

Children and the 82nd Texas Legislature

*A Recap of the 2011 Session and
What It Means for the Bottom Line*

June 29, 2011

Texans Care for Children

KEY

- Neutral
- ✓ Good Bill
- ✗ Bad Bill

(R) Regular Session

(S) Special Session



Family Financial Security

Revenue-Limiting Bills Failed to Pass

2/3 approval for any new tax or tax increase

HJR 29 by Rep. Bill Callegari ✘

HJR 37 by Rep. Bryan Hughes ✘

HJR 59 by Rep. Kelly Hancock ✘

SJR 12 by Sen. Dan Patrick ✘



Family Financial Security

Some Public Benefits Bills Became Law

HB 2819 by S. King streamlining SNAP eligibility ✓

HB 710 by Walle eliminating electronic finger-printing and photo-imaging for SNAP and TANF ✓

- **SB 77** by Nelson requiring background checks for Child and Adult Care Food Program (CACFP)

- **HB 2831** by Darby federal funds for unemployment



Failed to Pass:

Bills by Berman, Larson, Zedler, Taylor limiting benefits for foreign-born children or with foreign-born parents. ✘

Family Financial Security

Financial Literacy Bills Became Law



SB 290 by Watson – K-8 financial literacy in math ✓

HB 34 by Branch – financial literacy in high school economics ✓

HB 399 by Castro – financial literacy instruction at public colleges ✓

HB 2615 by Veasey – 1-page financial literacy resource document for HHSC clients ✓

Family Financial Security

Predatory Practices Were Curbed In Part

HB 2592/2594 by Truitt – regulation of payday and auto-title lending ✓

SB 17 by Carona – residential mortgage servicers ✓

SB 767 by Ellis – residential mortgage foreclosure consulting services ✓

SB 141 by Eltife – debt settlement services ✓

Failed to Pass:

HB 410 by Craddick (many companions)—close payday and auto-title lending loophole ✓

Family Financial Security

Little Happened to Improve Access to Housing

Became Law

- **HB 1818** by Harper-Brown – Sunset bill for Texas State Affordable Housing Corporation

Failed to Pass

- **SB 759** by West – Youth aging out of foster care, veterans, and farmworkers in state low-income housing plan ✓



Juvenile Justice

Budget Cuts

Texas Youth Commission

Budget cut by 26%
(\$117 million)

Closed 3 secure
facilities

Merged two more
facilities

Texas Juvenile Probation Commission

Budget cut
by 2%
(\$7 million)

Juvenile Justice

Texas Restructured and Fiscally Realigned

SB 653 by Whitmire – Sunset bill, merge TYC and TJPC into new Texas Juvenile Justice Department ✓

Purpose: create a continuum of effective services, prioritizing community based programs

Goals: support a county-based system that reduces the need for out-of-home placement and uses secure facilities sized for effective rehabilitation

New Responsibility: delinquency prevention/intervention

Juvenile Justice

New Laws on Youth in the Adult Justice System



SB 1208 by Whitmire – Juvenile probation age ✓

SB 1209 by Whitmire – Juvenile detention for certified youth ✓

- **SB 1617** by Harris – Adult certification if charge increased

Juvenile Justice

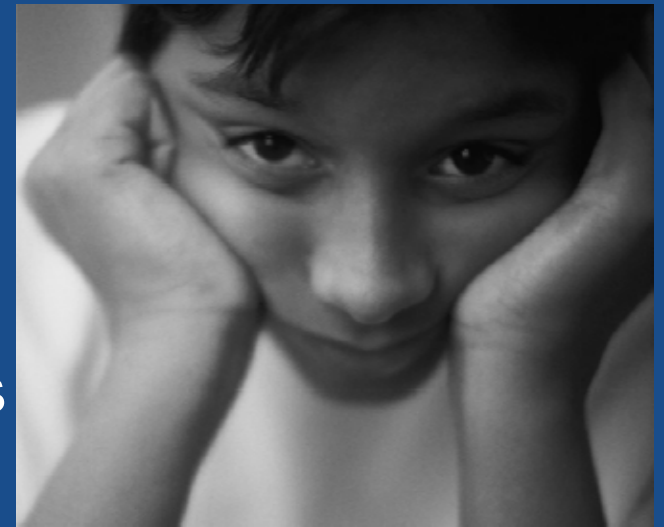
Youth in the Adult Justice System: What Didn't Pass

