

BILL ANALYSIS

Senate Research Center
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H.B. 4451
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, a child with mental retardation or mental illness who is committed to the Texas Youth Commission (TYC) may be discharged if the child has completed the minimum length of stay and TYC determines the child is unable to progress through TYC's rehabilitation program because of the child's mental illness or mental retardation. The Texas Correctional Office on Offenders with Medical or Mental Impairments (office) is required to evaluate and provide continuity of care services to children with mental retardation or mental illness who are paroled from TYC. However, if a child's disability is so severe that the child cannot complete TYC's rehabilitation program, the child is discharged from TYC and is ineligible to receive continuity of care services from the office because the child is not being released on parole. Consequently, these children are not able to receive the community-based mental retardation or mental illness services they need to make a successful transition from TYC to their home communities.

Some children with mental illness who are paroled from TYC do not receive continuity of care services from the office when they are 17 or older because they do not meet the criteria for adult services, and they are no longer eligible to receive continuity of care services from their local mental health or mental retardation authority because they do not meet the priority population definition. Thus, these youth do not receive the mental health services they need in order to successfully complete their parole.

This bill authorizes a child discharged from TYC due to mental retardation or mental illness to qualify for and receive continuity of care services through the office. The bill authorizes a child who is receiving services through the office as a TYC parolee to continue with treatment until the child reaches the parole completion date.

H.B. 4451 amends current law relating to continuity of care services for youth with mental illness or mental retardation who are discharged or paroled from TYC.

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 Section 61.077, Human Resources Code, by adding Subsection (g), to provide that if a child who is mentally ill or mentally retarded is discharged from the Texas Youth Commission (TYC) under Subsection (b) (relating to the discharge of a child who is mentally ill or mentally retarded from TYC custody under certain conditions), the child is eligible to receive continuity of care services from the Texas Correctional Office on Offenders with Medical or Mental Impairments (office) under Chapter 614 (Texas Correctional Office on Offenders with Medical or Mental Impairments), Health and Safety Code.

SECTION 2. Amends Section 61.0772, Human Resources Code, by adding Subsection (d) to require TYC, before a child who is identified as mentally ill or mentally retarded is discharged from TYC under Section 61.077(b), to refer the child to the office for continuity of care services under Chapter 614, Health and Safety Code, regardless of whether the child is receiving mental health services or mental retardation services.

SECTION 3. Amends Section 614.019, Health and Safety Code, as follows:

Sec. 614.019. PROGRAMS FOR JUVENILES. (a) Creates this subsection from existing text.

(b) Authorizes a child with mental illness who is receiving continuity of care services during parole from TYC and who is no longer eligible to receive services from a local mental health authority when the child becomes 17 years of age because the child does not meet the requirements of a local service area plan under Section 533.0352(a) (relating to a requirement that each local mental health or mental retardation authority develop a local service area plan for certain purposes) to continue to receive continuity of care services from the office until the child completes the child's parole.

(c) Authorizes a child with mental illness or mental retardation who is discharged from TYC under Section 61.077, Human Resources Code, to receive continuity of care services from the office for a minimum of 90 days after discharge from TYC and for as long as necessary for the child to demonstrate sufficient stability to transition successfully to mental health or mental retardation services provided by a local mental health or mental retardation authority.

SECTION 4. Provides that the change in law made by this Act applies to a child who is discharged or paroled from TYC on or after the effective date of this Act, regardless of when the child was committed to TYC.

SECTION 5. Effective date: upon passage or September 1, 2009.