

Texas Historical Statutes Project

TEXAS HUMAN RESOURCES CODE 1984



This project was made possible by the
Texas State Law Library
and a grant from the
Texas Bar Foundation.

Digitized with permission from



THOMSON REUTERS

SUPREME COURT OF TEXAS
CHAMBERS LIBRARY

Texas Human Resources Code

WITH TABLES
AND INDEX

TEXAS STATE
LAW LIBRARY

OCT 4 1984

*As Amended through the
1983 Regular and First
Called Sessions of the
68th Legislature*

WEST PUBLISHING CO.
ST. PAUL, MINNESOTA

COPYRIGHT © 1980, 1982 WEST PUBLISHING CO.

COPYRIGHT © 1984
By
WEST PUBLISHING CO.

PREFACE

This Pamphlet contains the text of the Human Resources Code as amended through the 1983 Regular and First Called Sessions of the 68th Legislature.

The Human Resources Code constitutes a unit of the Texas Legislative Council's statutory revision program. The Code was originally enacted by Acts 1979, 66th Leg., ch. 842.

Disposition and Derivation Tables are included preceding the Code, thus providing a means of tracing repealed subject matter into the Code and, on the other hand, of searching out the source of Code sections.

A detailed descriptive word Index at the end of the Code is furnished to facilitate the search for specific textual provisions.

Comprehensive coverage of the judicial constructions and interpretations of the Code, together with cross references, references to law review commentaries discussing particular provisions, and other editorial features, is provided in the volumes of Vernon's Texas Statutes and Codes Annotated.

THE PUBLISHER

July, 1984

*

TABLE OF CONTENTS

	Page
Preface	III
Effective Dates	IX
Disposition Table	XI
Derivation Table	XV

HUMAN RESOURCES CODE

Section analysis, see beginning of each Chapter

TITLE 1. GENERAL PROVISIONS

Chapter		
1.	General Provisions	2

TITLE 2. DEPARTMENT OF HUMAN RESOURCES

SUBTITLE A. GENERAL PROVISIONS

11.	General Provisions	2
12.	Penal Provisions	3

SUBTITLE B. STRUCTURE AND FUNCTIONS OF DEPARTMENT

21.	Administrative Provisions	3
22.	General Functions of Department	5

SUBTITLE C. ASSISTANCE PROGRAMS

31.	Financial Assistance and Service Programs	7
	Subchapter	
	A. Eligibility for Financial Assistance and Services	8
	B. Administration of Financial Assistance and Services	10
	C. Limitation on Amount of Financial Assistance	11
	C. Job Training and Work Experience Program	12
32.	Medical Assistance Program	14
	Subchapter	
	A. General Provisions	14
	B. Administrative Provisions	15
33.	Nutritional Assistance Programs	18
34.	Temporary Emergency Relief Programs	20

TABLE OF CONTENTS

SUBTITLE D. CHILD WELFARE AND PROTECTIVE SERVICES

Chapter	Page
41. Child Welfare Services	23
Subchapter	
A. General Welfare Services	23
B. Foster Care	24
42. Regulation of Child-Care Facilities	25
Subchapter	
A. General Provisions	25
B. Administrative Provisions	26
C. Regulation of Child-Care Facilities	27
D. Remedies	30
43. Regulation of Child-Care Administrators	31
44. Administration of Federally Established Day-Care Programs	33
45. Interstate Placement of Children	34
Subchapter	
A. Placement of Children From Another State	34
B. Interstate Compact on the Placement of Children	35
46. Child Support Collection, Parent Locator, and Paternity De- termination Services	38
47. Adoption Services for Hard-to-Place Children	39
48. Protective Services for the Elderly	40
Subchapter	
A. General Provisions	40
B. Administrative Provisions	41
C. Reports of Suspected Abuse, Exploitation, or Neglect ..	41
D. Protective Services	42
E. Miscellaneous Provisions	43
49. Voluntary Adoption Registries	43

SUBTITLE E. SOCIAL WORK SERVICES

50. Certification	51
-------------------------	----

SUBTITLE E. SERVICES FOR FAMILIES

51. Family Violence Shelters	60
------------------------------------	----

TITLE 3. FACILITIES AND SERVICES FOR CHILDREN

SUBTITLE A. FACILITIES FOR CHILDREN

61. Texas Youth Council	62
Subchapter	
A. General Provisions	62
B. Administrative Provisions	63
C. Powers and Duties	64
D. Admission and Commitment	66

TABLE OF CONTENTS

Chapter		Page
61.	Texas Youth Council—Continued	
	Subchapter	
	E. Care and Treatment of Children	67
	F. Release	68
	G. Miscellaneous Provisions	69
62.	Detention Homes and Parental Schools	69
SUBTITLE B. SERVICES FOR CHILDREN		
71.	Commission on Services to Children and Youth [Repealed] ..	70
72.	Coordination of Programs for the Development of Children and Youth	70
73.	Interagency Council on Early Childhood Intervention Services	72
SUBTITLE C. STATE AID TO LOCAL JUVENILE PROBATION DEPARTMENTS		
75.	Texas Juvenile Probation Commission	76
	Subchapter	
	A. General Provisions	76
	B. Texas Juvenile Probation Commission	76
	C. Powers and Duties of Commission	77
	D. State Aid to Juvenile Boards	79
TITLE 4. SERVICES FOR THE DEAF		
81.	Texas Commission for the Deaf	80
TITLE 5. SERVICES FOR THE BLIND AND VISUALLY HANDICAPPED		
91.	State Commission for the Blind	84
	Subchapter	
	A. General Provisions	84
	B. Administrative Provisions	84
	C. General Powers and Duties of the Commission	85
	D. Vocational Rehabilitation of the Blind	87
	E. Central Media Depository	89
92.	Governor's Coordinating Office for the Visually Handicapped	90
	Subchapter	
	A. General Provisions [Repealed]	90
	B. Administrative Provisions [Repealed]	90
	C. Powers and Duties of the Office [Repealed]	90
	D. Central Media Depository [Transferred]	90
	E. Register of Blind and Visually Handicapped Persons [Re- pealed]	90
93.	Committee on Purchases of Blind-Made Products and Ser- vices [Repealed]	90
94.	Vending Facilities Operated by Blind Persons	91

TABLE OF CONTENTS

TITLE 6. SERVICES FOR THE ELDERLY	
Chapter	Page
101. Texas Department on Aging	94
Subchapter	
A. Administrative Provisions	94
B. Powers and Duties of Board	95
102. Disclosure Statements By Retirement Facilities	97
102. Rights of the Elderly	99
103. Adult Day Care	101
 TITLE 7. REHABILITATION OF HANDICAPPED AND DISABLED	
111. Texas Rehabilitation Commission	103
Subchapter	
A. General Provisions	103
B. Administrative Provisions	104
C. Powers and Duties of Commission	105
D. Extended Rehabilitation Services [Repealed]	107
112. Developmental Disabilities	108
Subchapter	
A. General Provisions	108
B. Texas Planning Council for Developmental Disabilities ..	108
C. Rights of Persons With Developmental Disabilities	111
 TITLE 8. RIGHTS AND RESPONSIBILITIES OF THE HANDICAPPED	
121. Participation in Social and Economic Activities	111
122. Committee on Purchases of Products and Services of Blind and Severely Disabled Persons	114
 TITLE 9. HEALTH AND HUMAN SERVICES	
131. Texas Health and Human Services Coordinating Council ...	119
132. Council on Disabilities	122
133. Long-Term Care Coordinating Council for the Elderly	123

INDEX

(Page 125)

EFFECTIVE DATES

The following table shows the date of adjournment and the effective date of ninety day bills enacted at sessions of the legislature beginning with the year 1945:

Year	Leg.	Session	Adjournment Date	Effective Date
1945	49	Regular	June 5, 1945	September 4, 1945
1947	50	Regular	June 6, 1947	September 5, 1947
1949	51	Regular	June 6, 1949	September 5, 1949
1951	52	Regular	June 8, 1951	September 7, 1951
1953	53	Regular	May 27, 1953	August 26, 1953
1954	53	1st C.S.	May 13, 1954	August 12, 1954
1955	54	Regular	June 7, 1955	September 6, 1955
1957	55	Regular	May 23, 1957	August 22, 1957
1957	55	1st C.S.	November 12, 1957	February 11, 1958
1957	55	2nd C.S.	December 3, 1957	March 4, 1958
1959	56	Regular	May 12, 1959	August 11, 1959
1959	56	1st C.S.	June 16, 1959	September 15, 1959
1959	56	2nd C.S.	July 16, 1959	October 15, 1959
1959	56	3rd C.S.	August 6, 1959	November 5, 1959
1961	57	Regular	May 29, 1961	August 28, 1961
1961	57	1st C.S.	August 8, 1961	November 7, 1961
1961	57	2nd C.S.	August 14, 1961	November 13, 1961
1962	57	3rd C.S.	February 1, 1962	May 3, 1962
1963	58	Regular	May 24, 1963	August 23, 1963
1965	59	Regular	May 31, 1965	August 30, 1965
1966	59	1st C.S.	February 23, 1966	*
1967	60	Regular	May 29, 1967	August 28, 1967
1968	60	1st C.S.	July 3, 1968	*
1969	61	Regular	June 2, 1969	September 1, 1969
1969	61	1st C.S.	August 26, 1969	*
1969	61	2nd C.S.	September 9, 1969	December 9, 1969
1971	62	Regular	May 31, 1971	August 30, 1971
1971	62	1st C.S.	June 4, 1971	September 3, 1971
1972	62	2nd C.S.	March 30, 1972	June 29, 1972
1972	62	3rd C.S.	July 7, 1972	*
1972	62	4th C.S.	October 17, 1972	January 16, 1973
1973	63	Regular	May 28, 1973	August 27, 1973
1973	63	1st C.S.	December 20, 1973	*
1975	64	Regular	June 2, 1975	September 1, 1975
1977	65	Regular	May 30, 1977	August 29, 1977
1977	65	1st C.S.	July 21, 1977	*
1978	65	2nd C.S.	August 8, 1978	November 7, 1978
1979	66	Regular	May 28, 1979	August 27, 1979
1981	67	Regular	June 1, 1981	August 31, 1981
1981	67	1st C.S.	August 11, 1981	November 10, 1981
1982	67	2nd C.S.	May 28, 1982	*
1982	67	3rd C.S.	September 9, 1982	*
1983	68	Regular	May 30, 1983	August 29, 1983
1983	68	1st C.S.	June 25, 1983	September 23, 1983

* No legislation for which the ninety day effective date is applicable.

DISPOSITION TABLE

Showing where provisions of former articles of the Civil Statutes and former sections of the Education Code are covered in the Human Resources Code.

Civ.St. Article	Human Resources Code Section	Civ.St. Article	Human Resources Code Section
46b-2, § 1	47.001	678d-1, § 12(d)	94.015
	47.002	§ 12(f)	94.015
§ 2	47.001	695a, § 2	41.001
§ 3	47.002	§ 3	41.001
§ 4	47.003	§ 4	41.002
	47.004	§ 5	41.001
§ 5	47.004	§ 9	41.005
§ 6	47.005	695a-1, § 1	43.001
664-5, § 1(a)	93.001	§ 2	43.003
§ 1(c)	93.001	§ 3(a) to (d)	43.004
§ 2	93.002	§ 3(e)	43.004
§ 2a	93.003		43.006
§ 3	93.004	§ 4	43.007
§ 3a	93.011		43.008
§ 3b	93.012	§ 5	43.009
§ 4	93.005	§ 7	43.010
§ 4a	93.013	§ 8	43.011
§ 4b	93.014	§ 9	43.002
§ 5	93.006	§ 10	43.005
§ 6	93.007	§ 11	43.012
§ 7	93.008	695a-2, § 1	45.021
§ 8	93.009	§ 2	45.022
§ 9	93.009	§ 3	45.023
§ 10	93.010	§ 4	45.024
§ 11	93.015	§ 5	45.025
678d-1, § 1	94.001	§ 6	45.026
§ 2	94.002	695a-3, § 1(b)	42.001
§ 3	94.003	§ 2	42.002
§ 4	94.006	§ 3	42.021
§ 5	94.006	§ 4	42.041
§ 6(a) to (d)	94.005	§ 5	42.042
§ 6(e)	94.007	§ 6	42.043
§ 6(f)	94.005	§ 7	42.044
§ 7(a)	94.007	§ 8	42.047
§ 7(b)	94.009	§ 9	42.048
§ 7(c)	94.009	§ 10	42.045
§ 8	94.010	§ 11(a) to (d)	42.046
§ 9	94.004	§ 11(e) to (i)	42.049
§ 10	94.011	§ 11(j)	42.050
§ 11	94.012	§ 12	42.051
§ 11A(a)	94.014	§ 13	42.049
§ 11A(b)	94.013	§ 14	42.052
§ 12(a)	94.015	§ 15	42.053
§ 12(b)	94.008	§ 16	42.022

DISPOSITION TABLE

Civ.St. Article	Human Resources Code Section	Civ.St. Article	Human Resources Code Section
695a-3, § 17	42.023	695c, § 18-B(f)	46.004
§ 18	42.071	§ 18-B(g)	46.005
§ 19	42.072	§ 18-B(h)	46.006
§ 20	42.024	§ 18-B(i)	46.007
§ 21	42.073	§ 19	31.005
§ 22	42.074	§ 19-A	31.008
§ 23	42.075	§ 19-B	31.009
§ 24	42.076	§ 22	31.031
695a-4, § 1	44.001	§ 23	31.032
§ 2	44.002	§ 24	31.033
§ 3	44.003	§ 25	31.034
695a-5, § 1	45.001	§ 26	31.035
§ 2	45.002	§ 27	22.005
§ 3	45.003	§ 28	31.042
§ 4	45.004	§ 29	31.037
§ 5	45.005		31.038
§ 6	45.006		31.040
§ 7	45.007		31.041
695c, § 1	11.001	§ 29-A	31.039
§ 2(1)	21.001	§ 30	12.002
	21.003	§ 31	21.009
§ 2(1)a	21.004	§ 32(1)	22.004
§ 2(2)	21.003	§ 32(2)	12.001
§ 2(3)	21.003	§ 33(1)	12.003
§ 2(4)	21.002	§ 33(2)	21.012
§ 2-A	11.001	§ 34	12.001
§ 3(1)	21.004		12.003
§ 3(2)	21.003	§ 35	11.002
§ 3(3)	21.004	§ 36	31.041
§ 4	21.006	§ 37	21.013
	21.007	§ 38(2)	31.007
	22.001	§ 38(3)	32.023
	22.002	§ 39	11.003
§ 5	21.005	§ 40	41.003
§ 6	22.002	§ 41	31.036
§ 7	33.001	695c-1	—
§ 7-A	33.002	695c-3	—
	33.010	695f	41.006
§ 7-B	33.011	695j, § 2	32.001
§ 8	41.004		32.021
§ 9	11.004	§ 4	32.026
§ 10	21.010	§ 5	32.021
§ 11	21.011		32.029
§ 17	31.001		32.031
	31.003	§ 6	32.029
§ 17-A	31.002	§ 8	32.030
	31.004		32.031
§ 18	31.003	§ 10	32.031
§ 18-A	31.006	695j-1, § 2	32.001
§ 18-B(a)	46.001		32.003
§ 18-B(b)	46.002	§ 3	32.021
§ 18-B(c)	46.003		32.024
§ 18-B(d)	46.003		32.024
§ 18-B(e)	46.002		32.024

DISPOSITION TABLE

Civ.St. Article	Human Resources Code Section	Civ.St. Article	Human Resources Code Section
695j-1, § 3	32.031	3207a, § 2(j)	91.002
	to	§ 2a	91.021(a)
	32.033		to
§ 4	32.024		91.021(e)
§ 5	32.024	§ 2b	91.021(f)
	32.027	§ 3	91.012
§ 5A	32.027	§ 4	91.031
§ 6	32.028	3207b	91.011
	32.029		to
	32.031		91.013
§ 7	32.036	3207c, § 1	91.051
§ 8	32.025	§ 2	91.052
§ 9	32.035	§ 3	91.054
§ 9-A	32.034		91.056
§ 10	12.003	§ 4	91.052
	21.012	§ 5	91.053
§ 11	32.033	§ 6	91.056
§ 12	12.003	§ 7	91.057
	32.032	§ 8	91.055
§ 13	32.031	§ 9	91.055
§ 14	21.008	§ 10	91.058
§ 15	22.003	§ 11	91.059
§ 15A	32.037	§ 12	91.060
§ 16	32.022	3207d	—
§ 17	32.030	4413(42)	81.001
	32.031		to
§ 19	32.023		81.009
§ 20	32.002	4413(42b), § 1	81.001
695k, § 1(a) to (c)	101.001	§ 2	81.002
§ 1(d)	101.021	§ 3	81.003
§ 1(e)	101.001	§ 4	81.004
§ 1(f)	101.002	§ 5	81.005
§ 2	101.003	§ 6	81.006
§ 3	101.004	§ 7	81.007
§ 4	101.005	§ 8	81.008
§ 5	101.022	§ 9	81.009
§ 5a	101.023	§ 10	81.002
§ 6	101.025		note
§ 6a	101.024	§ 11	81.010
§ 7	101.026	§ 12	81.002
695q, § 1	41.021		note
§ 2	41.022	4413(43), § 1	71.001
§ 3	41.023	§ 1a	71.002
§ 4	41.024	§ 2	71.001
§ 5	41.025	§ 3	71.003
3207a, § 1	91.011	§ 4	71.006
§ 1a	91.001	§ 5	71.004
§ 2(a)	91.022	§ 6	71.005
§ 2(b)	91.023	§ 7	71.005
§ 2(c)	91.024	§ 8	71.007
§ 2(d)	91.025	§ 9	71.008
§ 2(e)	91.026	§ 10	71.009
§ 2(f)	91.027	4413(202)	—
§ 2(g)	91.028	4419e, § 1	121.001
§ 2(h)	91.029	§ 2	121.002
§ 2(i)	91.030	§ 3	121.003

DISPOSITION TABLE

Civ.St. Article	Human Resources Code Section	Civ.St. Article	Human Resources Code Section
4419e, § 4	121.005	5143d, § 25A	61.083
§ 5	121.006	§ 26	61.040
§ 6	121.004	§ 27	61.081
§ 7	121.008	§ 28	61.082
§ 8	121.009	§ 29	61.093
5138	62.001	§ 30	61.077
5143d, § 1	61.002	§ 31	61.084
§ 3	61.001	§ 32	61.092
§ 4(a)	61.011	§ 33	61.066
	61.012	§ 34	61.041
§ 4(b)	61.012	§ 36	61.044
	61.015	5143f	62.002
§ 4(c)	61.015	5446b, § 1	91.081
	61.017	§ 2	91.082
§ 4(d)	61.013	§ 3	91.082
§ 4(e)	61.016	§ 4	91.083
§ 4(f)	61.032	§ 5	91.084
§ 4(g)	61.017	6701e	121.007
	61.044		
§ 4(h)	61.020	Education Code	Human Resources
§ 5(a)	61.013	Section	Code Section
§ 5(b)	61.034	30.01	111.001
§ 5(d)	61.019	30.02	111.002
§ 5(e)	61.014	30.11	111.011
§ 6	61.031	30.111	111.012
	to	30.12	111.013
	61.033	30.13	111.014
	61.036	30.14	111.015
	61.038	30.15	111.016
	61.039	30.16	111.017
§ 7	61.091	30.17	111.018
§ 9	61.035	30.18	111.019
§ 9a	61.061	30.19	111.020
§ 10	61.043	30.20	111.021
§ 10A	61.047	30.21	111.022
§ 11	61.042	30.22	111.023
§ 12	61.062	30.23	111.024
§ 13(a)	61.063	30.41	111.051
§ 13(b)	61.064	30.42	111.052
§ 15	61.065		111.058
§ 16(a)	61.071	30.43	111.053
§ 16(b)	61.072	30.44	111.054
§ 16(c)	61.073	30.45	111.055
§ 16(d)	61.074	30.46	111.056
§ 17	61.075	30.47	111.057
§ 18	61.076	30.48	—
§ 19	61.032	30.49	—
§ 20	61.018	30.71	111.002
	61.035	30.72	111.081
§ 21	61.034	30.73	111.082
§ 22	61.018	30.74	111.083
§ 23	61.045	30.75	111.084
§ 24	61.046	30.76	111.085
§ 25	61.037	30.77	111.086

DERIVATION TABLE

Showing where provisions of the Human Resources Code were formerly covered in the Civil Statutes and in the Education Code.

