

# 2009 Texas Legislative Recap

## Child Welfare

- HB 1912 Rep. Eddie Rodriguez Improves transition services for youth aging out of foster care  
SB 43 Sen. Judith Zaffirini Raises the age limit for former foster youths' college tuition waivers (as does SB 939)  
SB 983 Sen. Wendy Davis Ensures foster children have important personal documentation before exiting care  
SB 939 Sen. Kirk Watson Incorporates Sen. Nelson's SB 493, requiring Texas to plan for permanent homes for foster kids, and ensures education tracking systems examine outcomes for foster children  
HB 704 Rep. Patrick Rose Allows courts to stay involved in cases of children remaining in foster care after age 18  
HB 1043 Rep. Rob Orr Gives state hiring preferences to former foster children  
SB 2080 Sen. Carlos Uresti Incorporates Sen. West's SB 1411, to create a subsidized guardian program for caregiver kin, and Sen. Nelson's SB 1877, to improve medical diagnoses of suspected child abuse; creates a taskforce to reduce child abuse and neglect and improve child welfare  
HB 1629 Rep. Elliott Naishtat Improves services to foster youth incarcerated in the Texas Youth Commission  
SB 2248 Sen. Judith Zaffirini Requires the Texas Education Agency to smooth school transitions for foster children  
HB 2225 Rep. Tan Parker Creates a committee to review adoption processes and plan improvements to foster care  
HB 1492 Rep. Joe Pickett Grants time off to state employees volunteering as court appointed special advocates  
SB 1369 Sen. Eddie Lucio, Jr. Improves children's access to attorneys ad litem for child abuse and neglect cases  
SB 2385 Sen. Eliot Shapleigh Requires the state to file necessary paperwork at hearings pertaining to child placements

## Juvenile Justice

- HB 3689 Rep. Ruth Jones McClendon Addresses a range of issues raised in the "sunset" review of the juvenile justice system: improving services to youth with mental impairments, planning for reentry, supporting reading programs for TYC students, a new residential treatment center, more accountability  
SB 1374 Sen. Royce West Establishes a pilot program as an alternative to incarceration for nonviolent young offenders  
SB 58 Sen. Judith Zaffirini Involves using the Juvenile Justice Case Management System to improve and assess outcomes  
SB 518 Sen. Chris Harris Aims to increase fair representation for juveniles and reduce the number sent to adult court  
HB 1793 Rep. Jessica Farrar Requires judges who hear juvenile misdemeanor cases to complete certain trainings  
SB 839 Sen. Juan "Chuy" Hinojosa Gives juveniles convicted of capital murder the option of parole after 40 years  
HB 2386 Rep. Joaquin Castro Allows courts to seal juvenile records of a minor who successfully completes a drug program  
HB 171 Rep. Dora Olivo Mandates that school discipline policies allow for consideration of mitigating factors

## HARMFUL PROPOSALS TEXANS CARE SUCCESSFULLY FOUGHT

### Potentially Dangerous Ideas for Children that will NOT Become Law

- HB 2789 Rep. Doug Miller This bill, as well as Sen. Jane Nelson's SB 342, would have allowed newborn babies to be used as evidence against their mothers in drug cases, increasing the odds of mothers giving birth to the most vulnerable babies in unsafe settings and putting infant lives in danger  
Sunset Commission Recommendation The state Sunset Commission suggested abolishing the Texas Juvenile Probation Commission and the Texas Youth Commission and replacing them with one agency, but such a move would have diluted the distinct missions in each agency and reduced Texas' prevention focus

PUT KIDS 1<sup>ST</sup>



**T**exans care for children. They don't *always* vote, talk or buy with children first in mind, but in the hearts of Texans there lies a commitment to do right by people from the start. I believe, too, that most lawmakers are in office with a desire to do right by our state's future.

