

BILL ANALYSIS

Senate Research Center

C.S.S.B. 717
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Jurisprudence
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

During the interim of the 82nd Texas Legislature, homeless and runaway youths were the focus of an interim charge of the Senate Committee on Intergovernmental Relations. One item brought to the committee's attention was the fact that youths, regardless of the reason they run away from home, cannot contract for housing due to their minor status. Even those youths who have found a way to support themselves have no other recourse than homelessness. While homelessness is a concern in regard to all minors, it has even more troubling impacts on pregnant minors or those with children. Transitional living programs have the potential to positively impact homeless, runaway, and at-risk youths.

C.S.S.B. 717 authorizes minors 16 years of age or older to contract with transitional living programs for housing or services under certain conditions. This bill seeks to provide homeless and runaway youths, including those with children, with a means to life skills training and planning assistance to help them transition to independent living. These programs can also provide counseling, job skills training, and other services to end the cycle of homelessness and help at-risk minors become financially independent adults.

C.S.S.B. 717 amends current law relating to consent by a minor to housing or care provided through a transitional living program.

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 C, Chapter 32, Family Code, by adding Section 32.203, as follows:

Sec. 32.203. CONSENT BY MINOR TO HOUSING OR CARE PROVIDED THROUGH TRANSITIONAL LIVING PROGRAM. (a) Defines "transitional living program" in this section to mean a residential services program for children provided in a residential child-care facility licensed or certified by the Department of Family and Protective Services under Chapter 42 (Regulation of Certain Facilities, Homes, and Agencies that Provide Child-Care Services), Human Resources Code, that is designed to provide basic life skills training and the opportunity to practice those skills, with a goal of basic life skills development toward independent living, and that is not an independent living program.

(b) Authorizes a minor to consent to housing or care provided to the minor or the minor's child or children, if any, through a transitional living program if the minor is:

(1) 16 years of age or older and:

(A) resides separate and apart from the minor's parent, managing conservator, or guardian, regardless of whether the parent,

managing conservator, or guardian consents to the residence and regardless of the duration of the residence; and

(B) manages the minor's own financial affairs, regardless of the source of income; or

(2) unmarried and is pregnant or is the parent of a child.

(c) Provides that consent by a minor to housing or care under this section is not subject to disaffirmance because of minority.

(d) Authorizes a transitional living program to, with or without the consent of the parent, managing conservator, or guardian, provide housing or care to the minor or the minor's child or children.

(e) Requires that a transitional living program attempt to notify the minor's parent, managing conservator, or guardian regarding the minor's location.

(f) Provides that a transitional living program is not liable for providing housing or care to the minor or the minor's child or children if the minor consents as provided by this section, except that the program is liable for the program's own acts of negligence.

(g) Authorizes a transitional living program to rely on a minor's written statement containing the grounds on which the minor has capacity to consent to housing or care provided through the program.

(h) Provides that, to the extent of any conflict between this section and Section 32.003 (Consent to Treatment by Child), Section 32.003 prevails.

SECTION 2. Effective date: upon passage or September 1, 2013.