Human Resources Code Section	Civ.St. Article	Human Resources Code Section	Civ.St Article
11.001	695c, §§ 1(1) to (3), 2-A	31.039	695c, § 29-A
11.002	695c, § 35	31.040	695c, § 29
11.003	695c, § 39	31.041	695c, §§ 29, 36
11.004	695c, § 9	31.042	695c, § 28
12.001	695c, §§ 32(2), 34	32.001	695j, § 2
12.002	695c, § 30		695j-1, § 2
12.003	695c, §§ 33(1), 34	32.002	695j-1, §§ 2, 20
	695j-1, §§ 10, 12	32.003	695j-1, § 2
21.001	695c, § 2(1)	32.021	695j, §§ 2, 5
21.002	695c, § 2(4)		695j-1, § 3(1), (2), (6), (8), (14)
21.003	695c, §§ 2(1), (2), (3), 3(2)	32.022	695j-1, §§ 3(5), 16
21.004	695c, §§ 2(1)a, 3(1), (3)	32.023	695c, § 38(3)
21.005	695c, § 5		695j-1, §§ 3(7), 19
21.006	695c, § 4(7)	32.024	695j-1, §§ 3(9), 4, 5
21.007	695c, § 4(10)	32.025	695j-1, § 8
21.008	695j-1, § 14	32.026	695j, § 4
21.009	695c, § 31	32.027	695j-1, §§ 5, 5A
21.010	695c, § 10	32.028	695j-1, § 6
21.011	695c, § 11	32.029	695j, §§ 5, 6
21.012	695c, § 33(2)		695j-1, § 6
	695j-1, § 10	32.030	695j, § 8
21.013	695c, § 37		695j-1, § 17
22.001	695c, § 4(1) to (3), (5), (8)	32.031	695j, §§ 2, 5, 8, 10
22.002	695c, §§ 4(4), (12), 6		695j-1, §§ 3(3), (4), 6, 13, 17
22.003	695j-1, § 15	32.032	695j-1, §§ 3(13), 12
22.004	695c, § 32(1)	32.033	695j-1, §§ 3(12), 11
22.005	695c, § 27	32.034	695j-1, § 9-A
31.001	695c, § 17	32.035	695j-1, § 9
31.002	695c, §§ 17(1) to (6), 17-A	32.036	695j-1, § 7
31.003	695c, §§ 17(6), 18	32.037	695j-1, § 15A
31.004	695c, § 17-A(2)	33.001	695c, § 7
31.005	695c, § 19	33.002	
31.006	695c, § 18-A		to
31.007	695c, § 38(2)	33.010	695c, § 7-A
31.008	695c, § 19-A	33.011	695c, § 7-B
31.009	695c, § 19-B	41.001	695a, §§ 2, 3, 5
31.031	695c, § 22	41.002	695a, § 4
31.032	695c, § 23	41.003	695c, § 40
31.033	695c, § 24	41.004	695c, § 8
31.034	695c, § 25	41.005	695a, § 9
31.035	695c, § 26	41.006	695f
31.036	695c, § 41	41.021	695q, § 1
31.037	695c, § 29	41.022	695q, § 2
31.038	695c, § 29	41.023	695q, § 3

DERIVATION TABLE

Human Resources Code Section	Civ.St. Article	Human Resources Code Section	Civ.St. Article
41.024	695q, § 4	46.002	695c, § 18-B(b), (e)
41.025	695q, § 5	46.003	695c, § 18-B(c), (d)
42.001	695a-3, § 1(b)	46.004	695c, § 18-B(f)
42.002	695a-3, § 2	46.005	695c, § 18-B(g)
42.021	695a-3, § 3	46.006	695c, § 18-B(h)
42.022	695a-3, § 16	46.007	695c, § 18-B(i)
42.023	695a-3, § 17	47.001	46b-2, §§ 1, 2
42.024	695a-3, § 20	47.002	46b-2, §§ 1, 3
42.041	695a-3, § 4	47.003	46b-2, § 4
42.042	695a-3, § 5	47.004	46b-2, §§ 4, 5
42.043	695a-3, § 6	47.005	46b-2, § 6
42.044	695a-3, § 7	61.001	5143d, § 3
42.045	695a-3, § 10	61.002	5143d, § 10
42.046	695a-3, § 11(a) to (d)	61.011	5143d, § 4(a)
42.047	695a-3, § 8	61.012	5143d, § 4(a), (b)
42.048	695a-3, § 9	61.013	5143d, §§ 4(d), 5(a)
42.049	695a-3, §§ 11(e) to (i), 13	61.014	5143d, § 5(e)
42.050	695a-3, § 11(j)	61.015	5143d, § 4(b), (c)
42.051	695a-3, § 12	61.016	5143d, § 4(e)
42.052	695a-3, § 14	61.017	5143d, § 4(c), (g)
42.053	695a-3, § 15	61.018	5143d, §§ 20, 22
42.071	695a-3, § 18	61.019	5143d, § 5(d)
42.072	695a-3, § 19	61.020	5143d, § 4(h)
42.073	695a-3, § 21	61.031	5143d, § 6(a)
42.074	695a-3, § 22	61.032	5143d, §§ 4(f), 6(d), 19
42.075	695a-3, § 23	61.033	5143d, § 6(f)
42.076	695a-3, § 24	61.034	5143d, §§ 5(b), 21
43.001	695a-1, § 1	61.035	5143d, §§ 9, 20
43.002	695a-1, § 9	61.036	5143d, § 6(b), (c)
43.003	695a-1, § 2	61.037	5143d, § 25
43.004	695a-1, § 3(a), (c) to (e)	61.038	5143d, § 6(e)(1)
43.005	695a-1, § 10	61.039	5143d, § 6(e)(2)
43.006	695a-1, § 3(e)	61.040	5143d, § 26
43.007	695a-1, § 4	61.041	5143d, § 34
43.008	695a-1, § 4	61.042	5143d, § 11
43.009	695a-1, § 5	61.043	5143d, § 10
43.010	695a-1, § 7	61.044	5143d, §§ 4(g), 36
43.011	695a-1, § 8	61.045	5143d, § 23
43.012	695a-1, § 11	61.046	5143d, § 24
44.001	695a-4, § 1	61.047	5143d, § 10A
44.002	695a-4, § 2	61.061	5143d, § 9a
44.003	695a-4, § 3	61.062	5143d, § 12
45.001	695a-5, § 1	61.063	5143d, § 13(a)
45.002	695a-5, § 2	61.064	5143d, § 13(b)
45.003	695a-5, § 3	61.065	5143d, § 15
45.004	695a-5, § 4	61.066	5143d, § 33
45.005	695a-5, § 5	61.071	5143d, § 16(a)
45.006	695a-5, § 6	61.072	5143d, § 16(b)
45.007	695a-5, § 7	61.073	5143d, § 16(c)
45.021	695a-2, § 1	61.074	5143d, § 16(d)
45.022	695a-2, § 2	61.075	5143d, § 17
45.023	695a-2, § 3	61.076	5143d, § 18
45.024	695a-2, § 4	61.077	5143d, § 30
45.025	695a-2, § 5	61.081	5143d, § 27
45.026	695a-2, § 6	61.082	5143d, § 28
46.001	695c, § 18-B(a)	61.083	5143d, § 25A

DERIVATION TABLE

Human Resources Code Section	Civ.St. Article	Human Resources Code Section	Civ.St. Article
61.084	5143d, § 31	91.059	3207c, § 11
61.091	5143d, § 7	91.060	3207c, § 12
61.092	5143d, § 32	91.081	5446b, § 1
61.093	5143d, § 29	91.082	5446b, §§ 2, 3
62.001	5138	91.083	5446b, § 4
62.002	5143f	91.084	5446b, § 5
71.001	4413(43), §§ 1, 2	93.001	664-5, § 1(a), (c)
71.002	4413(43), § 1a	93.002	664-5, § 2
71.003	4413(43), § 3	93.003	664-5, § 2a
71.004	4413(43), § 5	93.004	664-5, § 3
71.005	4413(43), §§ 6, 7	93.005	664-5, § 4
71.006	4413(43), § 4	93.006	664-5, § 5
71.007	4413(43), § 8	93.007	664-5, § 6
71.008	4413(43), § 9	93.008	664-5, § 7
71.009	4413(43), § 10	93.009	664-5, §§ 8, 9
81.001		93.010	664-5, § 10
to		93.011	664-5, § 3a
81.009	4413(42)	93.012	664-5, § 3b
81.001	4413(42b), § 1	93.013	664-5, § 4a
81.002	4413(42b), § 2	93.014	664-5, § 4b
81.002 note	4413(42b), §§ 10, 12	93.015	664-5, § 11
81.003	4413(42b), § 3	94.001	678d-1, § 1
81.004	4413(42b), § 4	94.002	678d-1, § 2
81.005	4413(42b), § 5	94.003	678d-1, § 3
81.006	4413(42b), § 6	94.004	678d-1, § 9
81.007	4413(42b), § 7	94.005	678d-1, § 6(a) to (d), (f)
81.008	4413(42b), § 8	94.006	678d-1, §§ 4, 5
81.009	4413(42b), § 9	94.007	678d-1, §§ 6(e), 7(a)
81.010	4413(42b), § 11	94.008	678d-1, § 12(b)
91.001	3207a, § 1a	94.009	678d-1, § 7(b), (c)
91.002	3207a, § 2(j)	94.010	678d-1, § 8
91.011	3207a, § 1	94.011	678d-1, § 10
	3207b	94.012	678d-1, § 11
91.012	3207a, § 3	94.013	678d-1, § 11A(b)
	3207b	94.014	678d-1, § 11A(a)
91.013	3207b	94.015	678d-1, § 12(a), (d), (f)
91.021(a) to (e)	3207a, § 2a	101.001	695k, § 1(a) to (c), (e)
91.021(f)	3207a, § 2b	101.002	695k, § 1(f)
91.022	3207a, § 2(a)	101.003	695k, § 2
91.023	3207a, § 2(b)	101.004	695k, § 3
91.024	3207a, § 2(c)	101.005	695k, § 4
91.025	3207a, § 2(d)	101.021	695k, § 1(d)
91.026	3207a, § 2(e)	101.022	695k, § 5
91.027	3207a, § 2(f)	101.023	695k, § 5a
91.028	3207a, § 2(g)	101.024	695k, § 6a
91.029	3207a, § 2(h)	101.025	695k, § 6
91.030	3207a, § 2(i)	101.026	695k, § 7
91.031	3207a, § 4		
91.051	3207c, § 1	Human Resources	Education Code
91.052	3207c, §§ 2, 4	Code Section	Section
91.053	3207c, § 5	111.001	30.01
91.054	3207c, § 3(a) to (d), (f), (g)	111.002	30.02
91.055	3207c, §§ 8, 9		30.71
91.056	3207c, §§ 3(e), 6	111.011	30.11
91.057	3207c, § 7	111.012	30.14
91.058	3207c, § 10	111.013	30.12

DERIVATION TABLE

Human Resources Code Section	Education Code Section	Human Resources Code Section	Education Code Section
111.014 -----	30.13	111.081 -----	30.72
111.015 -----	30.14	111.082 -----	30.73
111.016 -----	30.15	111.083 -----	30.74
111.017 -----	30.16	111.084 -----	30.75
111.018 -----	30.17	111.085 -----	30.76
111.019 -----	30.18	111.086 -----	30.77
111.020 -----	30.19		
111.021 -----	30.20		
111.022 -----	30.21	Human Resources	Civ.St.
111.023 -----	30.22	Code Section	Article
111.024 -----	30.23	121.001 -----	4419e, § 1
111.051 -----	30.41	121.002 -----	4419e, § 2
111.052 -----	30.42, subds. (1) to (6)	121.003 -----	4419e, § 3
111.053 -----	30.43	121.004 -----	4419e, § 6
111.054 -----	30.44	121.005 -----	4419e, § 4
111.055 -----	30.45	121.006 -----	4419e, § 5
111.056 -----	30.46	121.007 -----	6701e
111.057 -----	30.47	121.008 -----	4419e, § 7
111.058 -----	30.42, subd. (7)	121.009 -----	4419e, § 8

HUMAN RESOURCES CODE

Title	Chapter
1. General Provisions	1
2. Department of Human Resources	11
3. Facilities and Services for Children	61
4. Services for the Deaf	81
5. Services for the Blind and Visually Handicapped	91
6. Services for the Elderly	101
7. Rehabilitation of Handicapped and Disabled	111
8. Rights and Responsibilities of the Handicapped	121
9. Health and Human Services	131.001

TITLE 1. GENERAL PROVISIONS

Chapter	Section
1. General Provisions	1.001

TITLE 2. DEPARTMENT OF HUMAN RESOURCES

SUBTITLE A. GENERAL PROVISIONS

11. General Provisions	11.001
12. Penal Provisions	12.001

SUBTITLE B. STRUCTURE AND FUNCTIONS OF DEPARTMENT

21. Administrative Provisions	21.001
22. General Functions of Department	22.001

SUBTITLE C. ASSISTANCE PROGRAMS

31. Financial Assistance and Services Program	31.001
32. Medical Assistance Program	32.001
33. Nutritional Assistance Programs	33.001
34. Temporary Emergency Relief Programs	34.001

SUBTITLE D. CHILD WELFARE AND PROTECTIVE SERVICES

41. Child Welfare Services	41.001
42. Regulation of Child-Care Facilities	42.001
43. Regulation of Child-Care Administrators	43.001
44. Administration of Federally Established Day-Care Programs	44.001
45. Interstate Placement of Children	45.001
46. Child Support Collection, Parent Locator, and Paternity Determination Services	46.001
47. Adoption Services for Hard-to-Place Children	47.001

Chapter	Section
48. Protective Services for the Elderly	48.001
49. Voluntary Adoption Registries	49.001

SUBTITLE E. SOCIAL WORK SERVICES

50. Certification	50.001
-------------------------	--------

SUBTITLE E. SERVICES FOR FAMILIES

Chapter	Section
51. Family Violence Shelters	51.001

TITLE 3. FACILITIES AND SERVICES FOR CHILDREN

SUBTITLE A. FACILITIES FOR CHILDREN

61. Texas Youth Council	61.001
62. Detention Homes and Parental Schools	62.002

SUBTITLE B. SERVICES FOR CHILDREN

71. Commission on Services to Children and Youth [Repealed]	71.001
72. Coordination of Programs for the Development of Children and Youth	72.001
73. Interagency Council on Early Childhood Intervention Services	73.001

SUBTITLE C. STATE AID TO LOCAL JUVENILE PROBATION DEPARTMENTS

75. Texas Juvenile Probation Commission	75.001
---	--------

TITLE 4. SERVICES FOR THE DEAF

81. State Commission for the Deaf	81.001
---	--------

TITLE 5. SERVICES FOR THE BLIND AND VISUALLY HANDICAPPED

91. State Commission for the Blind	91.001
92. Governor's Coordinating Office for the Visually Handicapped	92.001
93. Committee on Purchases of Blind-Made Products and Services [Repealed]	93.001
94. Vending Facilities Operated by Blind Persons	94.001

TITLE 6. SERVICES FOR THE ELDERLY

Chapter	Section
101. Texas Department on Aging	101.001
102. Disclosure Statements by Retirement Facilities	102.001
102. Rights of the Elderly	102.001
103. Adult Day Care	103.001

TITLE 7. REHABILITATION OF HANDICAPPED AND DISABLED

111. Texas Rehabilitation Commission	111.001
112. Developmental Disabilities	112.001

TITLE 8. RIGHTS AND RESPONSIBILITIES OF THE HANDICAPPED

121. Participation in Social and Economic Activities	121.001
122. Committee on Purchases of Products and Services of Blind and Severely Disabled Persons	122.001
131. Texas Health and Human Services Coordinating Council	131.001
132. Council on Disabilities	132.001
133. Long-Term Care Coordinating Council for the Elderly	133.001

TITLE 1. GENERAL PROVISIONS

CHAPTER 1. GENERAL PROVISIONS

Sec.
1.001. Purpose of Code.
1.002. Construction of Code.

§ 1.001. Purpose of Code

(a) This code is enacted as a part of the state's continuing statutory revision program, begun by the Texas Legislative Council in 1963 as directed by the legislature in Chapter 448, Acts of the 58th Legislature, Regular Session, 1963 (Article 5429b-1, Vernon's Texas Civil Statutes). The program contemplates a topic-by-topic revision of the state's general and permanent statute law without substantive change.

(b) Consistent with the objectives of the statutory revision program, the purpose of this code is to make the general and permanent human resources law more accessible and understandable by:

- (1) rearranging the statutes into a more logical order;
- (2) employing a format and numbering system designed to facilitate citation of the law and to accommodate future expansion of the law;

(3) eliminating repealed, duplicative, unconstitutional, expired, executed, and other ineffective provisions; and

(4) restating the law in modern American English to the greatest extent possible.

[Acts 1979, 66th Leg., p. 2334, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 1.002. Construction of Code

The Code Construction Act (Article 5429b-2, Vernon's Texas Civil Statutes) applies to the construction of each provision of this code, except as otherwise expressly provided by this code.

[Acts 1979, 66th Leg., p. 2335, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

TITLE 2. DEPARTMENT OF HUMAN RESOURCES

SUBTITLE A. GENERAL PROVISIONS

CHAPTER 11. GENERAL PROVISIONS

Sec.
11.001. Definitions.
11.002. Purpose of Title; Construction.
11.003. Responsibility of Counties and Municipalities Not Affected.
11.004. Powers and Functions Not Affected.

§ 11.001. Definitions

In this title:

- (1) "Board" means the Texas Board of Human Resources.
- (2) "Department" means the Texas Department of Human Resources.
- (3) "Commissioner" means the Commissioner of Human Resources.
- (4) "Assistance" means all forms of assistance and services for needy persons authorized by Subtitle C of this title.¹
- (5) "Financial assistance" means money payments for needy persons authorized by Chapter 31 of this code.
- (6) "Medical assistance" means assistance for needy persons authorized by Chapter 32 of this code.

[Acts 1979, 66th Leg., p. 2335, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

¹ Section 31.01 et seq.

§ 11.002. Purpose of Title; Construction

(a) The purpose of this title is to establish a program of social security to provide necessary and prompt assistance to the citizens of this state who are entitled to avail themselves of its provisions.

(b) This title shall be liberally construed in order that its purposes may be accomplished as equitably, economically, and expeditiously as possible.

[Acts 1979, 66th Leg., p. 2335, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 11.003. Responsibility of Counties and Municipalities Not Affected

No provision of this title is intended to release the counties and municipalities in this state from the specific responsibilities they have with regard to the support of public welfare, child welfare, and relief services. Funds which the counties and municipalities may appropriate for the support of those programs may be administered through the department's local or regional offices, and if administered in that manner must be devoted exclusively to the programs in the county or municipality making the appropriation.

[Acts 1979, 66th Leg., p. 2335, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 11.004. Powers and Functions Not Affected

The provisions of this title are not intended to interfere with the powers and functions of the Texas Rehabilitation Commission, the State Commission for the Blind, the division of maternal and child health of the Texas Department of Health, or county juvenile boards.

[Acts 1979, 66th Leg., p. 2336, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

CHAPTER 12. PENAL PROVISIONS

Sec.

- 12.001. Prohibited Activities.
- 12.002. Unlawful Use of Funds.
- 12.003. Disclosure of Information Prohibited.

§ 12.001. Prohibited Activities

(a) A person who is not licensed to practice law in Texas commits an offense if the person charges a fee for representing or aiding an applicant or recipient in procuring assistance from the department.

(b) A person commits an offense if the person advertises, holds himself or herself out for, or solicits the procurement of assistance from the department.

(c) An offense under this section is a Class A misdemeanor.

[Acts 1979, 66th Leg., p. 2336, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 12.002. Unlawful Use of Funds

(a) A person charged with the duty or responsibility of administering, disbursing, auditing, or otherwise handling the grants, funds, or money provided for in this title commits an offense if the person misappropriates the grants, funds, or money or by

deception or fraud wrongfully distributes the grants, funds, or money to any person.

(b) An offense under this section is a felony punishable by confinement in the state penitentiary for a term of not less than two or more than seven years.

[Acts 1979, 66th Leg., p. 2336, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 12.003. Disclosure of Information Prohibited

(a) Except for purposes directly connected with the administration of the department's assistance programs, it is an offense for a person to solicit, disclose, receive, or make use of, or to authorize, knowingly permit, participate in, or acquiesce in the use of the names of, or any information concerning, persons applying for or receiving assistance if the information is directly or indirectly derived from the records, papers, files, or communications of the department or acquired by employees of the department in the performance of their official duties.

(b) An offense under this section is a Class A misdemeanor.

[Acts 1979, 66th Leg., p. 2336, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

SUBTITLE B. STRUCTURE AND FUNCTIONS OF DEPARTMENT

CHAPTER 21. ADMINISTRATIVE PROVISIONS

Sec.

- 21.001. Department of Human Resources.
- 21.002. Application of Sunset Act.
- 21.003. Board of Human Resources.
- 21.004. Commissioner.
- 21.005. Divisions of Department; Personnel.
- 21.006. Local Administration.
- 21.007. Merit System.
- 21.008. Staff Development.
- 21.009. Political Activities of Officers and Employees.
- 21.010. Budget.
- 21.011. Reports.
- 21.012. Confidentiality of Information.
- 21.013. Oaths and Acknowledgments.

§ 21.001. Department of Human Resources

The Texas Department of Human Resources is composed of the Texas Board of Human Resources, the Commissioner of Human Resources, and other officers and employees required to efficiently carry out the purposes of this title.