So then why do we continue to trail the nation in so many key areas of child well-being? The will is there, but outdated approaches to societal problems and some fundamental misunderstandings of how we as a state can move forward stand in the way. All the same, we are getting smarter about policy, and change is afoot. This session we saw leaders take courageous stands to advocate for the most pressing needs of our state and propose forward-thinking investments. We saw individuals flood offices with calls and visits so lawmakers would know what Texans wanted. Champions for children and change demanded improvements to existing services, more health coverage for kids, a better educational start for learners, measures to curb child obesity, protections for children in state care, better supports for foster youth, a focus on prevention, mental health supports and other vital, vital reforms.

So was this the legislative session where Texas decided to Put Kids 1<sup>st</sup>? There were disappointing losses, along with great wins. Still, in many areas, we came one step closer, and with each advance, the lives of countless children and families improve—and we as a state move forward.

Thank you for all you did this session, and I look forward to continuing this important work together.

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# The 81st Legislature & Texas Children

## CHILD POVERTY & FAMILY ECONOMIC SECURITY

Texas leaders maintained funds for **safety net** programs, like food stamps and affordable housing, that help meet children's basic needs. Also, to help lift families out of poverty, lawmakers concentrated on **improving families' ability to save for college** and get financial and **tax advice**. Unfortunately, several of these bills were vetoed by the governor.

## INFANT, CHILD, & MATERNAL HEALTH

Texas has the nation's highest rate of uninsured children, and **health coverage** proposals for children won the support of a bipartisan alliance of faith, health, and business leaders. One new law will likely bring **systemic improvements** for some children who already qualify for public health insurance and another for children with disabilities will allow their families to "buy into" public coverage. Still, the major initiatives to cut red tape in the state's children's health insurance programs and allow more kids to see a doctor met last-minute procedural blocks that prevented their passage. Legislation to curb the state's growing child obesity problem fared better, with bills passed to raise **physical education** standards for most students, improve access to **healthy foods and nutrition education**, strengthen **school health planning**, and fund **neighborhood walkways** and crossings. Laws also passed to increase access to vaccines and screenings, inform parents about newborns' health and safety needs, and keep more children in car seats.

## CHILDREN'S MENTAL HEALTH

Texas leaders worked at **improving behavioral and mental health services**, with new measures to streamline system planning and communication, establish an **autism resource center**, and **ensure youth in the juvenile justice system have better treatment options**. As a state with especially low funding for mental health, Texas could do more to invest early in preventing challenges from worsening. Still, some promising changes signal a new commitment to behavioral health from state leaders.

## CHILD WELFARE

Relatives who care for young family members removed from their parents' care due to abuse or neglect will benefit from increased **kinship care guardian support**. The state also supported programs that have been proven to **prevent child abuse and neglect** and ones that **improve abused and neglected children's legal representation** in court. Funding to reduce the number of children Child Protective Services caseworkers see is still needed, though caseloads for certain caseworkers were reduced. State leaders also passed laws to help the thousands of foster kids who turn 18 with no family, giving them help to ease their **transition out of foster care**. A law that would provide caseworkers guidance on how to secure court orders for investigating child abuse was vetoed.

## JUVENILE JUSTICE

Meaningful reform is underway in our state's troubled juvenile justice system. Laws this session moved toward **incarcerating only the most serious offenders** and doing so in smaller regional facilities. The state also began to put more emphasis on **treatments** youth need to succeed, with particular attention to mental health needs. A new law will also ensure schools moderate their "zero-tolerance" discipline policies, which unnecessarily lead kids into the correctional system.

## EARLY CHILDHOOD

Texas was one of few states to increase investment in early education this year. However, a bipartisan coalition's bill to bring **full-day, high-quality prekindergarten** to more kids met the governor's veto. The \$25 million allocated for the program will go to existing prekindergarten initiatives.

## OTHER KEY WINS FOR KIDS

Showing strong commitment to better outcomes for kids, Texas created a new **Council on Children and Families** that will require state agencies to be more strategic and coordinates planning for children's services statewide. Texas was also one of few states to **maintain health and human services funding**, despite a forecast of declining state revenue during the economic downturn.