HB 3350 by Turner – Determinate sentence age in TYC ✓

HB 3351 by Turner and **HB 3698** by Gallego – Limiting adult certification offenses ✓

Housing certified youth in youth facilities until adult (not filed) ✓

SB 973 by Hinojosa – Retroactive change to Juvenile LWOP ✓



Juvenile Justice

New Laws Regarding Court Involvement

HB 27 by Guillen – fines in installments/community service ✓

HB 350 by Walle – fines through tutoring/community service ✓

HB 961 by Turner – juvenile record sealing ✓



Juvenile Justice

New Crimes & Enhanced Penalties – One became law:

- SB 407 by Watson – Sexting ✘ / ✔

Failed to Pass

HB 20 by Riddle – burglary of a vehicle enhancement ✘

HB 221 by Fletcher – burglary of a vehicle enhancement ✘

HB 341 by Fletcher – burglary while evading arrest ✘

HB 690 by Martinez-Fischer – graffiti of historic structure ✘

HB 230 by Phillips – barriers for halfway houses ✘

School Responses to Children

Some New Transparency for School Discipline

Became Law

SB 536 by Davis (on HB 359) – SRO reporting of restraints ✓

Failed to Pass

SB 593 by West – disproportionate disciplinary referral ✓

HB 349 by Walle – reporting of tickets, restraints and force ✓



School Responses to Children

The New Measures to Address Ticketing & Corporal Punishment:

HB 3758 by Giddings (on HB 359) – eliminates tickets at school for 6th grade and younger ✓

HB 359 by Allen – parental opt-out for corporal punishment ✓

SB 1489 by Whitmire – truancy tickets age 10-11 and 18-21 ✓

Failed to Pass:

HB 916 by Allen – prohibit corporal punishment in schools ✓

SB 1116 by Whitmire – eliminate ticketing for misbehavior at school ✓

School Responses to Children

New Laws on Removal from Classroom & Expulsion

SB 49 by Zaffirini – parent notification
re: DAEP placement ✓

HB 622 by Hochberg (on HB 968) –
serious misbehavior ✓
(Similar bills: HB 195 by Walle and
SB 718 by Van de Putte)

- **HB 968** by Strama – expulsion for aggravated robbery
- **HB 1224** by Reynolds – expulsion for computer hacking



School Responses to Children

Missed Opportunities: Positive Behavioral Supports & School Resource Officer Training Failed to Pass

HB 1340 by Walle – supports for schools implementing PBIS school-wide ✓

HB 348 by Walle – youth-focused training for school police ✓



School Responses to Children

New Laws on Bullying and Suicide Prevention



HB 1942 by Patrick –
bullying prevention and
response ✘ / ✔

HB 1386 by Coleman –
suicide prevention ✔

Mental Wellbeing

What Was Not Cut in the Budget:

Crisis Services

Public Mental Health Hospitals

Community Mental Health



Mental Wellbeing

What Was Cut:

Substance Abuse Programs
Early Childhood Intervention
(ECI)
Services for Offenders with
Mental Health Diagnosis
Communities In Schools

Mental Wellbeing

What Was Eliminated:

State Support for Local
Coordination Efforts

- System of Care
Efforts (TIFI)
- Community Resource
Coordination Groups
(CRCG)



Mental Wellbeing

Changes to Private Insurance Coverage Failed to Pass



HB 2270 (Castro) – ECI
Therapies ✓

HB 1192 (Castro) – Serious
Emotional Disturbance ✓

Mental Wellbeing

New Laws to Support Quality Child Care Programs

SB 260 by West – Increased training hours ✓

SB 265 by West – Minimum trainer qualifications ✓

SB 264 by Zaffirini – Posting quality indicators on individual child care providers ✓