[Acts 1979, 66th Leg., p. 2337, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 21.002. Application of Sunset Act

The Texas Department of Human Resources is subject to the Texas Sunset Act, as amended (Article 5429k, Vernon's Texas Civil Statutes); and un-

less continued in existence as provided by that Act the department is abolished and this title expires effective September 1, 1987.

[Acts 1979, 66th Leg., p. 2337, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 4199, ch. 667, § 1, eff. Aug. 29, 1983.]

§ 21.003. Board of Human Resources

(a) The Texas Board of Human Resources is responsible for the adoption of policies and rules for the government of the department.

(b) The board is composed of three members appointed by the governor with the advice and consent of the senate and representing all geographic regions of the state. To qualify for an appointment to the board, a person must have demonstrated an interest in and knowledge of public welfare and must have had experience as an executive or administrator.

(c) Members of the board serve for staggered terms of six years with the term of one member expiring on January 20 of each odd-numbered year.

(d) After the biennial appointment of a new member, the board shall elect a presiding officer who shall preside over meetings of the board.

(e) Two members of the board constitute a quorum for the transaction of business.

(f) The board's office is in Austin in a building designated by the State Board of Control.

(g) While performing their duties board members are entitled to per diem as prescribed by the General Appropriations Act.

[Acts 1979, 66th Leg., p. 2337, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 4585, ch. 770, § 1, eff. Sept. 1, 1983.]

§ 21.004. Commissioner

(a) The Commissioner of Human Resources is the executive and administrative officer of the department. The commissioner exercises all rights, powers, and duties imposed or conferred by law on the department unless the right, power, or duty is specifically delegated by the board to the department's agents or employees.

(b) The commissioner is appointed by the board with the advice and consent of two-thirds of the membership of the senate and serves at the pleasure of the board.

(c) To be eligible for appointment as commissioner, a person must be at least 35 years old, have had experience as an executive or administrator, and not have served as an elected state officer as defined by Chapter 421, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-9b, Vernon's Texas Civil

Statutes), during the six-month period preceding the date of the appointment.

[Acts 1979, 66th Leg., p. 2338, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1981, 67th Leg., p. 925, ch. 340, § 1, eff. Aug. 31, 1981.]

§ 21.005. Divisions of Department; Personnel

(a) The commissioner may establish divisions within the department that he considers necessary for effective administration and the discharge of the department's functions.

(b) The commissioner may allocate and reallocate functions among the divisions.

(c) The commissioner may employ personnel necessary for the administration of the department's duties.

[Acts 1979, 66th Leg., p. 2338, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 21.006. Local Administration

(a) The department shall establish a system of local administration and employ personnel necessary to carry out the purposes of this title in an economical manner.

(b) The commissioner may provide for the appointment of local boards to advise the local administrative units. The commissioner shall determine the size of the boards and the qualifications of the members. The functions of the boards may not conflict with or duplicate the functions of other boards authorized by law to advise the department.

[Acts 1979, 66th Leg., p. 2338, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 21.007. Merit System

The department may establish a merit system for its employees. The merit system may be maintained in conjunction with other state agencies that are required by federal law to operate under a merit system.

[Acts 1979, 66th Leg., p. 2338, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 21.008. Staff Development

(a) The department may establish staff development plans to assist employees in obtaining the technical and professional education required to administer the department's assistance programs more effectively and efficiently and to provide improved services to the needy. The plans must include a provision for granting paid educational leave to selected employees.

(b) The department's plans must conform to the requirements of the Department of Health, Education, and Welfare.

(c) The department may make payments for the paid educational leave or other staff development

plans in the form of grants or stipends or by other methods.

(d) The cost of the staff development plans may be made out of state and federal funds within the limits of appropriated funds.

[Acts 1979, 66th Leg., p. 2338, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 21.009. Political Activities of Officers and Employees

(a) An officer or employee of the department may not use his official authority or influence or permit the use of the programs administered by the department for the purpose of interfering with or affecting the results of an election or for any political purpose.

(b) An officer or employee of the department is subject to all applicable federal restrictions on political activities. However, an officer or employee retains the right to vote as he or she pleases and may express his or her opinion as a citizen on all political subjects.

(c) An officer or employee of the department who violates a provision of this section is subject to discharge or suspension or other disciplinary measures authorized by the department's rules.

[Acts 1979, 66th Leg., p. 2339, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1981, 67th Leg., p. 1793, ch. 392, § 1, eff. Aug. 31, 1981.]

§ 21.010. Budget

(a) The commissioner shall prepare and submit to the board for approval a biennial budget and request for an appropriation by the legislature of funds necessary to carry out the duties of the department. The budget and request must include an estimate of all federal funds to be allotted to the state for the department's purposes.

(b) The board shall submit the budget and request to the Legislative Budget Board and the governor in the manner prescribed by law.

[Acts 1979, 66th Leg., p. 2339, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 21.011. Reports

On or before October 1 of each year the commissioner shall prepare and submit to the board a full report on the operation and administration of the department together with his recommendations for changes. The board shall submit the report to the governor and the legislature.

[Acts 1979, 66th Leg., p. 2339, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 21.012. Confidentiality of Information

(a) The department shall establish and enforce reasonable rules governing the custody, use, and preservation of the department's records, papers,

files, and communications. The department shall provide safeguards which restrict the use or disclosure of information concerning applicants for or recipients of the department's assistance programs to purposes directly connected with the administration of the programs.

(b) If under a provision of law lists of the names and addresses of recipients of the department's assistance programs are furnished to or held by a governmental agency other than the department, that agency shall adopt rules necessary to prevent the publication of the lists or the use of the lists for purposes not directly connected with the administration of the assistance programs.

[Acts 1979, 66th Leg., p. 2339, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 21.013. Oaths and Acknowledgments

A local representative of the department who is responsible for investigating and determining the eligibility of an applicant for assistance authorized in this title may administer oaths and take acknowledgments concerning all matters relating to the administration of this title. The representative shall sign the oaths or acknowledgments and indicate his or her position and title but need not seal the instruments. The agent has the same authority as a notary public coextensive with the limits of the state for the purpose of administering the provisions of this title.

[Acts 1979, 66th Leg., p. 2339, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

CHAPTER 22. GENERAL FUNCTIONS OF DEPARTMENT

Sec.

- 22.001. General Powers and Duties of the Department.
- 22.002. Administration of Federal Welfare Programs.
- 22.003. Research and Demonstration Projects.
- 22.004. Provision of Legal Services.
- 22.005. Funds.

§ 22.001. General Powers and Duties of the Department

(a) The department is responsible for administering the welfare functions authorized in this title.

(b) The department shall administer assistance to needy persons who are aged, blind, or disabled and to needy families with dependent children. The department shall also administer or supervise general relief and child welfare services.

(c) The department shall assist other governmental agencies in performing services in conformity with the purposes of this title when so requested and shall cooperate with the agencies when expedient.

(d) The department shall conduct research and compile statistics on public welfare programs in the

state. The research must include all phases of dependency and delinquency and related problems. The department shall cooperate with other public and private agencies in developing plans for the prevention and treatment of conditions giving rise to public welfare problems.

[Acts 1979, 66th Leg., p. 2340, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 22.002. Administration of Federal Welfare Programs

(a) The department is the state agency designated to cooperate with the federal government in the administration of Titles IV, XIX, and XX of the federal Social Security Act.¹ The department shall administer other titles added to the act after January 1, 1979, unless another state agency is designated by law to perform the additional functions. The department shall cooperate with federal, state, and local governmental agencies in the enforcement and administration of the federal act, and shall promulgate rules to effect that cooperation.

(b) The department shall cooperate with the United States Department of Health, Education, and Welfare and other federal agencies in a reasonable manner and in conformity with the provisions of this title to the extent necessary to qualify for federal assistance for persons entitled to benefits under the federal Social Security Act.² The department shall make reports periodically in compliance with federal regulations.

(c) The department may establish and maintain programs of assistance and services authorized by federal law and designed to help needy families and individuals attain and retain the capability of independence and self-care. Notwithstanding any other provision of law, the department may extend the scope of its programs to the extent necessary to ensure that federal matching funds are available, if the department determines that the extension of scope is feasible and within the limits of appropriated funds.

(d) If the department determines that a provision of state welfare law conflicts with a provision of federal law, the department may promulgate policies and rules necessary to allow the state to receive and expend federal matching funds to the fullest extent possible in accordance with the federal statutes and the provisions of this title and the state constitution and within the limits of appropriated funds.

(e) The department may accept, expend, and transfer federal and state funds appropriated for programs authorized by federal law. The department may accept, expend, and transfer funds received from a county, municipality, or public or private agency or from any other source, and the funds shall be deposited in the state treasury sub-

ject to withdrawal on order of the commissioner in accordance with the department's rules.

(f) The department may enter into agreements with federal, state, or other public or private agencies or individuals to accomplish the purposes of the programs authorized in Subsection (c) of this section. The agreements or contracts between the department and other state agencies are not subject to the Interagency Cooperation Act (Article 4413(32), Vernon's Texas Civil Statutes).

(g) In administering social service programs authorized by the Social Security Act, the department may prepay an agency or facility for expenses incurred under a contract with the department to provide a social service.

(h) The department may set and charge reasonable fees for services provided in administering social service programs authorized by the Social Security Act. The department shall set the amount of each fee according to the cost of the service provided and the ability of the recipient to pay.

(i) The department may not deny services administered under this section to any person because of that person's inability to pay for services.

[Acts 1979, 66th Leg., p. 2340, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1981, 67th Leg., p. 2232, ch. 530, § 1, eff. Aug. 31, 1981; Acts 1983, 68th Leg., p. 3872, ch. 616, § 1, eff. Sept. 1, 1983.]

¹ 42 U.S.C.A. § 501 et seq.; 42 U.S.C.A. § 1396 et seq.; 42 U.S.C.A. § 1397 et seq.
² 42 U.S.C.A. § 301 et seq.

§ 22.003. Research and Demonstration Projects

(a) The department may conduct research and demonstration projects that in the judgment of the commissioner will assist in promoting the purposes of the department's assistance programs. The department may conduct the projects independently or in cooperation with a public or private agency.

(b) The department may use state or federal funds available for its assistance programs or for research and demonstration projects to support the projects. The projects must be consistent with the state and federal laws making the funds available.

[Acts 1979, 66th Leg., p. 2341, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 22.004. Provision of Legal Services

(a) On request, the department may provide legal services to an applicant for or recipient of assistance at a hearing before the department.

(b) The services must be provided by an attorney licensed to practice law in Texas or by a law student acting under the supervision of a law teacher or a legal services organization, and the attorney or law student must be approved by the department.

(c) The department shall adopt a reasonable fee schedule for the legal services. The fees may not exceed those customarily charged by an attorney for similar services for a private client. The fees may be paid only from funds appropriated to the department for the purpose of providing these legal services.

[Acts 1979, 66th Leg., p. 2341, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 22.005. Funds

(a) The children's assistance fund and the medical assistance fund are separate accounts in the Texas Department of Human Resources fund. Money in the separate accounts may be expended only for the purposes for which the accounts were created or as otherwise provided by law.

(b) The comptroller shall maintain a department of human resources administration operating fund and a department of human resources assistance operating fund as funds in the state treasury. The commodity distribution fund may not be included in these operating funds.

(c) On authorization by the department, the comptroller may transfer funds appropriated for the operation of the department, current revenues, and balances on hand into the department of human resources administration operating fund or the department of human resources assistance operating fund. On authorization by the department, the comptroller shall transfer designated funds between the two operating funds.

(d) With the approval of the state auditor, the department shall establish an internal accounting system, and the department's expenditures shall be allocated to the various funds according to the system. At the end of each fiscal biennium the department shall report to the comptroller the amount of the unencumbered balances in each of the department's operating funds that belongs to the children's assistance fund and the medical assistance fund, and those unencumbered balances shall be returned to the appropriate special fund.

(e) If the department determines that a transfer among appropriated state funds is needed to match federal medical assistance funds, the department may authorize the comptroller in writing to transfer funds allocated to the children's assistance fund into the medical assistance fund, and the department may use the transferred funds to provide medical assistance to the greatest extent possible within the limits of state and federal law.

(f) The state treasurer is the designated custodian of all funds administered by the department and received by the state from the federal government or any other source for the purpose of implementing the provisions of the Social Security Act.¹ The treasurer may receive the funds, pay

them into the proper fund or account of the general fund of the state treasury, provide for the proper custody of the funds, and make disbursements of the funds on the order of the department and on warrant of the comptroller.

[Acts 1979, 66th Leg., p. 2341, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

142 U.S.C.A. § 301 et seq.

SUBTITLE C. ASSISTANCE PROGRAMS

CHAPTER 31. FINANCIAL ASSISTANCE AND SERVICE PROGRAMS

SUBCHAPTER A. ELIGIBILITY FOR FINANCIAL ASSISTANCE AND SERVICES

Sec.

- 31.001. Aid to Families With Dependent Children.
- 31.002. Definition of Dependent Child.
- 31.003. Amount of Financial Assistance.
- 31.004. Foster Care.
- 31.005. Dependent Child Residing With Relatives.
- 31.006. Welfare and Related Services.
- 31.007. Financial Assistance to Individuals in Institutions.
- 31.008. Counseling and Guidance Services.
- 31.009. Required Registration With Texas Employment Commission.
- 31.010. Services.

SUBCHAPTER B. ADMINISTRATION OF FINANCIAL ASSISTANCE AND SERVICES

- 31.031. Application for Assistance.
- 31.032. Investigation and Determination of Eligibility.
- 31.033. Reinvestigation and Redetermination of Eligibility.
- 31.034. Appeal from Local Administrative Units.
- 31.035. Method of Payment.
- 31.036. Eligibility of Person Leaving the State.
- 31.037. Payment of Financial Assistance Funds on Death of Recipient.
- 31.038. Cancellation of Uncashed Warrants.
- 31.039. Issuance of Duplicate Assistance Warrants.
- 31.040. Nontransferability of Assistance Funds.
- 31.041. Right to Assistance Not Vested.
- 31.042. Proration of Financial Assistance.

SUBCHAPTER C. LIMITATION ON AMOUNT OF FINANCIAL ASSISTANCE

- 31.051. Definition.
- 31.052. Limitation on Amount of Financial Assistance.
- 31.053. Determination by Legislative Budget Board.

SUBCHAPTER C. JOB TRAINING AND WORK EXPERIENCE PROGRAM

- 31.061. Establishment.
- 31.062. Participation.
- 31.063. Contracts.
- 31.064. Assignment.
- 31.065. Sanctions.
- 31.066. Hearings.
- 31.067. Necessary Services and Costs.
- 31.068. Coordination With Other Programs.
- 31.069. Funding.
- 31.070. Department to Select Areas.

Sec.
31.071. Rules.
31.072. Expiration.

SUBCHAPTER A. ELIGIBILITY FOR FINANCIAL ASSISTANCE AND SERVICES

§ 31.001. Aid to Families With Dependent Children

The department shall provide financial assistance and services to families with dependent children in accordance with the provisions of this chapter.

[Acts 1979, 66th Leg., p. 2343, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 31.002. Definition of Dependent Child

(a) In this chapter, the term "dependent child" applies to a child:

- (1) who is a resident of this state;
- (2) who is under 18 years of age or is under 21 years of age and is regularly attending a school, college, university, or vocational or technical training program in accordance with standards set by the department;
- (3) who has been deprived of parental support or care because of the death, continued absence from home, or physical or mental incapacity of a parent;
- (4) who has insufficient income or other resources to provide a reasonable subsistence compatible with health and decency; and
- (5) who is living in the home residence of his or her father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece.

(b) In this chapter, the term "dependent child" also applies to a child:

- (1) who meets the specifications set forth in Subdivisions (1)-(4) of the preceding subsection;
- (2) who has been removed from the home of a relative specified in Subdivision (5) of the preceding subsection as a result of a judicial determination that the child's residence there is contrary to his or her welfare;
- (3) whose placement and care are the responsibility of the department or an agency with which the department has entered into an agreement for the care and supervision of the child;
- (4) who has been placed in a foster home or child-care institution by the department; and
- (5) for whom the state may receive federal funds for the purpose of providing foster care in accordance with rules promulgated by the department.

[Acts 1979, 66th Leg., p. 2343, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 31.003. Amount of Financial Assistance

(a) The department shall adopt rules governing the determination of the amount of financial assistance to be granted for the support of a dependent child. The amount granted, when combined with the income and other resources available for the child's support, must be sufficient to provide the child with a subsistence compatible with decency and health.

(b) In considering the amount of income or other resources available to a child or a relative claiming financial assistance on the child's behalf, the department shall also consider reasonable expenses attributable to earning the income. The department may permit all or part of the earned or other income to be set aside for the future identifiable needs of the child, subject to limitations prescribed by the department.

(c) The department's agents employed in the region or county in which the dependent child resides shall determine the amount to be paid in accordance with the rules promulgated by the department.

[Acts 1979, 66th Leg., p. 2343, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 31.004. Foster Care

The department may accept and spend funds available from any source to provide foster care in facilities approved by the licensing division of the department for dependent children who meet the specifications set out in Section 31.002(b) of this code.

[Acts 1979, 66th Leg., p. 2344, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 31.005. Dependent Child Residing With Relatives

(a) If after an investigation the department determines that a family with a dependent child is needy and that the child resides with the family, the department shall provide financial assistance and services for the support of the family.

(b) The department shall formulate policies for studying and improving the child's home conditions and shall plan services for the protection of the child and for the child's health and educational needs.

(c) A dependent child who is between 18 and 21 years of age and whose family is receiving financial assistance or services on his or her behalf must enroll in school during the regular school term unless the department finds that good cause exists for the nonattendance of the child at school. Failure to comply with this requirement constitutes good cause for the termination of the financial assistance or services.

(d) The department shall develop a plan for the coordination of the services provided for dependent children under this chapter and other child welfare services for which the department is responsible. [Acts 1979, 66th Leg., p. 2344, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 31.006. Welfare and Related Services

(a) The department shall develop and implement a program of welfare and related services for each dependent child which, in light of the particular home conditions and other needs of the child, will best promote the welfare of the child and his or her family and will help to maintain and strengthen family life by assisting the child's parents or relatives to attain and retain their capabilities for maximum self-support and personal independence consistent with the maintenance of continued parental care and protection.

(b) The department shall coordinate the services provided under the program with other services provided by the department and by other public and private welfare agencies for the care and protection of children.

(c) The department may promulgate rules which will enable it to fully participate in work and training programs authorized by federal law, to provide for all services required or deemed advisable under the provisions of the program, and to accept, transfer, and expend funds made available from public or private sources for the purpose of carrying out the provisions of this section.

[Acts 1979, 66th Leg., p. 2344, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 31.007. Financial Assistance to Individuals in Institutions

A person who is in an institution is eligible to receive financial assistance under this chapter if the person would be eligible to receive the financial assistance if he were not in an institution and if the payments are made in accordance with the department's rules promulgated in conformity with federal law and rules.

[Acts 1979, 66th Leg., p. 2344, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 31.008. Counseling and Guidance Services

(a) If the department believes that financial assistance to a family with a dependent child is not being, or may not be, used in the best interest of the child, the department may provide counseling and guidance services to the relative receiving financial assistance with respect to the use of the funds and the management of other funds in the child's best interest.

(b) The department may advise the relative that continued failure to use the funds in the child's best

interest will result in the funds being paid to a substitute payee. If the department determines that protective payments are required to safeguard the best interest of the child, the department may pay the funds to a substitute payee on a temporary basis in accordance with the department's rules.

(c) If the situation in the home which made the protective payments necessary does not improve, and if the department determines that the relative with whom the child is living is unable or does not have the capacity to use the funds for the best interest of the child, then the department may make arrangements with the family for other plans for the care of the child. The other plans may include:

(1) removing the child to the home of another relative;

(2) appointment of a guardian or legal representative for the relative with whom the child is living;

(3) imposition of criminal or civil penalties if a court determines that the relative is not using, or has not used, the payments for the benefit of the child; or

(4) referral of the case to a court for the removal of the child and the placement of the child in a foster home.

(d) The department may make payments on behalf of a dependent child residing in a foster family home or a child-care institution in accordance with the provisions of this chapter and the rules of the department.

[Acts 1979, 66th Leg., p. 2345, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 31.009. Required Registration With Texas Employment Commission

(a) A person who is required to register with the Texas Employment Commission under the Employment Incentive Act¹ is not eligible to receive financial assistance under this chapter until the person is registered.

(b) Before making a payment, the department shall determine whether the person to whom the payment is to be made is required to register with the Texas Employment Commission under the Employment Incentive Act, and if the person is required to register, whether the person is registered. If the department finds that a person who is required to register is not registered, the department may not make the payment.

(c) On receipt of notice from the Texas Employment Commission that a person has failed to comply with the Employment Incentive Act, the department shall immediately terminate the person's financial assistance.

(d) The department shall maintain a current record of all persons found to be ineligible to receive financial assistance for failure to comply with

the Employment Incentive Act. The department shall distribute the record to each division within the department in which the record is or may be relevant in determining eligibility for any welfare benefits.