# BILLS FOR CHILDREN THAT PASSED WITH TEXANS CARE FOR CHILDREN'S SUPPORT



### Children's Services

- SB 1646 Sen. Leticia Van de Putte Creates an interagency Council on Children and Families
- HB 3859 Rep. Abel Herrero Addresses gaps in staffing in state health and human services
- SB 1 Sen. Steve Ogden Budget funds for numerous child-serving programs this biennium:
  - Maintained funding for all critical health and human services programs
  - Texas will provide \$4.4 million more for research-based programs that prevent child abuse and neglect, including the Nurse Family Partnership and after-school and mentoring programs.
  - Federal funds from the Fostering Connections to Success Act will be used to provide \$3.6 million for caseload growth and subsidies to relatives caring for children who otherwise would be in the foster care system. Rates for foster care providers also increased for the first time in years.

### Child Poverty/Family Economic Security

- HB 2360 Rep. Joe Farias Requires employers to give employees information about the Earned Income Tax Credit
- SB 1941 Sen. Florence Shapiro Allows state employees to contribute payroll deductions to Texas' Save and Match Program
- HB 1819 Rep. Dwayne Bohac Protects Houston families from living in structurally unsound apartments

### Infant, Child and Maternal Health

- HB 1630 Rep. Elliott Naishtat Improves health coverage access for youth upon release from the Texas Youth Commission (TYC)
- SB 187 Sen. Robert Deuell Allows families with disabled children to purchase Medicaid coverage on a sliding-scale basis
- SB 282 Sen. Jane Nelson Provides for grants for nutrition education and nutrition programs in early childhood programs
- SB 343 Sen. Jane Nelson Improves the availability of fresh fruits and vegetables in underserved areas of Texas
- SB 1027 Sen. Kirk Watson Establishes a farm-to-school task force so public schools have more locally grown fresh foods
- SB 395 Sen. Eddie Lucio, Jr. Creates a council to improve nutrition, health and physical activity in early childhood programs
- SB 891 Sen. Jane Nelson Requires prekindergarten-12 students to spend at least half of their P.E. time physically active
- SB 161 Sen. Rodney Ellis Applies specialty license plate fees to fund sidewalks and crosswalks near schools
- SB 283 Sen. Jane Nelson Strengthens community representation and the role of school health advisory councils
- SB 892 Sen. Jane Nelson Increases schools' accountability for health by requiring evaluations of campus health programs
- HB 1409 Rep. Chuck Hopson Allows pharmacists to administer influenza vaccines to children older than 7, increasing access
- HB 1671 Rep. Myra Crownover Ensures continuity of newborn screening services in the event of a disaster
- HB 3653 Rep. Marissa Marquez Prohibits the use of restraints on pregnant inmates in labor or recovery from childbirth
- HB 3654 Rep. Marissa Marquez Establishes minimum health and housing requirements for pregnant county jail inmates
- HB 1240 Rep. Mike Villarreal Gives a child-development and resource guide to families on Medicaid with infants
- HB 1510 Rep. Dennis Bonnen Ensures parents of newborns get information about preventing Sudden Infant Death Syndrome

### Children's Mental Health

- SB 1824 Sen. Eddie Lucio, Jr. Creates a Taskforce on Children with Special Needs (as does HB 2196 by Rep. Vicki Truitt)
- HB 2196 Rep. Vicki Truitt Promotes integration of mental health services with other health services for kids
- HB 3689 Rep. Ruth Jones McClendon Incorporates Sen. Royce West's SB 1286 to promote coordinated services to juvenile offenders with mental impairments
- HB 4451 Rep. Jim McReynolds Lets juveniles released from TYC for mental health reasons get community-based treatments
- HB 451 Rep. Alma Allen Requires health insurance plans to cover children with autism through age 10
- HB 1574 Rep. Senfronia Thompson Establishes an autism spectrum disorders resource center for Texas
- HB 1232 Rep. Jose Menendez Creates a Bexar County pilot effort to prevent juvenile delinquency

