenues and Expenditures Data: 1997 to 2006. http://www.nri-inc.org/projects/Profiles/Prior_RE.cfm#1997. Accessed May 28, 2010.
- iii Hoelscher D.M., Perez A., Lee E.S., Sanders J., Kelder S.H., Day R.S., Ward J. School Physical Activity and Nutrition (SPAN) III Survey, 2004-2005. UT School of Public Health, Houston.
- iv Texas Comptroller Susan Combs. "Gaining Costs, Losing Time: The Obesity Crisis in Texas." February, 2011.
- v Texas Comptroller Susan Combs. "Gaining Costs, Losing Time: The Obesity Crisis in Texas." February, 2011.
- vi Brownell et al. "The Public Health and Economic Benefits of Taxing Sugar-Sweetened Beverages." *The New England Journal of Medicine*. September 16, 2009. <http://www.nejm.org/doi/full/10.1056/NEJMp0905723>. Accessed August 10, 2010.
- vii Woodward-Lopez G, Kao J, and Ritchie L. To what extent have sweetened beverages contributed to the obesity epidemic? *Public Health Nutrition*, Sept 2010.
- viii Baxandall, Phineas. "Taxing Habits." *Regional Review*, 2003. <http://www.bos.frb.org/economic/nerr/rr2003/q1/taxhabits.htm>. Accessed September 2010.
- ix Slater, S.J., Ewing, R., Powell, L.M., Chaloupka, F.J., Johnston, L.D., and O'Malley, P.M. "The Association between Community Physical Activity Settings and Youth Physical Activity, Obesity, and Body Mass Index." *Journal of Adolescent Health*, June 2010.
- x Bike Texas. "Complete Streets." Adapted from the National Complete Streets Coalition. Austin, 2010.
- xi Labor and Delivery/Obstetrics-Gynecology (OB-GYN) Unit Manual. Protocol: Cesarean Section: Immediate Preoperative and Intraoperative Care of the Patient. http://nursing.uchc.edu/unit_manuals/ld_obgyn/docs/Cesarean%20Section%20-%20Immediate%20Preoperative%20and%20Intraoperative%20Care%20of%20the%20Patient.pdf



Texans Care for Children is a 501(c)(3) nonprofit organization and the leader in policy advances for Texas children. Texans Care works to promote the wellbeing of children in Texas in the areas of child and maternal health, child protection, family financial security, children’s mental health, and juvenile justice. With members statewide, the organization is a nonpartisan voice for children, a source on children, and a network for people who put kids first.



THE LEADER IN POLICY ADVANCES FOR TEXAS CHILDREN
811 Trinity, Suite A | Austin, Texas 78701 | (512) 473-2274 | www.txchildren.org