(e) The department shall arrange placement of the dependent children of an ineligible person with another person or with an institution if the department determines that alternative care is in the best interest of the children.

[Acts 1979, 66th Leg., p. 2345, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

¹ Civil Statutes, art. 695n.

§ 31.010. **Services**

The department may provide services designed to assist needy families and individuals attain and retain the capability of independence and self-care if federal matching funds are available for the support of the services.

[Acts 1979, 66th Leg., p. 2346, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

[Sections 31.011 to 31.030 reserved for expansion]

SUBCHAPTER B. ADMINISTRATION OF FINANCIAL ASSISTANCE AND SERVICES

§ 31.031. **Application for Assistance**

(a) The department by rule shall prescribe the form for applications for assistance authorized by this chapter and the manner of their submission.

(b) The department may require the applicant to state the amount of property in which he or she has an interest, the amount of income which he or she has at the time the application is filed, and other information.

[Acts 1979, 66th Leg., p. 2346, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 31.032. **Investigation and Determination of Eligibility**

(a) On receipt of an application for assistance authorized by this chapter, the department shall investigate and record the applicant's circumstances in order to ascertain the facts supporting the application and to obtain other information it may require.

(b) After completing its investigation, the department shall determine whether the applicant is eligible for the assistance, the type and amount of assistance, the date on which the assistance shall begin, and the manner in which payments shall be made.

(c) The department shall promptly notify the applicant of its final action.

[Acts 1979, 66th Leg., p. 2346, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 31.033. **Reinvestigation and Redetermination of Eligibility**

(a) The department may require periodic reconsideration of continued eligibility for assistance.

(b) After reconsideration of continuing eligibility, the department may change the amount of assistance or withdraw it if the department finds that the recipient's circumstances have altered sufficiently to warrant that action.

(c) The department may cancel or suspend assistance for a period of time if the department finds that the recipient is currently ineligible to receive it.

(d) The department shall notify the recipient immediately of its decision to change or withdraw assistance.

(e) A recipient of assistance must notify the department immediately if he or she comes into possession of income or resources in excess of the amount previously reported.

[Acts 1979, 66th Leg., p. 2346, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 31.034. **Appeal from Local Administrative Units**

(a) An applicant for or recipient of financial assistance authorized by this chapter may appeal to the department an action or failure to act by a local administrative unit relating to the financial assistance. The department shall grant the applicant or recipient an opportunity for a hearing after reasonable notice.

(b) An applicant or recipient, or his or her authorized agent, may submit a written request for the information contained in the unit's records on which the action being appealed is based, and the unit shall advise the person making the request of the information within a reasonable time prior to the hearing. Information not provided to the requesting party may not be considered by the department at the hearing as a basis for decision.

[Acts 1979, 66th Leg., p. 2346, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 31.035. **Method of Payment**

(a) The department shall periodically furnish the comptroller with a list of persons eligible for financial assistance under this chapter and the amount to which each person is entitled.

(b) The comptroller shall draw warrants for the specified amounts on the proper accounts of the Texas Department of Human Resources fund and shall transmit the warrants to the commissioner. The commissioner shall supervise the delivery of the warrants to the persons entitled to them.

[Acts 1979, 66th Leg., p. 2346, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 31.036. Eligibility of Person Leaving the State

A recipient of assistance who moves out of the state is no longer eligible for the assistance. However, a recipient's temporary absence from the state for reasons and for periods of time approved by the department does not terminate the recipient's eligibility for assistance.

[Acts 1979, 66th Leg., p. 2346, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 31.037. Payment of Financial Assistance Funds on Death of Recipient

(a) If a person dies during a month for which the person is eligible for financial assistance and has not endorsed or cashed the warrant issued for financial assistance during that month, the department may pay financial assistance to the person who was responsible for caring for the recipient at the time of his or her death and who is responsible for paying the obligations incurred by the recipient.

(b) The department shall adopt rules prescribing the method of determining the person entitled to receive the deceased recipient's financial assistance, the manner of payment of the funds, and limitations on the payments.

(c) Payments to persons responsible for deceased recipients under this section may be made only in the manner and to the extent permissible under the laws and regulations governing the disbursement of funds received through the Department of Health, Education, and Welfare.

[Acts 1979, 66th Leg., p. 2347, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 31.038. Cancellation of Uncashed Warrants

On authorization by the department, the comptroller may cancel financial assistance warrants that have not been cashed within a reasonable period of time after issuance.

[Acts 1979, 66th Leg., p. 2347, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 31.039. Issuance of Duplicate Assistance Warrants

(a) Except as provided by Subsection (b) of this section, the comptroller may issue a duplicate financial assistance warrant to a recipient who has failed to receive or has lost the original warrant in accordance with Article 4365, Revised Civil Statutes of Texas, 1925, as amended.

(b) The comptroller may not issue a duplicate financial assistance warrant after one year from the date the original warrant was issued.

[Acts 1979, 66th Leg., p. 2347, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 31.040. Nontransferability of Assistance Funds

The right to financial assistance granted to recipients under this chapter may not be transferred or assigned at law or in equity, and the funds are not subject to execution, levy, attachment, garnishment, or other legal process or to the operation of an insolvency law.

[Acts 1979, 66th Leg., p. 2347, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 31.041. Right to Assistance Not Vested

(a) The provisions of this chapter providing assistance shall not be construed as vesting a right in the recipient to the assistance.

(b) Assistance granted under this chapter is subject to modification or repeal by the legislature, and a recipient has no claim for compensation or otherwise because the law authorizing the assistance is amended or repealed.

[Acts 1979, 66th Leg., p. 2347, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 31.042. Proration of Financial Assistance

If at any time state funds are not available to pay in full all financial assistance authorized in this chapter, the department may direct the proration of the financial assistance.

[Acts 1979, 66th Leg., p. 2348, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

SUBCHAPTER C. LIMITATION ON AMOUNT OF FINANCIAL ASSISTANCE

Acts 1983, 68th Leg., p. 1667, ch. 312, § 1, added this Subchapter C, consisting of §§ 31.051 to 31.053.

For text of another Subchapter C, Job Training and Work Experience Program, consisting of §§ 31.061 to 31.072, added by Acts 1983, 68th Leg., p. 2421, ch. 428, § 1, see Subchapter C, post.

§ 31.051. Definition

In this subchapter, "state budget" shall equal the amount appropriated by the legislature for the biennium from funds subject to the limitations set forth in the Texas Constitution, including any appropriated federal funds in the amounts estimated in the Act making such appropriations.

[Acts 1983, 68th Leg., p. 1667, ch. 312, § 1, eff. Aug. 29, 1983.]

§ 31.052. Limitation on amount of Financial Assistance

For each fiscal biennium, the maximum amount that may be paid out of state funds for assistance grants to or on behalf of needy dependent children

and their caretakers may not exceed one percent of the state budget.

[Acts 1983, 68th Leg., p. 1667, ch. 312, § 1, eff. Aug. 29, 1983.]

§ 31.053. Determination by Legislative Budget Board

(a) With regard to the general appropriations bill introduced in each house in each regular session, it shall be the duty of the legislative budget director, not later than the seventh day of the session, to inform in writing the lieutenant governor and the speaker of the house of representatives of three items of information:

- (1) the biennial amount of the "state budget," as defined for the purposes of this subchapter, based on the general appropriations bills as introduced;
- (2) the maximum biennial amount of one percent of the state budget; and
- (3) the biennial amount which would be appropriated by the general appropriations bills for assistance to or on behalf of needy dependent children and the caretakers of such children and which is subject to the limitation.

(b) At the request of the lieutenant governor or speaker the legislative budget director shall update this information and shall provide a statement of other legislation affecting appropriations.

(c) The Legislative Budget Board may adopt rules necessary to perform its duties under this subchapter.

[Acts 1983, 68th Leg., p. 1667, ch. 312, § 1, eff. Aug. 29, 1983.]

SUBCHAPTER C. JOB TRAINING AND WORK EXPERIENCE PROGRAM

Acts 1983, 68th Leg., p. 2421, ch. 428, § 1, added this Subchapter C, consisting of §§ 31.061 to 31.072, effective until September 1, 1985.

For text of another Subchapter C, Limitation on Amount of Financial Assistance, consisting of §§ 31.051 to 31.053, added by Acts 1983, 68th Leg., p. 1667, ch. 312, § 1, see Subchapter C, ante.

§ 31.061. Establishment

(a) The department shall establish a job training and work experience pilot program in selected areas of the state for persons receiving financial assistance under the Aid to Families with Dependent Children program.

(b) The positions must be of the type for which trainees may reasonably be expected to meet job

qualifications after two months of training and four months of work experience.

[Acts 1983, 68th Leg., p. 2421, ch. 428, § 1, eff. Sept. 1, 1983.]

Section 2 of the 1983 Act provides:

"The Texas Department of Human Resources shall submit a report to the 69th Legislature on the status of the program authorized by Subchapter C, Chapter 31, Human Resources Code. The report shall include an evaluation of the pilot program which includes a detailed cost benefit analysis and fiscal impact study for statewide implementation and a feasibility study of the use of state corporate franchise tax credits as an incentive to employers to hire AFDC recipients. The governor's office shall select an independent evaluator to assess the demonstration program's effectiveness and to make recommendations regarding the feasibility for statewide implementation. The department shall make a recommendation on whether to continue, expand, or discontinue the program based on the evaluation data."

§ 31.062. Participation

(a) A person who resides in an area in which a pilot program has been established under Subchapter C of this code¹ may participate in the pilot program as an alternative to participation in other state or federal employment and job training programs if such person is a part of a household unit receiving AFDC payments. The department may not require participation in a program under this subchapter as a condition of receiving AFDC payments unless required by federal regulation. If federal funds are not made available for a program of the type provided by this section because of such federal regulations, the department shall operate a voluntary participation program as set out in this subchapter using state funds only.

(b) The department may not, in any event, require a person to participate in the pilot program if the person is enrolled in and attending at least nine semester hours of a training or educational curriculum and the satisfactory completion of the course work is likely to enhance the employability of the person.

(c) Prior to a person's participation in the pilot program, the department shall make a determination of the total benefits available to the children of the person through participation in the AFDC program and of the total benefits that would be available to the same children through the person's participation in the pilot program. If the department determines that the total benefits available to the children of the person are reduced through participation in the pilot program, the department may not require participation of the person in the pilot program.

[Acts 1983, 68th Leg., p. 2421, ch. 428, § 1, eff. Sept. 1, 1983.]

¹ So in enrolled bill.

§ 31.063. Contracts

(a) The department shall enter into agreements with public agencies, local governmental units, and

private organizations to provide job training and work experience in the areas in which the pilot program is established. Reimbursement for each contractor may not exceed the amount the department has paid or would have paid under the AFDC program for each participant in the job training and work experience program served by the contractor.

(b) In areas in which the pilot program has been established, the department and contractors providing services for the department shall be encouraged to participate in the program.

(c) Job training provided for by this section may not:

- (1) result in the displacement of an employee;
- (2) be related to political, electoral, or partisan activities;
- (3) violate applicable federal, state, or local health and safety standards; or
- (4) result from or in any way be associated with a strike, lockout, or other bona fide labor dispute or violate an existing labor agreement between an employer and employee.

(d) Job training and work experience assignments may provide training until job proficiency is reached but not for more than two months prior to participating in the work experience phase which will last for not more than four months in order to qualify the participant for permanent employment in that or a similar position.

(e) The department shall assure that the participant is provided benefits comparable to those available under Medicaid, including coverage for both the caretaker and children, for employment positions for a period not to exceed 10 months. The employer shall assure that health insurance benefits for the employee and the employee's children will be provided as a part of the employment position after that period.

(f) Each participant shall be provided an option of training toward a high school equivalency diploma, if such participant did not previously complete high school, and shall be encouraged and assisted in working toward such educational goals.

[Acts 1983, 68th Leg., p. 2421, ch. 428, § 1, eff. Sept. 1, 1983.]

§ 31.064. Assignment

(a) The department shall develop criteria for assigning persons required to participate under Section 31.062 of this code to available positions.

(b) In making an assignment to a job training position, the department shall consider the person's prior training, proficiency, experience, and skills.

(c) A person may not be assigned to an on-the-job training position if the person has good cause for refusal or failure to participate under the employment program.

(d) A person may not be assigned to an on-the-job training position or in a work experience program which requires him to participate more than 40 hours a week.

(e) The AFDC payment may not be considered compensation for work performed by the participant in the job training position.

(f) Compensation for the work experience phase of the program may not be at less than the federal minimum wage.

(g) The department shall assure that a participant in the work experience phase of the program is covered by workers' compensation insurance obtained by his employer. The department shall also assure that adequate liability insurance is available to cover any injuries suffered by participants during on-the-job training.

[Acts 1983, 68th Leg., p. 2421, ch. 428, § 1, eff. Sept. 1, 1983.]

§ 31.065. Sanctions

(a) Subject to the provisions of Section 31.062(a) of this Act, a caretaker who without good cause fails to accept a job assignment as required by this subchapter may have his AFDC payment terminated or reduced up to an amount assigned to pay for the caretaker's portion of the grant.

(b) In accordance with the provisions of Section 31.062(a) of this Act, the department shall adopt rules consistent with this section if necessary to comply with applicable federal laws providing sanctions for persons who fail or refuse to participate in the pilot program under this subchapter.

[Acts 1983, 68th Leg., p. 2421, ch. 428, § 1, eff. Sept. 1, 1983.]

§ 31.066. Hearings

A person whose AFDC payment is reduced or terminated because of failure or refusal to participate in the pilot program under this subchapter may request a hearing to be held in accordance with applicable federal law.

[Acts 1983, 68th Leg., p. 2421, ch. 428, § 1, eff. Sept. 1, 1983.]

§ 31.067. Necessary Services and Costs

(a) The department shall pay for or otherwise provide transportation and day care to a participant in the pilot program if these services are necessary and directly related to the pilot program.

(b) In providing child care for participants under this Act, the department may not displace day-care slots currently provided to low-income children whose caretaker is not required to participate in a program under this Act.

[Acts 1983, 68th Leg., p. 2421, ch. 428, § 1, eff. Sept. 1, 1983.]

§ 31.068. Coordination With Other Programs

The department shall coordinate the pilot program with other federal and state employment programs to ensure that:

(1) job placement in an unsubsidized job takes priority over participation in the pilot program and ensure there is no duplication of employment service directed toward AFDC recipients in the state; and

(2) a person who is required to work in other department work programs is not denied aid for failure to participate in one program if the person is satisfactorily participating in other programs.

[Acts 1983, 68th Leg., p. 2421, ch. 428, § 1, eff. Sept. 1, 1983.]

§ 31.069. Funding

This pilot program shall be funded with state funds appropriated for the AFDC program and available federal funds. The department shall obtain funds through the federal Job Training and Partnership Act¹ and other public and private sources.

[Acts 1983, 68th Leg., p. 2421, ch. 428, § 1, eff. Sept. 1, 1983.]

¹ 29 U.S.C.A. § 1501 et seq.

§ 31.070. Department to Select Areas

The department shall select the areas in which to operate the program.

[Acts 1983, 68th Leg., p. 2421, ch. 428, § 1, eff. Sept. 1, 1983.]

§ 31.071. Rules

The department shall adopt rules consistent with federal law to implement this subchapter.

[Acts 1983, 68th Leg., p. 2421, ch. 428, § 1, eff. Sept. 1, 1983.]

§ 31.072. Expiration

(a) This subchapter expires on September 1, 1985.

(b) Any balance of funds received for the pilot program remaining on the expiration date prescribed by this section shall be returned to the general revenue fund.

[Acts 1983, 68th Leg., p. 2421, ch. 428, § 1, eff. Sept. 1, 1983.]

CHAPTER 32. MEDICAL ASSISTANCE PROGRAM

SUBCHAPTER A. GENERAL PROVISIONS

Sec.

32.001. Purpose of Chapter.

32.002. Construction of Chapter.

32.003. Definition of Medical Assistance.

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS
Sec.

32.021. Administration of the Program.

32.0211. Restrictions on Members of the Board, Commissioners, and Their Partners.

32.022. Medical Care Advisory Committee.

32.023. Cooperation With Other State Agencies.

32.024. Authority and Scope of Program; Eligibility.

32.025. Application for Medical Assistance.

32.026. Certification of Eligibility and Need for Medical Assistance.

32.027. Selection of Provider of Medical Assistance.

32.028. Fees, Charges, and Rates.

32.029. Methods of Payment.

32.030. Medical Assistance Fund.

32.031. Receipt and Expenditure of Funds.

32.032. Prevention and Detection of Fraud.

32.033. Subrogation.

32.034. Contract Cancellation; Notice and Hearing.

32.035. Appeals.

32.036. Program Payments Nonassignable and Exempt from Legal Process.

32.037. Geriatric Center.

SUBCHAPTER A. GENERAL PROVISIONS

§ 32.001. Purpose of Chapter

The purpose of this chapter is to enable the state to provide medical assistance on behalf of needy individuals and to enable the state to obtain all benefits for those persons authorized under the Social Security Act or any other federal act.

[Acts 1979, 66th Leg., p. 2348, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 32.002. Construction of Chapter

(a) This chapter shall be liberally construed and applied in relation to applicable federal laws and regulations so that adequate and high quality health care may be made available to all children and adults who need the care and are not financially able to pay for it.

(b) If a provision of this chapter conflicts with a provision of the Social Security Act¹ or any other federal act and renders the state program out of conformity with federal law to the extent that federal matching money is not available to the state, the conflicting provision of state law shall be inoperative to the extent of the conflict but shall not affect the remainder of this chapter.

[Acts 1979, 66th Leg., p. 2348, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

¹ 42 U.S.C.A. § 301 et seq.

§ 32.003. Definition of Medical Assistance

In this chapter, "medical assistance" includes all of the health care and related services and benefits authorized or provided under federal law for needy individuals of this state.

[Acts 1979, 66th Leg., p. 2349, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

[Sections 32.004 to 32.020 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE
PROVISIONS

§ 32.021. Administration of the Program

(a) The department is the state agency designated to administer the medical assistance program provided in this chapter.

(b) The department shall enter into agreements with any federal agency designated by federal law to administer medical assistance when the department determines the agreements to be compatible with the state's participation in the medical assistance program and within the limits of appropriated funds. The department shall cooperate with federal agencies designated by federal law to administer medical assistance in any reasonable manner necessary to qualify for federal funds.

(c) The department shall establish methods of administration and adopt necessary rules for the proper and efficient operation of the program.

[Acts 1979, 66th Leg., p. 2349, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 32.0211. Restrictions on Members of the Board, Commissioners, and Their Partners

(a) After service in the department ends, a former member of the board or a former commissioner may not knowingly represent a person before an agency or court:

(1) in a matter related to the medical assistance program in which the department or the federal government has a direct interest and in which the board member or commissioner participated personally while employed with the department; or

(2) for two years after the date on which service ends in a matter related to the medical assistance program if the department or the federal government has a direct interest in the matter, the matter was pending during his last year of service to the department, and the matter was one for which the board member or commissioner had responsibility.

(b) Subsection (a) of this section does not apply to a former board member or commissioner who holds one of the following positions and is acting in the scope of that position:

(1) employee or officer of federal, state, or local government;

(2) employee of a nonprofit hospital or medical research organization; or

(3) employee of an accredited degree-granting college or university.

(c) A current board member or commissioner may not knowingly participate in the course of his ser-

vice in a matter related to the medical assistance program in which the department or the federal government has a direct interest and in which he, his spouse, minor child, or business partner has a substantial financial interest.

(d) A business partner of a current board member or commissioner may not knowingly represent a person before an agency or court in a matter related to the medical assistance program:

(1) in which the board member or commissioner participates or has participated personally and substantially; or

(2) that is under the official responsibility of the board member or commissioner.

(e) Past or present board members or commissioners are subject to a civil penalty of \$5,000 for each violation of this section. A partner of a current board member or commissioner is subject to a civil penalty of \$2,500 for each violation of this section. Each appearance before an agency or court constitutes a separate offense.

(f) If it appears that this section has been violated, the department may request the attorney general to conduct a suit in the name of the State of Texas to enjoin the prohibited activity and to recover the penalty provided for in this section.

[Acts 1981, 67th Leg., p. 755, ch. 287, § 1, eff. Aug. 31, 1981.]

§ 32.022. Medical Care Advisory Committee

(a) The commissioner shall appoint a medical care advisory committee to advise the department in developing and maintaining the medical assistance program and in making immediate and long-range plans for reaching the program's goal of providing high quality, comprehensive medical and health care services to needy persons in the state.

(b) The commissioner shall appoint the committee of the size, membership, and experience the commissioner determines essential for the implementation of the program and in compliance with the federal agency administering medical assistance.

(c) The department shall adopt rules for membership on the committee to provide for efficiency of operation, rotation, stability, continuity, and representation of the various professions and disciplines authorized to provide medical assistance.

(d) Members of the committee receive no compensation for their services but are entitled to reimbursement for actual expenses incurred in performing committee duties.

