

## **BILL ANALYSIS**

Senate Research Center

S.B. 117  
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Health and Human Services  
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As Filed

### **DIGEST**

A January 1996 article in the *American-Statesman* reported an increase in the number of investigations of abuse and neglect at Texas Department of Mental Health and Mental Retardation (MHMR) facilities and community centers since the Texas Department of Protective and Regulatory Services (TPRS) began investigating the complaints in 1992. The article also stated that at the same time, the number of confirmed cases of mistreatment decreased, raising questions about whether the unexpected volume of work affected the outcome, and, therefore, the quality of the investigations.

The definitions of "abuse" and "neglect" contained in the Family Code are vague in their content regarding children residing at MHMR facilities. S.B. 117 clarifies that the definitions of "abuse" and "neglect" contained in the Family Code are not applicable to TPRS's investigations of client abuse and neglect at MHMR facilities and community centers.

### **PURPOSE**

As proposed, S.B. 117 defines "abuse" and "neglect" for investigative purposes concerning children in certain facilities.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 261.001(1) and (4), Family Code, to redefine "abuse" and "neglect" as the terms apply to a child who is not receiving services in a facility operated by, regulated by, or providing services to the child under a contract with the Texas Department of Mental Health and Mental Retardation.

SECTION 2. Effective date: September 1, 1997.  
Makes application of this Act prospective.

SECTION 3. Emergency clause.