

## **BILL ANALYSIS**

Senate Research Center  
85R20776 MM-D

C.S.S.B. 687  
By: Uresti  
Health & Human Services  
4/10/2017  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The Prevention and Early Intervention (PEI) division within the Department of Family and Protective Services (DFPS) has limited funds to allocate toward community-based projects for the prevention of child abuse and neglect. S.B. 687 would extend the principles of a successful risk mapping program in the Center for Prevention of Child Maltreatment at Cook Children's Hospital to the state's child abuse and neglect prevention programs. In short, S.B. 687 allows PEI to assemble limited information related to child abuse or neglect to match communities with the prevention programs that best address their specific needs.

S.B. 687 is mindful of an individual's right to privacy and concerns that the information gathered could be used to target specific households. As such, the bill explicitly prohibits PEI from targeting individuals, and it requires the Health and Human Services Commission to consult with the Prevention Advisory Committee to develop ethical guidelines that will govern: the type of information gathered from other agencies, the use of that information, the potential sharing or dissemination of any information or maps, and whether a researcher at a university who has received institutional review board approval may use any of the information.

Additionally, the information gathered by PEI is single-directional. Information from the Texas Department of Public Safety and the Texas Education Agency, for example, is not authorized to be collected and then shared back to those same agencies.

If Texas implements a risk mapping program, we could make the best use of our limited resources. Through these prevention efforts, DFPS can help to keep kids with their families. (Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 687 amends current law relating to the collection and use of certain information relating to child abuse and neglect and the provision of prevention and early intervention services and creates an offense.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to a governmental entity that gather or receives information for the purpose of Section 265.0041 (Risk Mapping for Prevention and Early Intervention Services) or 265.0042 (Collaboration with Institutions of Higher Education) that identifies or that could reasonably identify an individual or family in SECTION 1 (Section 265.0044, Family Code) of this bill.

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 265.0044, Family Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter A, Chapter 265, Family Code, by adding Sections 265.0041, 265.0042, 265.0043, 265.0044, and 265.0045, as follows:

Sec. 265.0041. RISK MAPPING FOR PREVENTION AND EARLY INTERVENTION SERVICES. (a) Authorizes the Department of Family and Protective Services (DFPS) to use risk mapping, including risk terrain modeling systems, predictive analytic systems, or

geographic risk assessments and to develop a system or assessment under Subsection (c) to meet certain outcomes.

(b) Authorizes DFPS to use data gathered or received under this section only as authorized by Section 265.0044.

(c) Authorizes the Health and Human Services Commission (HHSC), on behalf of DFPS, to enter into agreements with institutions of higher education (IHEs) to develop or adapt, in coordination with DFPS, a risk terrain modeling system, a predictive analytic system, or a geographic risk assessment to be used for purposes of this section.

Sec. 265.0042. COLLABORATION WITH INSTITUTIONS OF HIGHER EDUCATION. (a) Requires HHSC, subject to the availability of funds, on behalf of DFPS, to enter into agreements with IHEs to conduct efficacy reviews of any prevention and early intervention programs that have not previously been evaluated for effectiveness through a scientific research evaluation process.

(b) Requires DFPS, subject to the availability of funds, to collaborate with an IHE to create and track indicators of child well-being to determine the effectiveness of prevention and early intervention services.

Sec. 265.0043. INTERAGENCY SHARING OF DATA FOR RISK TERRAIN MAPPING. Requires certain state entities, notwithstanding any other provision of law, to disclose information relevant to preventing or reducing the risk factors for child abuse, neglect, or juvenile delinquency only to the prevention and early intervention services division for the purpose of implementing Section 265.0041.

Sec. 265.0044. RESTRICTIONS ON USE AND ACCESS. (a) Prohibits a governmental entity from using information gathered or received for the purpose of Sections 265.0041 or 265.0042 that identifies or that could reasonably identify an individual or family to target the individual or family to provide involuntary intervention services or for any other purpose other than as authorized by Section 265.0041 or 265.0042, unless the governmental entity gathered or received the information under other authority.

(b) Requires a governmental entity that gathers or receives information for the purpose of Section 265.0041 or 265.0042 that identifies or that could reasonably identify an individual or family to adopt rules to provide safeguards to ensure certain restrictions.

(c) Provides that, except as provided by Subsection (d), information gathered or received for the purpose of Section 265.0041 or 265.0042 is subject to all applicable state and federal laws and rules relating to privacy and access to the information.

(d) Provides that information collected for the purposes of Section 265.0041 or 265.0042 is confidential and not subject to disclosure under Chapter 552 (Public Information), Government Code, or to disclosure in response to a subpoena and is prohibited from being released or made public except as provided by the rules adopted under this section.

(e) Requires the executive commissioner of HHSC to adopt rules relating to the use and disclosure of information gathered or received for the purposes of Section 265.0041 or 265.0042, including certain rules.

Sec. 265.0045. CRIMINAL PENALTY. (a) Provides that a person commits an offense if the person uses or discloses information in violation of Section 265.0044 or a rule relating to the use or disclosure of information adopted under that section.

(b) Provides that an offense under Subsection (a) is a state jail felony unless it is shown on the trial of the offense that the person has previously been convicted under this section, in which case the offense is a felony of the third degree.

SECTION 2. Effective date: September 1, 2017.