(e) The commissioner may appoint regional and local medical care advisory committees and other advisory committees he considers necessary.

[Acts 1979, 66th Leg., p. 2349, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 32.023. Cooperation With Other State Agencies

(a) The department's plan for administering medical assistance must include procedures for using health services administered by other state agencies pursuant to cooperative arrangements.

(b) The department may enter into agreements with appropriate state agencies that will enable the department to implement Title XIX of the federal Social Security Act¹ to provide medical assistance for individuals in institutions or in alternate care arrangements. The agreements must comply with federal law and rules. The department may make medical assistance payments in accordance with the agreements. The agreements are not subject to the Interagency Cooperation Act (Article 4413(32), Vernon's Texas Civil Statutes).

(c) State agencies responsible for the administration or supervision of facilities to which medical assistance payments may be made under federal law shall enter into the agreements with the department and maintain compliance with the agreements so that the department may receive federal matching funds to support the medical assistance program.

(d) The department may pay medical assistance to other facilities as required under federal law and rules.

[Acts 1979, 66th Leg., p. 2349, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

¹ 42 U.S.C.A. § 1396 et seq.

§ 32.024. Authority and Scope of Program; Eligibility

(a) The department shall provide medical assistance to all persons who receive financial assistance from the state under Chapter 31 of this code and to other related groups of persons if the provision of medical assistance to those persons is required by federal law and rules as a condition for obtaining federal matching funds for the support of the medical assistance program.

(b) The department may provide medical assistance to other persons who are financially unable to meet the cost of medical services if federal matching funds are available for that purpose. The department shall adopt rules governing the eligibility of those persons for the services.

(c) The department shall establish standards governing the amount, duration, and scope of services provided under the medical assistance program. The standards may not be lower than the minimum standards required by federal law and rule as a condition for obtaining federal matching funds for support of the program, and may not be lower than the standards in effect on August 27, 1967. Standards or payments for the vendor drug program may not be lower than those in effect on January 1, 1973.

(d) The department may establish standards that increase the amount, duration, and scope of the services provided only if federal matching funds are available for the optional services and payments and if the department determines that the increase is feasible and within the limits of appropriated funds. The department may establish and maintain priorities for the provision of the optional medical services.

(e) The department may not authorize the provision of any service to any person under the program unless federal matching funds are available to pay the cost of the service.

[Acts 1979, 66th Leg., p. 2350, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 32.025. Application for Medical Assistance

(a) A recipient of benefits under Chapter 31 of this code or supplemental security income from the federal government is automatically eligible for medical assistance, and an application for benefits under these programs constitutes an application for medical assistance.

(b) The department shall prescribe application forms for persons who are not recipients of benefits under Chapter 31 of this code or supplemental security income from the federal government and shall adopt rules for processing the applications.

[Acts 1979, 66th Leg., p. 2350, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 32.026. Certification of Eligibility and Need for Medical Assistance

(a) The department shall promulgate rules for determining and certifying a person's eligibility and need for medical assistance.

(b) Medical assistance payments may not be made on a person's behalf until the person's eligibility and need for medical assistance have been certified in accordance with the department's rules.

[Acts 1979, 66th Leg., p. 2350, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 32.027. Selection of Provider of Medical Assistance

(a) A recipient of medical assistance authorized in this chapter may select any provider authorized by the department to provide medical assistance.

(b) The department shall assure that a recipient of medical assistance under this chapter may select a licensed podiatrist to perform any foot health care service or procedure covered under the medical assistance program if the podiatrist is authorized by law to perform the service or procedure. This subsection shall be liberally construed.

[Acts 1979, 66th Leg., p. 2351, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 32.028. Fees, Charges, and Rates

(a) The department shall adopt reasonable rules and standards governing the determination of fees, charges, and rates for medical assistance payments.

(b) The fee, charge, or rate for a professional service is the usual and customary fee, charge, or rate that prevails in the community.

(c) The fee, charge, or rate for other medical assistance is the usual and customary fee, charge, or rate that prevails in the community unless the payment is limited by state or federal law.

[Acts 1979, 66th Leg., p. 2351, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 32.029. Methods of Payment

(a) The department may prescribe a method of payment for medical assistance claims by establishing a direct vendor payment program that is administered by the department, or by an insurance plan, a hospital or medical service plan, or any other health service plan authorized to do business in the state, or by a combination of those plans.

(b) The department may use any fiscal intermediary, method of payment, or combination of methods it finds most satisfactory and economical. The department may make whatever changes it finds necessary from time to time to administer the program in an economical and equitable manner consistent with simplicity of administration and the best interest of the recipients of medical assistance.

(c) If the department elects to make direct vendor payments, the payments shall be made by vouchers and warrants drawn by the comptroller on the proper account of the Texas Department of Human Resources fund. The department shall furnish the comptroller with a list of those vendors entitled to payments and the amounts to which each is entitled. When the warrants are drawn, they must be delivered to the commissioner, who shall supervise the delivery to vendors.

(d) If at any time state funds are not available to fully pay all claims for medical assistance, the board shall prorate the claims.

[Acts 1979, 66th Leg., p. 2351, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 32.030. Medical Assistance Fund

(a) The medical assistance fund is a special fund in the treasury and constitutes a separate account in the Texas Department of Human Resources fund. The fund may be expended only for the purpose of carrying out the provisions of this chapter.

(b) When necessary the department may request the transfer of money appropriated for financial assistance to the medical assistance fund. The transfer shall be requested and made in the manner

authorized in the General Appropriations Act and in accordance with the department's rules.

[Acts 1979, 66th Leg., p. 2351, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 32.031. Receipt and Expenditure of Funds

(a) The department may accept federal funds for the support of the medical assistance program and may expend the funds in the manner prescribed by this chapter or other laws. The expenditures must be made in accordance with appropriate agreements between the state and the federal government.

(b) The department may administer and expend state funds appropriated for the program in accordance with its rules and the provisions of this chapter.

(c) The amount of state funds spent for medical assistance on behalf of a qualified individual may not exceed the amount that is matchable with federal funds, and the total amount of state funds spent for all medical assistance on behalf of all qualified individuals may not exceed the amount that is matchable with federal funds.

[Acts 1979, 66th Leg., p. 2352, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 32.032. Prevention and Detection of Fraud

The department shall adopt reasonable rules for minimizing the opportunity for fraud, for establishing and maintaining methods for detecting and identifying situations in which a question of fraud in the program may exist, and for referring cases where fraud appears to exist to the appropriate law enforcement agencies for prosecution.

[Acts 1979, 66th Leg., p. 2352, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 32.033. Subrogation

(a) The filing of an application for or receipt of medical assistance constitutes an assignment of the applicant's or recipient's right of recovery from:

(1) personal insurance;

(2) other sources; or

(3) another person for personal injury caused by the other person's negligence or wrong.

(b) A person who applies for or receives medical assistance shall inform the department, at the time of application or at any time during eligibility and receipt of services, of any unsettled tort claim which may affect medical needs and of any private accident or sickness insurance coverage that is or may become available. A recipient shall inform the department of any injury requiring medical attention that is caused by the act or failure to act of some other person. An applicant or a recipient shall inform the department as required by this subsection within 60 days of the date the person learns of

his or her insurance coverage, tort claim, or potential cause of action. An applicant or a recipient who knowingly and intentionally fails to disclose the information required by this subsection commits a Class C misdemeanor.

(c) A claim for damages for personal injury does not constitute grounds for denying or discontinuing assistance under this chapter.

(d) A separate and distinct cause of action in favor of the state is hereby created, and the department may, without written consent, take direct civil action in any court of competent jurisdiction. A suit brought under this section need not be ancillary to or dependent upon any other action.

(e) The department's right of recovery is limited to the amount of the cost of medical care services paid by the department. Other subrogation rights granted under this section are limited to the cost of the services provided.

(f) The commissioner may waive the department's right of recovery in whole or in part when the commissioner finds that enforcement would tend to defeat the purpose of public assistance.

(g) The department may designate an agent to collect funds the department has a right to recover from third parties under this section. The department shall use any funds collected to pay costs of administering the medical assistance program.

(h) The department may adopt rules for the enforcement of its right of recovery.

[Acts 1979, 66th Leg., p. 2352, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1979, 66th Leg., p. 2436, ch. 842, art. 2, § 10, eff. Sept. 1, 1979.]

§ 32.034. Contract Cancellation; Notice and Hearing

(a) When the department intends to cancel its contract with a person providing medical assistance, the department shall give reasonable notice and an opportunity for a hearing if one is requested. The department shall adopt rules consistent with the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes) to implement this section, and hearings under this section are contested cases under that act.

(b) The department may not terminate a contract during the pendency of a hearing under this section. The department may withhold payments during the pendency of a hearing, but the department shall pay the withheld payments and resume contract payments if the final determination is favorable to the contractor.

(c) The section does not apply if a contract is cancelled because federal matching funds for con-

tract payments are no longer available or if the contract expires according to its terms.

[Acts 1979, 66th Leg., p. 2352, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 32.035. Appeals

The provisions of Section 31.034 of this code governing the right of appeal of an applicant for or recipient of financial assistance authorized under Chapter 31 of this code also apply to applicants for medical assistance authorized in this chapter.

[Acts 1979, 66th Leg., p. 2353, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 32.036. Program Payments Nonassignable and Exempt from Legal Process

(a) Neither medical assistance nor payments to providers of medical assistance under this chapter are transferable or assignable at law or in equity.

(b) No money paid or payable under the provisions of this chapter is subject to execution, levy, attachment, garnishment, or any other legal process, or the operation of any insolvency law.

[Acts 1979, 66th Leg., p. 2353, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 32.037. Geriatric Center

(a) The department may accept one geriatric center in the city of Austin from the federal government to be operated as a nursing home and a training facility and used in administering the department's programs.

(b) The department may charge reasonable fees for providing nursing home care. However, fees charged persons receiving medical assistance under this chapter may not exceed the amounts paid on their behalf under this chapter.

(c) Fees collected by the department under this section shall be deposited in a special fund in the state treasury or in accounts in financial institutions and may be used by the department to operate the nursing home.

(d) The department may use funds appropriated for nursing home care under its medical services programs for the maintenance and improvement of the property acquired under this section and for the operation of the nursing home.

[Acts 1979, 66th Leg., p. 2353, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

CHAPTER 33. NUTRITIONAL ASSISTANCE PROGRAMS

- Sec.
- 33.001. Distribution of Surplus Commodities.
- 33.002. Distribution of Commodities and Food Stamps.
- 33.003. Distribution Districts; Agents.
- 33.004. Advisory Boards.

Sec.

- 33.005. Processing Perishable Commodities.
- 33.006. Handling Charges.
- 33.007. Commodity Distribution Fund.
- 33.008. Sale of Used Commodity Containers.
- 33.009. Revolving Funds.
- 33.010. Sale of Equipment and Property.
- 33.011. Prohibited Activities; Penalties.

§ 33.001. Distribution of Surplus Commodities

(a) The department is the state agency designated to cooperate with the federal government in administering the distribution of federal surplus commodities and other resources.

(b) The department may cooperate with a city or county in any manner necessary for the proper operation of this program.

[Acts 1979, 66th Leg., p. 2353, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 33.002. Distribution of Commodities and Food Stamps

(a) The department is responsible for the distribution of commodities and food stamps allocated to the department by the federal government.

(b) The department may enter into agreements with federal agencies that are required as a prerequisite to the allocation of the commodities or food stamps. The department may enter into agreements with eleemosynary institutions, schools, and other eligible agencies and recipients of the commodities and food stamps.

(c) The department shall establish policies and rules that will ensure the widest and most efficient distribution of the commodities and food stamps to those eligible to receive them.

[Acts 1979, 66th Leg., p. 2354, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 33.003. Distribution Districts; Agents

(a) The department may establish distribution districts and employ distributing agents or may make other arrangements necessary to provide for the efficient distribution of commodities and food stamps.

(b) A distributing agent must be bonded. The department shall audit a distributing agent's records at least once annually and at any other time considered expedient by the department.

[Acts 1979, 66th Leg., p. 2354, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 33.004. Advisory Boards

(a) The department may establish state or district-level advisory boards to facilitate the operations of the commodity distribution or food stamp programs.

(b) The advisory boards shall be of the size, membership, and experience that the commissioner determines to be essential for the accomplishment of the purposes of this chapter and not in conflict with or duplicative of other laws on this subject.

[Acts 1979, 66th Leg., p. 2354, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 33.005. Processing Perishable Commodities

(a) The department may enter into nonprofit contracts with state institutions or state or private agencies for the processing of perishable commodities to preserve them for subsequent distribution to eligible recipients.

(b) The cost of processing shall be borne by each recipient on a pro rata basis in relation to the amount of the processed commodities received by each distribution district.

[Acts 1979, 66th Leg., p. 2354, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 33.006. Handling Charges

(a) The department may assess reasonable handling charges against the recipients of commodities or food stamps to cover the cost of distribution. The total operation must be conducted on a nonprofit basis.

(b) The department shall make the assessments at the times and in the amounts that it considers necessary for the proper administration of the programs. However, the assessments must be uniform in each distribution district and may not exceed \$1 per recipient per year.

[Acts 1979, 66th Leg., p. 2354, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 399, ch. 81, § 18(a), eff. Sept. 1, 1983.]

Section 18(b) of the 1983 amendatory act provides:

"An assessment under Subsection (b), Section 33.006, Human Resources Code, made before the effective date of this Act is covered by that section as it existed on the date the assessment was made."

§ 33.007. Commodity Distribution Fund

(a) Funds received from assessments for handling charges pursuant to Section 33.006 of this code shall be paid to the department and deposited in a separate account in the state treasury subject to withdrawal on authorization of the commissioner.

(b) The funds may be used only for necessary expenses incurred in operating the commodity distribution and food stamp programs, and their use is subject to the rules of the department, the provisions of this chapter, and the provisions of the general appropriation acts of the legislature.

(c) If the commodity distribution program or food stamp program is terminated, funds remaining in the account after all due and just accounts have

been paid shall be refunded to the contributors on a pro rata basis.

[Acts 1979, 66th Leg., p. 2354, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 33.008. Sale of Used Commodity Containers

The department may sell used commodity containers. Proceeds from the sales in each distribution district shall be deposited in the commodity distribution fund and used for the commodity distribution program.

[Acts 1979, 66th Leg., p. 2355, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 33.009. Revolving Funds

(a) The department may establish a revolving fund or petty cash expense fund in each distribution district to provide for emergency payments for services, goods, or other necessary activities. The commissioner shall determine the amount of each fund on the basis of the anticipated needs of each district and in accordance with the department's rules.

(b) The revolving funds shall be established and reimbursed with funds received as assessments for handling charges.

(c) The revolving fund at the disposal of each distributing agent shall be deposited in a bank designated by the commissioner in an account known as the commodity distribution fund. The money shall be expended on the authority of the distributing agent under the direction of the department.

(d) The distributing agent shall make a monthly report to the department of the funds received and disbursed.

(e) If the commodity distribution program and food stamp program are terminated the money remaining in the commodity distribution fund in each district shall be refunded to the contributors on a pro rata basis after all due and just accounts are paid.

[Acts 1979, 66th Leg., p. 2355, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 33.010. Sale of Equipment and Property

If the commodity distribution and/or food stamp programs are terminated, equipment and property purchased with funds from the commodity distribution fund shall be sold by competitive bids. The proceeds from the sales shall be deposited in the commodity distribution fund in each district and distributed in the manner specified by Section 33.009 of this code.

[Acts 1979, 66th Leg., p. 2355, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 33.011. Prohibited Activities; Penalties

(a) A person commits an offense if the person knowingly uses, alters, or transfers food stamp coupons or authorizations to participate in the food stamp program in any manner not authorized by law. An offense under this subsection is a Class A misdemeanor if the value of the coupons or authorization cards is less than \$200 and a felony of the third degree if the value of the coupons or authorization cards is \$200 or more.

(b) A person commits an offense if the person knowingly possesses food stamp coupons or authorizations to participate in the food stamp program when not authorized by law to possess them, knowingly redeems food stamp coupons when not authorized by law to redeem them, or knowingly redeems food stamp coupons for purposes not authorized by law. An offense under this subsection is a Class A misdemeanor if the value of the coupons or authorization cards is less than \$200 and a felony of the third degree if the value of the coupons or cards is \$200 or more.

(c) A person commits an offense if the person knowingly possesses blank authorizations to participate in the food stamp program when not authorized by law to possess them. An offense under this subsection is a felony of the third degree.

(d) When food stamp coupons or authorizations to participate in the food stamp program of various values are obtained in violation of this section pursuant to one scheme or continuing course of conduct, whether from the same or several sources, the conduct may be considered as one offense and the values aggregated in determining the grade of the offense.

(e) The department may contract with county commissioners courts to provide funds to pay for professional and support services necessary for the enforcement of any criminal offense that involves illegally obtaining, possessing, or misusing food stamps.

[Acts 1979, 66th Leg., p. 2355, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1979, 66th Leg., p. 2435, ch. 842, art. 2, § 6, eff. Sept. 1, 1979.]

Section 1 of Acts 1979, 66th Leg., p. 1648, ch. 689, eff. June 13, 1979, amending § 7-B of former Civil Statutes, art. 695c, was incorporated into the Human Resources Code by Acts 1979, 66th Leg., p. 2435, ch. 842, art. 2, § 6, eff. Sept. 1, 1979. Section 2 of ch. 689 provided:

"This Act does not affect offenses committed under Section 7-B, The Public Welfare Act of 1941, as added (Article 695c, Vernon's Texas Civil Statutes), before the effective date of this Act. Such an offense is covered by the law in effect on the date that the offense was committed, and the former law is continued in effect for the prosecution of the offense."

CHAPTER 34. TEMPORARY EMERGENCY RELIEF PROGRAMS

Sec.

34.001. Declaration of Public Purpose.

34.002. Definitions.

Sec.

- 34.003. Temporary Emergency Relief Fund.
- 34.004. Application.
- 34.005. Local Allocation.
- 34.006. Local Plan; Disbursement.
- 34.007. Eligibility and Provision of Assistance.
- 34.008. Reports and Public Notices.
- 34.009. Legislative Study Committee.
- 34.010. Relationship to Federal Law.
- 34.011. Expiration.

Text of chapter effective until August 31, 1985

§ 34.001. Declaration of Public Purpose

(a) The legislature finds that:

(1) economic and demographic changes have created rapid increases in the number of needy persons who are homeless or without other necessities of basic existence;

(2) local governments and nonprofit service organizations are unable to meet the increased financial burden caused by those changes in various areas of the state; and

(3) the dramatic nature of the emergency relief needs in various localities has contributed to family instability and threatened the social and economic stability of those communities.

(b) The intent of this chapter is to serve a public purpose and the goals of the state by providing state money to match local and any federal money available to provide emergency relief to needy persons.

[Acts 1983, 68th Leg., p. 1902, ch. 352, § 1, eff. Sept. 1, 1983.]

§ 34.002. Definitions

In this chapter:

(1) "Applicant" means the commissioners court of a county, the governing body of another political subdivision, or a nonprofit organization.

(2) "Nonprofit organization" means a private, nonprofit, tax-exempt corporation listed in Section 501(c)(3), Internal Revenue Code.¹

(3) "Program" means a system of providing temporary emergency relief to needy persons.

[Acts 1983, 68th Leg., p. 1902, ch. 352, § 1, eff. Sept. 1, 1983.]

¹ 26 U.S.C.A. § 501(c)(3).

§ 34.003. Temporary Emergency Relief Fund

(a) The department shall establish a temporary emergency relief fund from funds appropriated for that purpose. The funds may be used to match funds from local communities on a 50 percent state and 50 percent local ratio basis in order to assist counties, in cooperation with other public entities and nonprofit organizations, in meeting the needs of individuals and families for temporary emergency relief.

(b) The temporary emergency relief fund may not exceed \$5 million.

(c) Unobligated and unexpended money that remains in the fund at the end of the fiscal biennium and that has not been allocated or provided as a supplemental allocation to an applicant reverts to the general revenue fund.

(d) The department may use not more than six percent of the fund to pay costs incurred in administering the fund.

[Acts 1983, 68th Leg., p. 1902, ch. 352, § 1, eff. Sept. 1, 1983.]

§ 34.004. Application

(a) A county may apply to the department for a grant-in-aid to establish and administer a program under this chapter.

(b) If a county declines to act, the department may accept applications from other political subdivisions or from nonprofit organizations. The political subdivision or nonprofit organization must first notify the county judge of its intention to submit an application for a grant-in-aid.

(c) An application submitted under this section must provide evidence that a county requires assistance in accordance with rules adopted by the department. The application must provide evidence that the applicant has consulted with public entities, nonprofit organizations, voluntary associations, representatives of low-income persons, and other groups involved in providing assistance to needy persons.

(d) The department shall adopt rules establishing the criteria for determining whether an applicant qualifies under this chapter. The department may approve only one program for each county.

[Acts 1983, 68th Leg., p. 1902, ch. 352, § 1, eff. Sept. 1, 1983.]