Mental Wellbeing

Some New Laws Regarding Coordinating Services

HB 35 by Menendez – Continuation of Bexar County pilot project ✓

- HB 2119 by Madden – Services to juvenile offenders with mental health diagnosis contingent upon appropriation

Failed to Pass:

SB 1817 by Zaffirini – Sustaining state's System of Care efforts (TIFI Consortium) ✓

Mental Wellbeing



New Law Regarding Inclusion

HB 1481 by Truitt – Use of respectful language when referring to individuals with disabilities ✓

Mental Wellbeing

More that Failed to Pass

Alcohol Awareness in Schools:

HB 291 by Watson –
Moving alcohol awareness curriculum from Health to Science ✓

Enhanced Penalties:

SB 295 by Watson –
Increasing offense for assaulting emergency room personnel to 3rd degree felony ✗

Mental Wellbeing

Concealed Handgun Laws Also Failed to Pass

HB 86, HB 750, HB 1356, HB 1167, SB 354 – Allowing concealed handguns to be carried on college campuses ✘

HB 698 – Allowing concealed handguns to be carried in school board meetings ✘

Health: Coverage

Payment & Delivery Reform is Likely to Become Law

- **SB 7** by Nelson (R); **SB 7** by Nelson (S) – Pay for performance
- **SB 8** by Nelson – Healthcare provider collaboration, quality drivers



Health: Coverage

Changes to CHIP/Medicaid Eligibility Failed to Pass

HB 503 by Walle –
Children's Medicaid
eligibility continuous
for 12 months ✓

HB 1320
by Laubenberg –
Changing CHIP
eligibility from 12 months
to 6 months ✗

Health: Coverage

The Budget

HB 1 by Pitts –
Medicaid
underfunded;
8% cut to “other
CHIP providers” ✕

Health: Coverage

New Measures on Health Care and Federal Reform Became Law

HB 5 (R) by Kolkhorst, **SB 5 (S)** by Huffman – Interstate Health Care Compact ✘

HB 13 (R) & (S) by Kolkhorst – Federal waiver for state run healthcare system ✘

Failed to Pass:

HB 636 by Zerwas – Texas Health Care Exchange ✓

Child and Maternal Health

New Laws and Developments Pertaining to Obesity

HB 1 by Pitts – Appropriation for Comptroller's Obesity Program ✓

SB 226 by Nelson – Fitnessgram relating to School Health & Academics ✓

HB 2994 by Miles – Promoting Urban Farming ✓

SB 89 by Lucio; **HB 643** by Rodriguez – Summer Food Program ✓

HB 400 (R) by Eissler; **SB 8 (S)** by Shapiro – Cuts to Fitnessgram ✗

HB 1 by Pitts – Cut DSHS Chronic Disease Prevention funding at DSHS ✗

Child and Maternal Health

Obesity-Related Proposals that Failed to Pass

SB 224 by Nelson – Recognizing School Health ✓

SB 1004 by Lucio – Soft Drink Tax ✓

HB 2214 by Farias – Sugary Drink Tax ✓

SB 185 by Nelson – Increasing P.E. in Middle School ✓

SB 186 by Nelson – Restoring P.E. in High School ✓

HB 3770 by Burkett – Mandatory Recess ✓

HB 3467 by Patrick – Banning Trans Fat in Schools ✓

HB 127 by Alvarado – Sugary Drink Restrictions in School ✓

Child and Maternal Health

Obesity-Related Proposals that Failed to Pass (cont'd)

HB 1105 by Harper-Brown; SB 513 by Ellis—
Complete Streets ✓

SB 184 by Nelson – Community Gardens ✓

HB 2996 & HB 2997 by Miles – Promoting Urban
Farming ✓ (vetoed)

HB 1151 by Raymond – SNAP Restrictions ✗

HB 3451 by King – SNAP Guidelines and
Restrictions ✗

HB 1634 by Bonnen – Targeting School Mandates ✗

Child and Maternal Health

Laws For Healthier Environments Failed to Pass

HB 670 by Crownover (R) - **SB 355** by Ellis (R); **SB 28** by Ellis (S) – Statewide smoking ban in some public places ✓

