

BILL ANALYSIS

Senate Research Center

H.B. 320
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Jurisprudence
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Engrossed

DIGEST AND PURPOSE

Under current law, if a child's parent or guardian refuses psychotropic drugs or psychiatric care for the child, this alone can constitute neglect and be acted on by the Texas Department of Protective and Regulatory Services (DPRS). Some psychiatrists and psychologists have serious concerns about the wisdom of such treatments, pointing out that some studies show a positive relationship between suicide and the use of some psychotropic drugs. Approximately 15 percent of school age children have been placed on mind- and behavior-altering substances such as Ritalin, and some parents allege that they are threatened with DPRS investigations if they refuse such treatment.

H.B.320 would insure that a refusal by a parent or guardian to seek psychiatric care or accept the administration of a psycho tropic drug would not by itself constitute neglect as defined under Section 261.001 of the Texas Family Code.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 261, Family Code, by adding Section 261.005, as follows:

Sec. 261.005. REFUSAL OF PSYCHIATRIC OR PSYCHOLOGICAL TREATMENT OF CHILD. Provides that the refusal of a parent, guardian, or managing or possessory conservator of a child to administer or consent to the administration of a psychotropic drug to the child, or to consent to any other psychiatric or psychological treatment of the child, does not by itself constitute neglect under this subtitle unless the refusal to consent presents an imminent physical risk of serious harm to the child.

SECTION 2. Effective date: upon passage or September 1, 2003.