§ 34.005. Local Allocation

(a) To qualify for funds disbursed by the department under this chapter, the applicant must provide a financial contribution to the program established in the applicant's county in an amount equal to the state contribution.

(b) Local matching funds may include local government funds, contributions from private sources, and federal funds, including funds currently being used for needs identified by this chapter.

(c) State funds provided to a local applicant under this chapter may not be used for local administrative costs.

(d) Not more than 25 percent of the local matching funds may be used for local administrative costs as defined by the department.

(e) A single allocation to a county from the fund established by Section 34.003 of this code may not exceed \$100,000.

[Acts 1983, 68th Leg., p. 1902, ch. 352, § 1, eff. Sept. 1, 1983.]

§ 34.006. Local Plan; Disbursement

(a) An applicant must submit to the department a plan for providing emergency relief.

(b) The plan must contain a description of the target population, the eligibility criteria for receipt of services, the nature and scope of benefits to be provided, methods of administration, and a budget that contains the sources of local matching funds.

(c) The plan must also show evidence of consultation with the entities listed in Section 34.004(c) of this code.

(d) On certification by the department that the applicant has sufficient local matching funds available and otherwise qualifies under this chapter, the department shall disburse money from the fund to the applicant to be used to establish a program in the affected county.

(e) The department shall publish all determinations made under this section in accordance with the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes).

[Acts 1983, 68th Leg., p. 1902, ch. 352, § 1, eff. Sept. 1, 1983.]

§ 34.007. Eligibility and Provision of Assistance

(a) Each county, political subdivision, or nonprofit organization approved by the department for establishing a program shall establish its own criteria for persons eligible to receive benefits under the program, and shall include the criteria in the plan for providing emergency relief submitted to the department.

(b) Before establishing eligibility and the frequency and duration of benefits provided under the program, the county, political subdivision, or nonprofit organization shall allow adequate notice and opportunity for public comment, including comments from entities listed in Section 34.004(c) of this code.

(c) A county, political subdivision, or nonprofit organization may not set the eligibility level at less than 75 percent of the federal poverty level based on the federal Office of Management and Budget poverty index as of September 1, 1983.

(d) Assistance to persons eligible to participate in a program authorized by this chapter shall be provided through vouchers and purchased services in accordance with the approved plan submitted to the department. The assistance may include the provision of utilities, food, housing, and clothing to needy persons.

(e) Records pertaining to a program under this chapter are subject to audit by the department, an auditor approved by the department, or the state auditor.

[Acts 1983, 68th Leg., p. 1902, ch. 352, § 1, eff. Sept. 1, 1983.]

§ 34.008. Reports and Public Notices

(a) The department shall prepare a report for the governor and Legislative Budget Board describing and analyzing the operation of programs under this chapter.

(b) A county, political subdivision, or nonprofit organization funded under this chapter shall assure the department that information is provided to the public regarding eligibility for and the nature of a program operated under this chapter.

[Acts 1983, 68th Leg., p. 1902, ch. 352, § 1, eff. Sept. 1, 1983.]

§ 34.009. Legislative Study Committee

(a) A legislative study committee is established to assess the need to continue the emergency relief programs authorized by this chapter and to analyze the programs' operations.

(b) The committee is composed of the following 15 members:

- (1) three members of the house of representatives, to be appointed by the speaker of the house;
- (2) three members of the senate, to be appointed by the lieutenant governor; and
- (3) nine citizen members to be appointed by the governor.

(c) At least one citizen member appointed by the governor must be a county judge, one must be a mayor, one must be a representative of a private, nonprofit provider of services to low-income families in Texas, one must be a low-income person from an urban area of the state, and one must be a low-income person from a rural area of the state.

(d) The committee shall report to the legislature and the governor on whether changes need to be made for the programs to operate as efficiently and effectively as possible, and on whether the state should continue the programs.

(e) The department shall provide funds for the committee from the fund established by Section 34.003 of this code. The committee may also receive funds from other sources.

[Acts 1983, 68th Leg., p. 1902, ch. 352, § 1, eff. Sept. 1, 1983.]

§ 34.010. Relationship to Federal Law

(a) If a federal law or regulation is changed and makes no provision for temporary waivers to allow compliance with state law and, as a result of this change, there is insufficient time to comply with all

the procedures required by this chapter, the agency or entity affected may act so as to comply with federal law, and shall comply with the applicable procedures required by this chapter as soon as possible.

(b) If a federal statute or court order conflicts with this chapter, the federal law or court order prevails over this chapter.

[Acts 1983, 68th Leg., p. 1902, ch. 352, § 1, eff. Sept. 1, 1983.]

§ 34.011. Expiration

This chapter expires August 31, 1985.

[Acts 1983, 68th Leg., p. 1902, ch. 352, § 1, eff. Sept. 1, 1983.]

SUBTITLE D. CHILD WELFARE AND PROTECTIVE SERVICES

CHAPTER 41. CHILD WELFARE SERVICES

SUBCHAPTER A. GENERAL WELFARE SERVICES

Sec.

- 41.001. Duties of Department.
- 41.002. County Child Welfare Boards.
- 41.003. County Funds.
- 41.004. Cooperation With Children's Bureau.
- 41.005. Notification of Charters Filed With the Secretary of State.
- 41.006. Child Welfare Service Fund.

SUBCHAPTER B. FOSTER CARE

- 41.021. Foster Care Payments.
- 41.022. County Contracts.
- 41.023. Direct Payments.
- 41.024. Parent or Guardian Liability.
- 41.025. Medical Services Limitation.

SUBCHAPTER A. GENERAL WELFARE SERVICES

§ 41.001. Duties of Department

(a) The department shall promote the enforcement of all laws for the protection of illegitimate, dependent, neglected, and delinquent children, and shall take the initiative in all matters involving the interests of these children where adequate provision for them has not already been made.

(b) The department shall give special attention to the dissemination of information through bulletins and visits, where practical, to all agencies operating under a provision of law affecting the welfare of these children.

(c) Through the county child welfare boards, the department shall work in conjunction with the commissioners courts, juvenile boards, and all other officers and agencies involved in the protection of these children. The department may use and allot funds for the establishment and maintenance of

homes, schools, and institutions for the care, protection, education, and training of these children in conjunction with a juvenile board, a county or city board, or any other agency. However, the funds must be specifically appropriated by the legislature for this purpose.

(d) The department shall visit and study the conditions in state-supported eleemosynary institutions for these children and shall make recommendations for the management and operation of the institutions which will ensure that the children receive the best possible training in contemplation of their earliest discharge from the institutions.

(e) The department may not spend state funds to accomplish the purposes of this chapter unless the funds have been specifically appropriated for those purposes.

[Acts 1979, 66th Leg., p. 2356, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 41.002. County Child Welfare Boards

(a) The commissioners court of a county may appoint a child welfare board for the county. The commissioners court and the department shall determine the size of the board and the qualifications of its members. However, the board must have at least 7 and not more than 15 members, and the members must be residents of the county. The members shall serve at the pleasure of the commissioners court and may be removed by the court for just cause. The members serve without compensation.

(b) With the approval of the department, two or more counties may establish a joint child welfare board if that action is found to be more practical in accomplishing the purposes of this chapter. The combined counties have the same powers as a single county and are subject to the same conditions and liabilities.

(c) The members of the county child welfare board shall select a presiding officer and shall perform the duties required by the commissioners court and the department to accomplish the purposes of this chapter.

(d) A county child welfare board is an entity of the department for purposes of providing coordinated state and local public welfare services for children and their families and the coordinated use of federal, state, and local funds for these services. The child welfare board shall work with the commissioners court.

[Acts 1979, 66th Leg., p. 2357, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 41.003. County Funds

The commissioners court of a county may appropriate funds from its general fund or any other fund for the administration of its county child wel-

fare board. The court may provide for services to and support of children in need of protection or care.

[Acts 1979, 66th Leg., p. 2357, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 41.004. Cooperation With Children's Bureau

The department is the state agency designated to cooperate with the Children's Bureau of the United States Department of Health, Education, and Welfare in:

(1) establishing, extending, and strengthening public welfare services for the protection and care of homeless, dependent, and neglected children in danger of becoming delinquent, especially in rural areas;

(2) developing state services for the encouragement and assistance of adequate methods of community child welfare organizations and paying part of the cost of district, county, or other local child welfare services in rural areas and in other areas of special need; and

(3) developing necessary plans to implement the services contemplated in this section and to comply with the rules of the Children's Bureau issued and prescribed in conformity with and by virtue of the Social Security Act.¹

[Acts 1979, 66th Leg., p. 2357, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

¹ 42 U.S.C.A. § 301 et seq.

§ 41.005. Notification of Charters Filed With the Secretary of State

The secretary of state shall notify the Texas Department of Human Resources in writing of each charter filed with the secretary by a person who proposes to provide care for children under 18 years of age and who is required to be licensed by or registered with the department to provide that care. The secretary shall send a copy of the charter to the department.

[Acts 1979, 66th Leg., p. 2357, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 41.006. Child Welfare Service Fund

The child welfare service fund is a special fund in the state treasury. The fund shall be used to administer the child welfare services provided by the department.

[Acts 1979, 66th Leg., p. 2358, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

[Sections 41.007 to 41.020 reserved for expansion]

SUBCHAPTER B. FOSTER CARE

§ 41.021. Foster Care Payments

(a) The department may pay the cost of protective foster care for children:

(1) for whom the department has initiated a suit and has been named managing conservator by a court order issued under Title 2, Family Code;¹ and

(2) who are ineligible for foster care payments under the department's aid to families with dependent children program.

(b) The department may not pay the cost of protective foster care for a child for whom the department has been named managing conservator by a court order issued solely under Article 15.02(1)(J), Family Code, as amended.

(c) Payments for protective foster care, including medical care, must be equal to payments made for similar care for a child who is eligible for the department's aid to families with dependent children program.

[Acts 1979, 66th Leg., p. 2434, ch. 842, art. 2, § 4(2), eff. Sept. 1, 1979. Amended by Acts 1981, 67th Leg., p. 2554, ch. 681, § 1, eff. Aug. 31, 1981.]

¹ Family Code, § 11.01 et seq.

§ 41.022. County Contracts

(a) The department may contract with a county commissioners court to administer the funds authorized by this subchapter for eligible children in the county and may require county participation.

(b) The payments provided by this subchapter do not abrogate the responsibility of a county to provide child welfare services.

[Acts 1979, 66th Leg., p. 2434, ch. 842, art. 2, § 4(2), eff. Sept. 1, 1979.]

§ 41.023. Direct Payments

The department may make direct payments for foster care to foster parents residing in a county with which the department does not have a contract authorized by Sec. 41.022 of this code.

[Acts 1979, 66th Leg., p. 2434, ch. 842, art. 2, § 4(2), eff. Sept. 1, 1979.]

§ 41.024. Parent or Guardian Liability

The parent or guardian of a child is liable to the state or to the county for any payment made by the state or county for foster care of a child under this subchapter. The funds collected by the state under this section must be used by the department for child welfare services.

[Acts 1979, 66th Leg., p. 2434, ch. 842, art. 2, § 4(2), eff. Sept. 1, 1979.]

§ 41.025. Medical Services Limitation

The department may not provide the medical care payments authorized by Section 41.021(c) of this code if:

(1) a federal law or regulation prohibits those medical payments unless medical payments are also provided for medically needy children who are not

eligible for the department's aid to families with dependent children program and for whom the department is not named managing conservator; or

(2) the federal government does not fund at least 50 percent of the cost of the medical payments authorized by this subchapter.

[Acts 1979, 66th Leg., p. 2434, ch. 842, art. 2, § 4(2), eff. Sept. 1, 1979.]

CHAPTER 42. REGULATION OF CHILD-CARE FACILITIES

SUBCHAPTER A. GENERAL PROVISIONS

Sec.

- 42.001. Purpose.
42.002. Definitions.

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

- 42.021. Division Designated.
42.022. State Advisory Committee.
42.023. Annual Report.
42.024. Administrative Procedure.

SUBCHAPTER C. REGULATION OF CHILD-CARE FACILITIES

- 42.041. Required License.
42.042. Rules and Standards.
42.043. Rules for Immunizations.
42.044. Inspections.
42.045. Records.
42.046. License Application.
42.047. Consultations.
42.048. Advisory Opinions.
42.049. Licensing.
42.050. License Renewal.
42.051. Provisional License.
42.052. Certification and Registration.
42.053. Agency Homes.

SUBCHAPTER D. REMEDIES

- 42.071. License Suspension and Probation.
42.072. License Denial or Revocation.
42.073. Closing a Facility.
42.074. Injunctive Relief.
42.075. Civil Penalty.
42.076. Criminal Penalties.

SUBCHAPTER A. GENERAL PROVISIONS

§ 42.001. Purpose

The purpose of this chapter is to protect the health, safety, and well-being of the children of the state who reside in child-care facilities by establishing statewide minimum standards for their safety and protection and by regulating the facilities through a licensing program. It is the policy of the state to ensure the protection of all children under care in child-care facilities and to encourage and assist in the improvement of child-care programs. It is also the intent of the legislature that freedom of religion of all citizens is inviolate, and nothing in this chapter gives a governmental agency authority

to regulate, control, supervise, or in any way be involved in the form, manner, or content of religious instruction or the curriculum of a school sponsored by a religious organization.

[Acts 1979, 66th Leg., p. 2358, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 42.002. Definitions

In this chapter:

- (1) "Child" means a person under 18 years of age.
- (2) "Division" means the division designated by the department to carry out the provisions of this chapter.
- (3) "Child-care facility" means a facility that provides care, training, education, custody, treatment, or supervision for a child who is not related by blood, marriage, or adoption to the owner or operator of the facility, for all or part of the 24-hour day, whether or not the facility is operated for profit or charges for the services it offers.
- (4) "Child-care institution" means a child-care facility that provides care for more than 12 children for 24 hours a day, including facilities known as children's homes, halfway houses, residential treatment camps, emergency shelters, and training or correctional schools for children.
- (5) "Foster group home" means a facility that provides care for 7 to 12 children for 24 hours a day.
- (6) "Foster family home" means a facility that provides care for not more than six children for 24 hours a day.
- (7) "Day-care center" means a facility that provides care for more than 12 children under 14 years of age for less than 24 hours a day.
- (8) "Group day-care home" means a facility that provides care for 7 to 12 children under 14 years of age for less than 24 hours a day.
- (9) "Registered family home" means a facility that regularly provides care in the caretaker's own residence for not more than six children under 14 years of age, excluding the caretaker's own children, and that provides care after school hours for not more than six additional elementary school siblings of the other children given care, but the total number of children, including the caretaker's own, does not exceed 12 at any given time.
- (10) "Family day home" means a facility that provides care for not more than six children under 14 years of age for less than 24 hours a day not in the caretaker's own residence nor in the residence of one or more of the children.
- (11) "Agency home" means a private home that provides care for not more than six children, that is used only by a licensed child-placing agency, and that meets division standards.

(12) "Child-placing agency" means a person other than the natural parents or guardian of a child who plans for the placement of or places a child in an institution, agency home, or adoptive home.

(13) "Facilities" includes child-care facilities and child-placing agencies.

(14) "State of Texas" or "state" does not include political subdivisions of the state.

(15) "Religious organization" means a church, synagogue, or other religious institution whose purpose is to support and serve the propagation of truly held religious beliefs.

[Acts 1979, 66th Leg., p. 2359, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1981, 67th Leg., p. 2812, ch. 759, § 1, eff. Aug. 31, 1981.]

[Sections 42.003 to 42.020 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

§ 42.021. Division Designated

(a) The department shall designate a division within the department to regulate and license child-care facilities and child-placing agencies. The division shall enforce the provisions of this chapter and the rules and standards adopted by the department under this chapter and shall carry out other responsibilities the department may delegate or assign.

(b) The commissioner of the department shall appoint as director of the division a person who:

- (1) meets the qualifications required of a child-care administrator by Chapter 43 of this code;
- (2) holds a graduate degree in social science or law and has five years' administrative experience in a field related to child care; or
- (3) has 10 years' experience in a field related to child care, at least 5 of which must be administrative.

(c) The department shall employ sufficient personnel and provide training for the personnel to carry out the provisions of this chapter.

(d) The director may divide the state into regions for the purpose of administering this chapter.

[Acts 1979, 66th Leg., p. 2360, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 42.022. State Advisory Committee

(a) The State Advisory Committee on Child-Care Facilities is composed of 15 citizens of this state appointed by the commissioner.

(b) Members of the committee serve for terms of two years.

(c) The members must represent the following groups:

(1) parents, guardians, or custodians of children who use the facilities;

(2) child advocacy groups;

(3) operators of the facilities; and

(4) experts in various professional fields that are relevant to child care and development.

(d) At least three members of the division staff shall meet with the committee, and the division shall provide staff necessary for the committee.

(e) The committee shall review rules and minimum standards for child-care facilities and child-placing agencies promulgated by state agencies, and shall advise the department, the division, the council, and state agencies on problems of child-care facilities and child-placing agencies.

(f) The committee shall receive and review the annual report of the division.

(g) The committee shall meet twice a year, and the members shall receive their actual travel expenses and the state per diem.

[Acts 1979, 66th Leg., p. 2360, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 42.023. Annual Report

(a) The division shall send an annual report of its activities to the governor, lieutenant governor, and members of the legislature:

(b) The annual report shall include:

- (1) a report by regions of applications for licensure or certification, of provisional licenses issued, denied, or revoked, of licenses issued, denied, suspended or revoked, of emergency closures and injunctions, and of the compliance of state-operated agencies with certification requirements;
- (2) a summary of the amount and kind of in-service training and other professional development opportunities provided for division staff;
- (3) a summary of training and other professional development opportunities offered to facilities' staffs; and
- (4) a report of new administrative procedures, of the number of staff and staff changes, and of plans for the coming year.

(c) Copies of the annual report shall be available to any state citizen on request.

[Acts 1979, 66th Leg., p. 2360, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 42.024. Administrative Procedure

The Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes) applies to all procedures under this chapter

except where it is contrary to or inconsistent with the provisions of this chapter.

[Acts 1979, 66th Leg., p. 2361, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

[Sections 42.025 to 42.040 reserved for expansion]

SUBCHAPTER C. REGULATION OF CHILD-CARE FACILITIES

§ 42.041. Required License

(a) No person may operate a child-care facility or child-placing agency without a license issued by the division.

(b) This section does not apply to:

(1) a state-operated facility;

(2) an agency home;

(3) a facility that is operated in connection with a shopping center, business, religious organization, or establishment where children are cared for during short periods while parents or persons responsible for the children are attending religious services, shopping, or engaging in other activities on or near the premises, including but not limited to retreats or classes for religious instruction;

(4) a school or class for religious instruction that does not last longer than two weeks and is conducted by a religious organization during the summer months;

(5) a youth camp licensed by the Texas Department of Health;

(6) a hospital licensed by the Texas Department of Mental Health and Mental Retardation or the Texas Department of Health;

(7) an educational facility accredited by the Central Education Agency or the Southern Association of Colleges and Schools that operates primarily for educational purposes in grades kindergarten and above;

(8) an educational facility that operates solely for educational purposes in grades kindergarten through at least grade two, that does not provide custodial care for more than one hour during the hours before or after the customary school day, and that is a member of an organization that promulgates, publishes, and requires compliance with health, safety, fire, and sanitation standards equal to standards required by state, municipal, and county codes;

(9) a kindergarten or preschool educational program that is operated as part of a public school or a private school accredited by the Central Education Agency, that offers educational programs through grade six, and that does not provide custodial care during the hours before or after the customary school day;

(10) a registered family home; or

(11) an educational facility that is integral to and inseparable from its sponsoring religious organization or an educational facility both of which do not provide custodial care for more than two hours maximum per day, and that offers educational programs for children age five and above in one or more of the following: kindergarten through at least grade three, elementary, or secondary grades.

(c) A single license that lists addresses and the appropriate facilities may be issued to a child-care institution that operates noncontiguous facilities that are nearby and that are demonstrably a single operation as indicated by patterns of staffing, finance, administrative supervision, and programs.

(d) A person operating or desiring to operate a child-care facility that is exempt from the provisions of Subsection (a) of this section may apply to the division for a license as provided in Section 42.046 of this code. The division may not deny an exempt facility a license on the ground that it is exempt from Subsection (a) of this section. A facility exempt from the provisions of Subsection (a) of this section that desires to receive or participate in federal or state funding shall be required to comply with all other provisions of this Act and with all regulations promulgated thereunder.

(e) The exemptions provided by Subsection (b) of this section do not affect the authority of local, regional, or state health department officials, the state fire marshal, or local fire prevention officials to inspect child-care facilities.

[Acts 1979, 66th Leg., p. 2361, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1981, 67th Leg., p. 2812, ch. 759, §§ 2, 3, eff. Aug. 31, 1981.]

§ 42.042. Rules and Standards

(a) The department shall make rules to carry out the provisions of this chapter.

(b) The department shall conduct a comprehensive review of all rules and standards at least every six years.