SB 506 by Deuell – Lowering the reportable level of mercury contamination ✓

HB 478 by Orr – Elimination of fund used for car seats ✗



Child and Maternal Health



A New Infant and Maternal Health Law:

HB 1983 by Kolkhorst – Elective deliveries: prevention, cost, and education ✓

Child and Maternal Health

Infant and Maternal Health Bills that Failed to Pass

HB 2505 by Walle – Prematurity Continuum of Care Taskforce ✓

SB 1050 by West – Data on elective deliveries ✓

HB 2299 by Coleman – Renewal of the Women’s Health Program ✓

SB 1854 by Deuell – Renewal of the Women’s Health Program ✓ with restrictions ✗

Child Protection

208 direct-delivery staff cut from approved FTE's
Average Daily Caseloads will increase

- 8% for Investigations (INV)
- 25% for Family Based Safety Services (FBSS)
- 7% for Conservatorship (CVS)

Statewide Intake received no additional funding

➤ Hold times and Abandonment Rates will increase

Prevention Funding was cut by 44%

The Budget

Child Protection

New Laws to Improve Foster Care Services & Outcomes

SB 218 by Nelson – Foster Care Redesign ✓

HB 943 by Dukes – Missing Children in DFPS custody ✓

SB 501 by West – Disproportionality Council ✓

HB 753 by Raymond – CPS hiring preferences ✓



Child Protection

New Laws Regarding Mental Health

SB 219 by Nelson – Trauma-informed care ✓

HB 3531 by Strama – Psychotropic medication monitoring ✓

Failed to Pass:

SB 681 by West – Behavioral assessments ✓

Child Protection

New Laws for Caregivers: Kinship and Foster Care

SB 993 by Uresti – Parental Child Safety Placements ✓

HB 848 by Guillen – Authority of Parental Child Safety Placements ✓

HB 2370 by Dukes – Permanency Care Assistance (PCA) ✓

- **HB 2560** by Sheffield – Concealed handguns for foster parents
- **HB 807** by Parker – 48 hour notice to caregivers

Child Protection

New Laws for Youth Transitioning Out of Foster Care

SB 218 by Nelson – Waives driver's license fee's ✓

HB 452 by Lucio – Temporary college housing assistance ✓

HB 2170 by Pena – Foster Care Bill of Rights and credit reports ✓

HB 3234 by Pena – Case records for youth ✓

Failed to Pass

SB 1724 by Zaffirini – Tuition and fee waivers ✗

Failed to Pass:

SB 63 by Zaffirini (companion HB 1709 by Dukes) – Individual Development Accounts ✓

Child Protection

Some New Laws on Judicial Aspects of CPS Cases

HB 3311 and **HB 3314** by Carter – Attorney communication ✓

SB 1026 by Harris – Representation of indigent parents ✓

HB 2488 by Scott – Medical records for ad litem's ✓

Failed to Pass

HB 1243 by Miller – Expedited termination for certain mothers ✗

HB 436 by Parker – Foster parents filing suit ✗

HB 835 by Parker – Relatives requesting custody ✗

HB 435 by Parker – Absent fathers' rights ✗

Child Protection

Child Abuse and Neglect Prevention-Related Laws

SB 1414 by Duncan – Training for colleges and universities ✓

SB 471 by West – Training for schools and daycares ✓

SB 434 by Nelson – Relationship between domestic violence and child abuse ✓

SB 1154 by Uresti – Taskforce to reduce child abuse and neglect ✓

HB 253 by Hilderbran – Restraining orders vs. removals ✓

Failed to Pass

HB 2637
by Chisum –
Children's Trust
Fund ✗

Child Protection

Several Laws Passed to Curb Human Trafficking

HB 3000 by Thompson – Continuous trafficking offense ✓

HCR 68 by Hunter – Interim study on human trafficking ✓

SB 24 by Van de Putte – Child prostitution and labor ✓

HB 2015 by Thompson – Child in Need of Supervision ✓

HB 289 by Jim Jackson – Common nuisance ✓

HB 2014 by Thompson – License or permit to serve ✓

HB 1994 by Rep. Weber- First Offender Prostitution Program ✓

HB 2329 by Zedler- Pseudonym forms for victims ✓



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