(c) The department shall provide a standard procedure for receiving and recording complaints and a standard form for recording complaints.

(d) The department shall provide standard forms for applications and inspection reports.

(e) The department shall promulgate minimum standards for child-care facilities covered by this chapter that will:

(1) promote the health, safety, and welfare of children attending a facility;

(2) promote safe, comfortable, and healthy physical facilities for children;

(3) ensure adequate supervision of children by capable, qualified, and healthy personnel;

(4) ensure adequate and healthy food service where food service is offered;

(5) prohibit racial discrimination by child-care facilities; and

(6) require procedures for parental and guardian consultation in the formulation of children's educational and therapeutic programs.

(f) In promulgating minimum standards for child-care facilities, the department shall recognize the various categories of facilities, including facilities offering specialized care, and the various categories of children and their particular needs. Standards for child-care institutions must require an intake study before a child is placed in an institution. The intake study may be conducted at a community mental health and mental retardation center.

(g) In promulgating minimum standards the department may recognize and treat differently the following child-care facilities: child-caring institutions, foster homes, day-care centers, group day-care homes, family day homes, registered family homes, and agency homes.

(h) The department shall promulgate minimum standards for child-placing agencies.

(i) Before adopting minimum standards, the division shall present the proposed standards to the State Advisory Committee on Child-Care Facilities for review and comment, and shall send a copy of the proposed standards to each licensee covered by the proposed standards at least 60 days before the standards take effect to provide the licensee an opportunity to review and to send written suggestions to the council and the department.

(j) The department may waive compliance with a minimum standard in a specific instance if it determines that the economic impact of compliance is sufficiently great to make compliance impractical.

(k) The department may not regulate or attempt to regulate or control the content or method of any instruction or curriculum of a school sponsored by a religious organization.

[Acts 1979, 66th Leg., p. 2362, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 42.043. Rules for Immunizations

(a) The department shall make rules for the immunization of children admitted to facilities.

(b) The department shall require that each child at an appropriate age have a test for tuberculosis and be immunized against diphtheria, tetanus, poliomyelitis, rubella, and rubeola. The immunization must be effective on the date of first entry into the facility. However, a child may be provisionally admitted if the required immunizations have begun and are completed as rapidly as medically feasible.

(c) The Texas Department of Health shall make rules for the provisional admission of children to facilities and may modify or delete any of the immunizations listed in Subsection (b) of this section or require additional immunizations as a requirement for admission to a facility.

(d) No immunization may be required for admission to a facility if a person applying for a child's admission submits one of the following affidavits:

(1) an affidavit signed by a licensed physician stating that the immunization would be injurious to the health and well-being of the child or a member of the child's family or household; or

(2) an affidavit signed by the child's parent or guardian stating that the immunization conflicts with the tenets and practices of a recognized religious organization of which the applicant is an adherent or a member.

(e) Each facility shall keep an individual immunization record for each child admitted, and the records shall be open for inspection by the division at all reasonable times.

(f) The Texas Department of Health shall provide the immunizations required by this section to children in areas where there is no local provision of these services.

[Acts 1979, 66th Leg., p. 2362, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 42.044. Inspections

(a) An authorized representative of the division may visit a facility during operating hours to investigate, inspect, and evaluate.

(b) The division shall inspect all licensed or certified facilities at least once a year and may inspect other facilities as necessary. At least one of the annual visits must be unannounced and all may be unannounced.

(c) The division must investigate a facility when a complaint is received. The division representative must notify the facility's director or authorized representative when a complaint is being investigated and report in writing the results of the investigation to the director or the director's authorized representative.

(d) The division may call on political subdivisions and governmental agencies for assistance within their authorized fields.

[Acts 1979, 66th Leg., p. 2363, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 42.045. Records

(a) A person who operates a licensed or certified facility shall maintain individual child development records, individual health records, statistical records, and complete financial records.

(b) A person who operates a licensed facility shall have an annual audit by a certified public accountant of the facility's books. A copy of the accountant's statement of income and disbursements must accompany an application for a license. This subsection does not apply to a facility that provides care for less than 24 hours a day or to an agency home.

(c) If a child-placing agency terminates operation as a child-placing agency, it shall, after giving notice to the department, transfer its files and records concerning adopted children, their biological families, and their adoptive families to the department or to a facility licensed by the department to place children for adoption.

[Acts 1979, 66th Leg., p. 2363, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 1782, ch. 342, § 2, eff. Jan. 1, 1984.]

§ 42.046. License Application

(a) An applicant for a license to operate a child-care facility or child-placing agency shall submit to the division a completed application on a form provided by the division.

(b) The division shall supply the applicant the application form and a copy of the appropriate minimum standards.

(c) After receiving an application, the division shall investigate the applicant and the plan of care for children.

(d) The division shall complete the investigation and decide on an application within two months after the date the division receives an application.

[Acts 1979, 66th Leg., p. 2363, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 42.047. Consultations

(a) The department shall offer consultation to potential applicants, applicants, and license and certification holders about meeting and maintaining standards for licensing and certification and achieving programs of excellence in child care.

(b) The department shall offer consultation to prospective and actual users of facilities.

[Acts 1979, 66th Leg., p. 2364, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 42.048. Advisory Opinions

(a) The director of the division may give an advisory opinion on whether or not a planned facility or a planned change in an existing facility complies with the division's rules and minimum standards.

(b) A written opinion authorized by Subsection (a) of this section is binding on the division as a declaratory order if it is signed by the division director and the division representative administering this

chapter in a division region, and if an applicant or license holder has acted in reliance on the opinion. [Acts 1979, 66th Leg., p. 2364, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 42.049. Licensing

(a) The division shall issue a license after determining that an applicant has satisfied all requirements.

(b) When issuing a license, the division may impose restrictions on a facility, including but not limited to the number of children to be served and the type of children to be served.

(c) The division may grant a variance of an individual standard set forth in the applicable standards for good and just cause.

(d) A license holder must display a license issued under this chapter in a prominent place at the facility.

(e) A license issued under this chapter is not transferable and applies only to the operator and facility location stated in the license application. A change in location or ownership automatically revokes a license.

(f) A biennial license must be issued if the division determines that a facility meets all requirements. The evaluation shall be based on a specified number of visits to the facility and a review of all required forms and records.

[Acts 1979, 66th Leg., p. 2364, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 42.050. License Renewal

(a) A license holder may apply for a new license in compliance with the requirements of this chapter and the rules promulgated by the division.

(b) The application for a new license must be completed and decided on by the division before the expiration of the license under which a facility is operating.

(c) The division shall evaluate the application for a new license to determine if all licensing requirements are met. The evaluation must include a specified number of visits to the facility and a review of all required forms and records.

[Acts 1979, 66th Leg., p. 2364, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 42.051. Provisional License

(a) The division shall issue a provisional license when a facility's plans meet the department's licensing requirements and one of the following situations exists:

- (1) the facility is not currently operating;
- (2) the facility is not licensed for the location stated in the application; or

(3) there is a change in ownership of the facility.

(b) A provisional license is valid for six months from the date it is issued and is not renewable.

[Acts 1979, 66th Leg., p. 2365, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 42.052. Certification and Registration

(a) A state-operated child-care facility or child-placing agency must receive certification of approval from the division. The certification of approval must be renewed every two years.

(b) To be certified, a facility must comply with the department's rules and standards and any provisions of this chapter that apply to a licensed facility of the same category. The operator of a certified facility must display the certification in a prominent place at the facility.

(c) A registered family home must be registered with the division.

(d) To be registered with the division, a registered family home must comply with the department's rules and standards and any provision of this chapter that applies to a registered family home.

(e) The certification requirements of this section do not apply to a Texas Youth Council facility or a facility providing services solely for the Texas Youth Council.

[Acts 1979, 66th Leg., p. 2365, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1981, 67th Leg., p. 2813, ch. 759, § 4, eff. Aug. 31, 1981.]

§ 42.053. Agency Homes

(a) An agency home is considered part of the child-placing agency that operates the agency home for purposes of licensing.

(b) The operator of a licensed agency shall display a copy of the license in a prominent place in the agency home used by the agency.

(c) An agency home shall comply with all provisions of this chapter and all department rules and standards that apply to a child-care facility caring for a similar number of children for a similar number of hours each day.

(d) The division shall revoke or suspend the license of a child-placing agency if an agency home operated by the licensed agency fails to comply with Subsection (c) of this section.

[Acts 1979, 66th Leg., p. 2365, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

[Sections 42.054 to 42.070 reserved for expansion]

SUBCHAPTER D. REMEDIES

§ 42.071. License Suspension and Probation

(a) The division may suspend the license of a facility that has temporarily ceased operation but

has definite plans for starting operations again within the time limits of the issued license.

(b) The division may suspend a facility's license for a definite period rather than deny or revoke the license if the division finds repeated noncompliance with standards that do not endanger the health and safety of children. To qualify for license suspension under this subsection, a facility must suspend its operations and show that standards can be met within the suspension period.

(c) The division may place a facility on probation for a definite period not to extend beyond the expiration date of the license rather than suspend or revoke the license. The division may revoke the license of the facility during the probationary period if the facility does not meet the conditions of probation.

(d) The division shall revoke the license of a facility that does not comply with standards at the end of a license suspension or probation.

[Acts 1979, 66th Leg., p. 2365, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 111, ch. 23, § 1, eff. Aug. 29, 1983.]

§ 42.072. License Denial or Revocation

(a) The division may deny or revoke the license or certification of approval of a facility that does not comply with the requirements of this chapter, the standards and rules of the department, or the specific terms of the license or certification.

(b) The division shall notify the person operating or proposing to operate a facility of the reasons for the denial or revocation and of the person's right to appeal the decision within 30 days after receiving the notice.

(c) A person who wishes to appeal a license denial or revocation shall notify the director by certified mail within 30 days after receiving the notice required in Subsection (b) of this section. The person shall send a copy of the notice of appeal to the assigned division representative.

(d) Within 14 days after the date the appeal notification was mailed, the director shall appoint an advisory review board to hear the appeal or notify the person requesting the appeal that the request is denied.

(e) Within 14 days after notifying a person that an advisory review board will hear the case, the director shall appoint five of the person's peers to the board and set a date for the hearing. The date for the hearing must be within 28 days after the date the board members are appointed.

(f) The advisory review board shall hear the appeal and render its opinion to the director within seven days after the last day of the hearing. The board members shall receive actual travel expenses and the state per diem for each day of the hearing.

(g) A committee composed of the director, the division representative responsible for establishing standards, and the division representative administering this chapter in the region where the facility in question is located shall review the opinion. The committee shall make a decision within 14 days after receiving the opinion and shall notify, by certified mail, the person who appealed.

(h) A person whose license has been denied or revoked may challenge the committee's decision by filing a suit in a district court of Travis County or the county in which the person's facility is located within 30 days after receiving the committee's decision. The trial shall be de novo.

(i) Records of the department's hearing shall be kept for one year after a committee decision is rendered. On request, and at the person's own expense, the division shall supply a copy of the verbatim transcript of the advisory board hearing to a person appealing a license denial or revocation in district court.

(j) A person may continue to operate a facility during an appeal of a license denial or revocation unless the division has sought injunctive relief under Section 42.074 or civil penalties under Section 42.075 of this code.

[Acts 1979, 66th Leg., p. 2365, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 111, ch. 23, § 2, eff. Aug. 29, 1983.]

§ 42.073. Closing a Facility

(a) The division may close the facility and place the children attending the facility in another facility if the division finds violations of this chapter or violations of the department's rules and standards that create an immediate danger for children.

(b) A division representative who finds conditions described in Subsection (a) of this section shall immediately notify the director and request an immediate inspection of the facility by the director or the director's designee.

(c) The division shall report to the governor and the commissioner of the department when a state-operated facility is found in violation of this chapter or the department's rules and standards and the violation threatens serious harm to the children in the facility.

(d) Closing a facility under this section is an emergency measure. The division shall seek an injunction against continued operation of the facility after closing a facility under this section.

[Acts 1979, 66th Leg., p. 2366, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 42.074. Injunctive Relief

(a) When it appears that a person has violated, is violating, or is threatening to violate the licensing, certification, or registration requirements of this

chapter or the department's licensing, certification, or registration rules and standards, the division may file a suit in a district court in Travis County or in the county where the facility is located for assessment and recovery of civil penalties under Section 42.075 of this code, for injunctive relief, including a temporary restraining order, or for both injunctive relief and civil penalties.

(b) The district court shall grant the injunctive relief the facts may warrant.

(c) At the division's request, the attorney general shall conduct a suit in the name of the State of Texas for injunctive relief, to recover the civil penalty, or for both injunctive relief and civil penalties as authorized by Subsection (a) of this section.

[Acts 1979, 66th Leg., p. 2367, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 42.075. Civil Penalty

(a) A person is subject to a civil penalty of not less than \$50 nor more than \$100 for each day of violation and for each act of violation if the person:

(1) threatens serious harm to a child in a facility by violating a provision of this chapter or a department rule or standard;

(2) violates a provision of this chapter or a department rule or standard three or more times within a 12-month period; or

(3) places a public advertisement for an unlicensed facility.

(b) The civil penalty authorized by this section is cumulative and in addition to the criminal penalties and injunctive relief provided by this chapter.

[Acts 1979, 66th Leg., p. 2367, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 42.076. Criminal Penalties

(a) A person who operates a child-care facility or child-placing agency without a license commits a Class B misdemeanor.

(b) A person who places a public advertisement for an unlicensed facility commits a Class C misdemeanor.

[Acts 1979, 66th Leg., p. 2367, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

CHAPTER 43. REGULATION OF CHILD-CARE ADMINISTRATORS

Sec.	
43.001.	Definitions.
43.002.	Advisory Council.
43.003.	License Required.
43.004.	Qualifications for License.
43.005.	Rules.
43.006.	Fees.
43.007.	License Application.

Sec.

- 43.008. Licensing.
- 43.009. License Renewal.
- 43.010. License Revocation.
- 43.011. Appeals.
- 43.012. Penalty.

§ 43.001. Definitions

In this chapter:

(1) "Child-care institution" means a profit or non-profit children's home, orphanage, institution, or other place that receives and provides 24-hour-a-day care for more than six children who are dependent, neglected, handicapped, delinquent, in danger of becoming delinquent, or in need of group care.

(2) "Child-care administrator" means a person who supervises and exercises direct administrative control over a child-care institution and who is responsible for its program and personnel, whether or not the person has an ownership interest in the institution or shares duties with other persons.

[Acts 1979, 66th Leg., p. 2368, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 43.002. Advisory Council

(a) The board shall appoint an advisory council on child-care administration composed of six persons with experience in the fields of child care or social work.

(b) Each member of the council serves a term of two years from the date of appointment. The members are entitled to reimbursement for actual expenses incurred in performing official duties.

(c) The council shall advise the board on licensing child-care administrators, including the content of the examination administered to license applicants.

[Acts 1979, 66th Leg., p. 2368, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 43.003. License Required

A person may not serve as a child-care administrator of a child-care institution without a license issued by the department under this chapter.

[Acts 1979, 66th Leg., p. 2368, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 43.004. Qualifications for License

To be eligible for a child-care administrator's license a person must:

(1) present evidence in writing of good moral character, ethical commitment, and sound physical and emotional health;

(2) pass an examination devised and administered by the department that demonstrates competence in the field of child-care administration;

(3) have one year of experience in management or supervision of child-care personnel and programs; and

(4) have one of the following educational and experience qualifications:

(A) a master's or doctor of philosophy degree in social work or other area of study;

(B) a bachelor's degree and two years' experience in child care or a closely related field;

(C) an associate degree from a junior college and four years' experience in child care or a closely related field; or

(D) a high school diploma or its equivalent and six years' experience in child care or a closely related field.

[Acts 1979, 66th Leg., p. 2368, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 43.005. Rules

The board may make rules to administer the provisions of this chapter.

[Acts 1979, 66th Leg., p. 2368, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 43.006. Fees

The board may set and charge fees for administering an examination and issuing an initial license or renewal license in amounts necessary to cover the costs of administering this chapter.

[Acts 1979, 66th Leg., p. 2369, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 386, ch. 81, § 13(a), eff. Sept. 1, 1983.]

Section 13(d) of the 1983 amendatory act provides:

"Until the Texas Department of Human Resources establishes different fees, those fees prescribed by Sections 43.006, 43.007, and 43.009, Human Resources Code, on August 31, 1983, remain in effect."

§ 43.007. License Application

(a) A person who has the education and experience required by Section 43.004 of this code may apply to the department for a license.

(b) The applicant shall send the appropriate license fee with the application.

[Acts 1979, 66th Leg., p. 2369, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 386, ch. 81, § 13(b), eff. Sept. 1, 1983.]

Section 13(d) of the 1983 amendatory act provides:

"Until the Texas Department of Human Resources establishes different fees, those fees prescribed by Sections 43.006, 43.007, and 43.009, Human Resources Code, on August 31, 1983, remain in effect."

§ 43.008. Licensing

(a) The department shall issue a license to a person who has satisfied all the licensing requirements.

(b) The license is valid for a period of two years from the date issued.

[Acts 1979, 66th Leg., p. 2369, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 43.009. License Renewal

(a) To be eligible for license renewal, a license holder shall present evidence to the department of participation in a program of continuing education approximating 15 actual hours of formal study during the two-year period before the renewal.

(b) The continuing education requirement may be fulfilled by studies in the areas of legal aspects of child care, concepts related to the field of social work, or other subjects approved by the department.

(c) Repealed by Acts 1983, 68th Leg., p. 386, ch. 81, § 13(c), eff. Sept. 1, 1983.

[Acts 1979, 66th Leg., p. 2369, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 386, ch. 81, § 13(c), eff. Sept. 1, 1983.]

Section 13(d) of the 1983 amendatory act provides:

"Until the Texas Department of Human Resources establishes different fees, those fees prescribed by Sections 43.006, 43.007, and 43.009, Human Resources Code, on August 31, 1983, remain in effect."

§ 43.010. License Revocation

The department may revoke a license if the license holder is:

- (1) convicted of a felony;
- (2) convicted of a misdemeanor involving fraud or deceit;
- (3) addicted to a dangerous drug or intemperate in the use of alcohol; or
- (4) grossly negligent in performing duties as a child-care administrator.

[Acts 1979, 66th Leg., p. 2369, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 43.011. Appeals

(a) A person whose license application is denied or whose license is revoked is entitled to written notice of the reasons and may request that the department provide a hearing.

(b) The hearing shall be held within 30 days after the date the department receives the request.

(c) If the hearing results in the department upholding the license denial or revocation, the person may challenge the department's decision by filing suit in a district court in the county where the person resides within 30 days after the date the person receives notice of the department's final decision.

(d) The trial shall be de novo.

[Acts 1979, 66th Leg., p. 2369, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 43.012. Penalty

A person who serves as a child-care administrator without the license required by this chapter commits a Class C misdemeanor and may be fined not less than \$50 nor more than \$100.

[Acts 1979, 66th Leg., p. 2369, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

CHAPTER 44. ADMINISTRATION OF FEDERALLY ESTABLISHED DAY-CARE PROGRAMS

Sec.

44.001. Designated Agency.

44.002. Administrative Rules.

44.003. Administration of Federal-Local Program.

§ 44.001. Designated Agency

The department is the state agency designated to administer a day-care program established by federal law and financed partially or totally by federal funds.

[Acts 1979, 66th Leg., p. 2370, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 44.002. Administrative Rules

(a) The commissioner shall promulgate rules to carry out the administrative provisions of the program consistent with federal law and regulations.

(b) The rules must include procedures to allow operators of day-care centers to review and comment on proposed rules and policies.

(c) The rules must establish procedures for input by the parents of the children in a day-care center into the operation of the center.

(d) The commissioner may promulgate eligibility standards for admittance into the program, but the standards must allow for exceptions where necessary to maintain family self-sufficiency and integrity.

[Acts 1979, 66th Leg., p. 2370, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 44.003. Administration of Federal-Local Program

(a) If the program is to be funded through political subdivisions of the state or local agencies approved by the department matching federal grants, the department shall promulgate procedures for effective delivery of services consistent with this section and with federal law and regulations.

(b) If the services are provided through contracting with operators of day-care centers on request from political subdivisions or local agencies, the

department may not promulgate standards for selection of the type of centers more restrictive than required by federal law or regulations.

(c) The department shall establish an accounting system consistent with federal law and regulations which will provide that an operator of a day-care center contracting with the department:

(1) shall receive prepayment in accordance with policies and procedures mutually agreed on by the state comptroller of public accounts and the department; and

(2) shall be paid on the basis of legitimate and reasonable expenses, insofar as possible, given federal regulations and department policy, instead of being paid on the basis of the number of children attending the center, provided that on being monitored by the department, the contracting operator can substantiate that there were sufficient preparations in the development of the services offered.

[Acts 1979, 66th Leg., p. 2370, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

CHAPTER 45. INTERSTATE PLACEMENT OF CHILDREN

SUBCHAPTER A. PLACEMENT OF CHILDREN FROM ANOTHER STATE

Sec.

- 45.001. Definitions.
- 45.002. Required Notice of Intention to Place a Child.
- 45.003. Responsibilities of Sending Agency.
- 45.004. Delinquent Child.
- 45.005. Private Charitable Agencies.
- 45.006. Exemptions.
- 45.007. Penalties.

SUBCHAPTER B. INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

- 45.021. Adoption of Compact; Text.
- 45.022. Definitions.
- 45.023. Financial Responsibility for Child.
- 45.024. Approval of Placement or Discharge.
- 45.025. Placement in Another State.
- 45.026. Compact Administrator.

SUBCHAPTER A. PLACEMENT OF CHILDREN FROM ANOTHER STATE

§ 45.001. Definitions

In this subchapter:

(1) "Child" means a person who, by reason of minority, is legally subject to parental, guardianship, or similar control.

(2) "Child-care facility" means a facility that provides care, training, education, custody, treatment, or supervision for a minor child who is not related by blood, marriage, or adoption to the owner or operator of the facility, whether or not the facility is

operated for profit, and whether or not the facility makes a charge for the service offered by it.

(3) "Placement" means an arrangement for the care of a child in a family free, in a boarding home, or in a child-care facility or institution, including an institution caring for the mentally ill, mentally defective, or epileptic, but does not include an institution primarily educational in character or a hospital or other primarily medical facility.

(4) "Sending agency" means a state, a subdivision of a state, an officer or employee of a state or a subdivision of a state, a court of a state, or a person, partnership, corporation, association, charitable agency, or other entity, located outside this state, which sends, brings, or causes to be sent or brought a child into this state.

[Acts 1979, 66th Leg., p. 2371, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 45.002. Required Notice of Intention to Place a Child

(a) Prior to the placement in this state of a child from another state, the sending agency shall furnish the department written notice of its intention to place the child in this state. The notice must contain:

(1) the name and the date and place of birth of the child;

(2) the names and addresses of the child's parents or legal guardian, and the legal relationship of the named persons to the child;

(3) the name and address of the person, agency, or institution with which the sending agency proposes to place the child; and

(4) a full statement of the reasons for the placement and evidence of the authority under which the placement is proposed to be made.

(b) After receipt of a notice provided for in Subsection (a) of this section, the commissioner may request additional or supporting information considered necessary from an appropriate authority in the state where the child is located.

(c) No sending agency may send, bring, or cause to be sent or brought into this state a child for placement until the commissioner notifies the sending agency in writing that the proposed placement does not appear to be contrary to the best interests of the child.

(d) The commissioner may not approve the placement in this state of a child from outside this state without the concurrence of the individuals with whom the child is proposed to be placed or the head of an institution with which the child is proposed to be placed.

(e) No child-care facility in this state may receive a child for placement unless the placement conforms to requirements of this subchapter.

[Acts 1979, 66th Leg., p. 2371, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 45.003. Responsibilities of Sending Agency

(a) After placement in this state, the sending agency retains jurisdiction over the child sufficient to determine all matters relating to the custody, supervision, care, treatment, and disposition of the child which it would have had if the child had remained in the sending agency's state, until the child is adopted, reaches majority, becomes self-supporting, or is discharged with the concurrence of the commissioner. The sending agency may cause the child to be returned to it or transferred to another location, except as provided by Subsection (e) of this section.

(b) The sending agency has financial responsibility for support and maintenance of the child during each period of placement in Texas. If the sending agency fails wholly or in part to provide financial support and maintenance during placement, the commissioner may bring suit under Section 14.05, Family Code, and may file a complaint with the appropriate prosecuting attorney, claiming a violation of Section 25.05, Penal Code.

(c) After failure of the sending agency to provide support or maintenance, if the commissioner determines that financial responsibility is unlikely to be assumed by the sending agency, or by the child's parents or guardian, if not the sending agency, the commissioner shall cause the child to be returned to the sending agency.

(d) After failure of the sending agency to provide support or maintenance, the department shall assume financial responsibility for the child until responsibility is assumed again by the sending agency, until it is assumed by the child's parents or guardian, or until the child is safely returned to the sending agency.

(e) The commissioner may not concur in the discharge of a child placed in a public institution in this state without the concurrence of the head of the institution.

[Acts 1979, 66th Leg., p. 2372, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 45.004. Delinquent Child

No child adjudicated delinquent in another state may be placed in Texas unless the child has received a court hearing, after notice to a parent or guardian, at which the child had an opportunity to be heard and the court found that:

(1) equivalent facilities for the child are not available in the sending agency's jurisdiction; and

(2) institutional care in Texas is in the best interests of the child and will not produce undue hardship.

[Acts 1979, 66th Leg., p. 2373, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 45.005. Private Charitable Agencies

This subchapter does not prevent a private charitable agency authorized to place children in this state from performing services or acting as agent in this state for a private charitable agency in a sending state, or prevent the agency in this state from discharging financial responsibility for the support and maintenance of a child who has been placed on behalf of a sending agency, without altering financial responsibility as provided by Section 45.003 of this code.

[Acts 1979, 66th Leg., p. 2373, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 45.006. Exemptions

This subchapter does not apply to:

(1) the sending or bringing of a child into this state by his parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt, or the child's guardian, and the leaving of the child with a person described in this subdivision or with a nonagency guardian in this state; or

(2) the placement, sending, or bringing of a child into this state under the provisions of an interstate compact to which both Texas and the state from which the child is sent or brought are parties.

[Acts 1979, 66th Leg., p. 2373, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 45.007. Penalties

(a) An individual or corporation that violates Subsection (a) or (c) of Section 45.002 of this code is guilty of a Class B misdemeanor.

(b) A child-care facility in this state that violates Subsection (e) of Section 45.002 of this code is guilty of a Class B misdemeanor. On conviction, the court shall revoke any license to operate as a child-care facility or child-care institution issued the facility by the department.

[Acts 1979, 66th Leg., p. 2373, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

[Sections 45.008 to 45.020 reserved for expansion]

SUBCHAPTER B. INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

§ 45.021. Adoption of Compact; Text

The Interstate Compact on the Placement of Children is adopted by this state and entered into with all other jurisdictions joining therein in form substantially as follows:

INTERSTATE COMPACT ON THE
PLACEMENT OF CHILDREN

ARTICLE I. PURPOSE AND POLICY

It is the purpose and policy of the party states to cooperate with each other in the interstate placement of children to the end that:

- (a) Each child requiring placement shall receive the maximum opportunity to be placed in a suitable environment and with persons or institutions having appropriate qualifications and facilities to provide a necessary and desirable degree and type of care.
- (b) The appropriate authorities in a state where a child is to be placed may have full opportunity to ascertain the circumstances of the proposed placement, thereby promoting full compliance with applicable requirements for the protection of the child.
- (c) The proper authorities of the state from which the placement is made may obtain the most complete information on the basis on which to evaluate a projected placement before it is made.
- (d) Appropriate jurisdictional arrangements for the care of children will be promoted.

ARTICLE II. DEFINITIONS

As used in this compact:

- (a) "Child" means a person who, by reason of minority, is legally subject to parental, guardianship, or similar control.
- (b) "Sending agency" means a party state, officer, or employee thereof; a subdivision of a party state, or officer or employee thereof; a court of a party state; a person, corporation, association, charitable agency, or other entity which sends, brings, or causes to be sent or brought any child to another party state.
- (c) "Receiving state" means the state to which a child is sent, brought, or caused to be sent or brought, whether by public authorities or private persons or agencies, and whether for placement with state or local public authorities or for placement with private agencies or persons.
- (d) "Placement" means the arrangement for the care of a child in a family free or boarding home or in a child-caring agency or institution but does not include any institution caring for the mentally ill, mentally defective, or epileptic or any institution primarily educational in character, and any hospital or other medical facility.

ARTICLE III. CONDITIONS FOR PLACEMENT

- (a) No sending agency shall send, bring, or cause to be sent or brought into any other party state any child for placement in foster care or as a preliminary to a possible adoption unless the sending agency shall comply with each and every requirement set forth in this article and with the applicable laws

of the receiving state governing the placement of children therein.

(b) Prior to sending, bringing, or causing any child to be sent or brought into a receiving state for placement in foster care or as a preliminary to a possible adoption, the sending agency shall furnish the appropriate public authorities in the receiving state written notice of the intention to send, bring, or place the child in the receiving state. The notice shall contain:

- (1) the name, date, and place of birth of the child;
- (2) the identity and address or addresses of the parents or legal guardian;
- (3) the name and address of the person, agency, or institution to or with which the sending agency proposes to send, bring, or place the child;
- (4) a full statement of the reasons for such proposed action and evidence of the authority pursuant to which the placement is proposed to be made.

(c) Any public officer or agency in a receiving state which is in receipt of a notice pursuant to Paragraph (b) of this article may request of the sending agency, or any other appropriate officer or agency of or in the sending agency's state, and shall be entitled to receive therefrom, such supporting or additional information as it may deem necessary under the circumstances to carry out the purpose and policy of this compact.

(d) The child shall not be sent, brought, or caused to be sent or brought into the receiving state until the appropriate public authorities in the receiving state shall notify the sending agency, in writing, to the effect that the proposed placement does not appear to be contrary to the interests of the child.

ARTICLE IV. PENALTY FOR ILLEGAL
PLACEMENT

The sending, bringing, or causing to be sent or brought into any receiving state of a child in violation of the terms of this compact shall constitute a violation of the laws respecting the placement of children of both the state in which the sending agency is located or from which it sends or brings the child and of the receiving state. Such violation may be punished or subjected to penalty in either jurisdiction in accordance with its laws. In addition to liability for any such punishment or penalty, any such violation shall constitute full and sufficient grounds for the suspension or revocation of any license, permit, or other legal authorization held by the sending agency which empowers or allows it to place or care for children.

ARTICLE V. RETENTION OF JURISDICTION

- (a) The sending agency shall retain jurisdiction over the child sufficient to determine all matters in relation to the custody, supervision, care, treatment,

and disposition of the child which it would have had if the child had remained in the sending agency's state, until the child is adopted, reaches majority, becomes self-supporting or is discharged with the concurrence of the appropriate authority in the receiving state. Such jurisdiction shall also include the power to effect or cause the return of the child or its transfer to another location and custody pursuant to law. The sending agency shall continue to have financial responsibility for support and maintenance of the child during the period of the placement. Nothing contained herein shall defeat a claim of jurisdiction by a receiving state sufficient to deal with an act of delinquency or crime committed therein.

(b) When the sending agency is a public agency, it may enter into an agreement with an authorized public or private agency in the receiving state providing for the performance of one or more services in respect of such case by the latter as agent for the sending agency.

(c) Nothing in this compact shall be construed to prevent a private charitable agency authorized to place children in the receiving state from performing services or acting as agent in that state for a private charitable agency of the sending state; nor to prevent the agency in the receiving state from discharging financial responsibility for the support and maintenance of a child who has been placed on behalf of the sending agency without relieving the responsibility set forth in Paragraph (a) hereof.

ARTICLE VI. INSTITUTIONAL CARE OF DELINQUENT CHILDREN

A child adjudicated delinquent may be placed in an institution in another party jurisdiction pursuant to this compact but no such placement shall be made unless the child is given a court hearing on notice to the parent or guardian with opportunity to be heard, prior to his being sent to such other party jurisdiction for institutional care and the court finds that:

- (1) equivalent facilities for the child are not available in the sending agency's jurisdiction; and
- (2) institutional care in the other jurisdiction is in the best interest of the child and will not produce undue hardship.

ARTICLE VII. COMPACT ADMINISTRATOR

The executive head of each jurisdiction party to this compact shall designate an officer who shall be general coordinator of activities under this compact in his jurisdiction and who, acting jointly with like officers of other party jurisdictions, shall have power to promulgate rules and regulations to carry out more effectively the terms and provisions of this compact.

ARTICLE VIII. LIMITATIONS

This compact shall not apply to:

(a) the sending or bringing of a child into a receiving state by his parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt, or his guardian and leaving the child with any such relative or nonagency guardian in the receiving state;

(b) any placement, sending, or bringing of a child into a receiving state pursuant to any other interstate compact to which both the state from which the child is sent or brought and the receiving state are party, or to any other agreement between said states which has the force of law.

ARTICLE IX. ENACTMENT AND WITHDRAWAL

This compact shall be open to joinder by any state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and, with the consent of congress, the government of Canada or any province thereof. It shall become effective with respect to any such jurisdiction when such jurisdiction has enacted the same into law. Withdrawal from this compact shall be by the enactment of a statute repealing the same, but shall not take effect until two years after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the governor of each other party jurisdiction. Withdrawal of a party state shall not affect the rights, duties, and obligations under this compact of any sending agency therein with respect to a placement made prior to the effective date of withdrawal.

ARTICLE X. CONSTRUCTION AND SEVERABILITY

The provisions of this compact shall be liberally construed to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

[Acts 1979, 66th Leg., p. 2373, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 45.022. Definitions

In this subchapter:

(1) "Appropriate public authorities," with reference to this state, means the Commissioner of the Texas Department of Human Resources.

(2) "Appropriate authority in the receiving state," with reference to this state, means the Commissioner of the Texas Department of Human Resources.

(3) "Executive head," with reference to this state, means the governor.

(4) "Compact" means the Interstate Compact on the Placement of Children.

[Acts 1979, 66th Leg., p. 2377, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 45.023. Financial Responsibility for Child

(a) Financial responsibility for a child placed as provided in the compact is determined, in the first instance, as provided in Article V of the compact. After partial or complete default of performance under the provisions of Article V assigning financial responsibility, the commissioner may bring suit under Section 14.05, Family Code, and may file a complaint with the appropriate prosecuting attorney, claiming a violation of Section 25.05, Penal Code.

(b) After default, if the commissioner determines that financial responsibility is unlikely to be assumed by the sending agency or the child's parents, the commissioner shall cause the child to be returned to the sending agency.

(c) After default, the department shall assume financial responsibility for the child until it is assumed by the child's parents, or until the child is safely returned to the sending agency.

[Acts 1979, 66th Leg., p. 2377, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 45.024. Approval of Placement or Discharge

The commissioner may not approve the placement of a child in this state without the concurrence of the individuals with whom the child is proposed to be placed or the head of an institution with which the child is proposed to be placed. The commissioner may not approve the discharge of a child placed in a public institution in this state without the concurrence of the head of the institution.

[Acts 1979, 66th Leg., p. 2377, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 45.025. Placement in Another State

A juvenile court may place a delinquent child in an institution in another state as provided by Article VI of the compact. After placement in another state, the court retains jurisdiction of the child as provided by Article V of the compact.

[Acts 1979, 66th Leg., p. 2377, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 45.026. Compact Administrator

The governor shall appoint the commissioner as compact administrator.

[Acts 1979, 66th Leg., p. 2377, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

CHAPTER 46. CHILD SUPPORT COLLECTION, PARENT LOCATOR, AND PATERNITY DETERMINATION SERVICES

Sec.

- 46.001. Administration of Statewide Plan for Child Support.
- 46.002. Powers and Duties of Department.
- 46.003. Assignment of Right to Support.
- 46.004. Services for Persons not Receiving Assistance.
- 46.005. Disposition of Funds.
- 46.006. Confidentiality of Records.
- 46.007. Attorneys Representing Department.

§ 46.001. Administration of Statewide Plan for Child Support

The department is the state agency designated to administer a statewide plan for child support to provide child support collection, parent locator, and paternity determination services which will enable it to participate in programs established by federal law.

[Acts 1979, 66th Leg., p. 2378, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 46.002. Powers and Duties of Department

(a) The department may:

(1) accept, transfer, and expend funds made available by the federal or state government or by another public or private source for the purpose of carrying out the provisions of this chapter;

(2) promulgate rules for the provision of child support services;

(3) initiate legal actions needed to implement the provisions of this chapter;

(4) enter into contracts or agreements necessary to administer this chapter; and

(5) request agencies of the state and its political subdivisions to search their records to help locate absent parents.

(b) The department may assist in the judicial determination of the paternity of an illegitimate child whose support rights have been assigned to the department.

(c) The department shall attempt to locate absent parents and shall cooperate with other governmental agencies in locating the parents.

[Acts 1979, 66th Leg., p. 2378, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 46.003. Assignment of Right to Support

(a) The filing of an application for or the receipt of financial assistance under Chapter 31 of this code constitutes an assignment to the department of any rights to support from any other person which the applicant or recipient may have in his or her own behalf or for a child for whom the applicant or recipient is claiming assistance, including the right to the amount accrued at the time the application is filed or the assistance is received. An applicant's assignment under this section is valid only if the department approves the application. The department may distribute support payments or parts of payments received by it to the family for whom the payments are made or may use the payments to provide assistance and services to and on behalf of needy dependent children.

(b) Child support payments for the benefit of a recipient child shall be made to the department. If a court has ordered support payments to be made to an applicant for or recipient of financial assistance, the department may file notice of the assignment with the court ordering the payments. The notice must include:

- (1) a statement that the child is an applicant for or recipient of financial assistance;
- (2) the name of the child and the caretaker for whom support has been ordered by the court;
- (3) the style and cause number of the case in which support was ordered; and
- (4) a request that the payments ordered be made to the department.

(c) On receipt of the notice and without a requirement of a hearing, the court shall order that the payments be made to the department.

[Acts 1979, 66th Leg., p. 2378, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1979, 66th Leg., p. 2430, ch. 842, art. 2, § 1, eff. Sept. 1, 1979.]

§ 46.004. Services for Persons not Receiving Assistance

(a) The department on request may provide parent locator, child support collection, or paternity determination services available to a person other than an applicant for or recipient of financial assistance under Chapter 31 of this code. The department may charge a reasonable application fee and recover costs for the services provided.

(b) In its administration of the federal Parent Locator Service for the enforcement or determination of child custody in cases of parental kidnapping of a child, the department shall provide parent locator services to a person who presents evidence to the department showing that the person is entitled to possession of a child under a court order, but is unable to locate the child because of the taking or retaining of possession of the child or concealment of the whereabouts of the child in violation of the court order. The department may charge a reason-

able application fee and recover costs for the services provided.

[Acts 1979, 66th Leg., p. 2379, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 1729, ch. 328, § 4, eff. Sept. 1, 1983.]

§ 46.005. Disposition of Funds

(a) The department shall deposit money received under assignments or as fees pursuant to this chapter in a special fund in the state treasury or in accounts in financial institutions. The department may spend these funds for the administration of this chapter or for the provision of assistance to and on behalf of needy dependent children.

(b) All other funds received pursuant to this chapter shall be deposited in a special fund in the state treasury.

[Acts 1979, 66th Leg., p. 2379, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 46.006. Confidentiality of Records

All files and records on recipients of benefits provided under this chapter and on an alleged father of an illegitimate child are confidential. Release of information from the files and records shall be restricted to purposes directly connected with the administration of the child support collection, paternity determination, parent locator, or aid to families with dependent children programs. The department by rule may provide for the release of information to public officials.

[Acts 1979, 66th Leg., p. 2379, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 46.007. Attorneys Representing Department

Attorneys employed by the department may represent the department in a suit to collect child support or determine paternity brought under the authority of federal law and this chapter. At the request of the department, the attorney general may represent the department in an appeal of a suit brought under the authority of this chapter. This section does not limit the authority of the attorney general to represent the state in a proceeding.

[Acts 1979, 66th Leg., p. 2434, ch. 842, art. 2, § 4, eff. Sept. 1, 1979.]

CHAPTER 47. ADOPTION SERVICES FOR HARD-TO-PLACE CHILDREN**Sec.**

- 47.001. Definition.
- 47.002. Adoption Services Program.
- 47.003. Dissemination of Information.
- 47.004. Financial Assistance.
- 47.005. Funds.

§ 47.001. Definition

In this chapter, "hard-to-place child" means a child who is:

- (1) three years of age or older; or who is
- (2) difficult to place in an adoptive home because of age, race, color, ethnic background, language, or physical, mental, or emotional handicap; or
- (3) a member of a sibling group that should be placed in the same home.

[Acts 1979, 66th Leg., p. 2379, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1981, 67th Leg., p. 2231, ch. 528, § 1, eff. Aug. 31, 1981.]

§ 47.002. Adoption Services Program

(a) The department shall administer a program designed to promote the adoption of hard-to-place children by providing information to prospective adoptive parents concerning the availability of the relinquished children, assisting the parents in completing the adoption process, and providing financial assistance necessary for the parents to adopt the children. The legislature intends that the program benefit hard-to-place children residing in foster homes at state or county expense by providing them with the stability and security of permanent homes and that the costs paid by the state and counties for foster home care for the children be reduced.

(b) The program shall be carried out by licensed adoption agencies or county child-care or welfare units pursuant to rules adopted by the department.

(c) The department shall keep records necessary to evaluate the program's effectiveness in encouraging and promoting the adoption of hard-to-place children.

[Acts 1979, 66th Leg., p. 2379, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 47.003. Dissemination of Information

The department, county child-care or welfare units, and licensed adoption agencies shall disseminate information to prospective adoptive parents concerning the availability for adoption of hard-to-place children and the existence of financial assistance for parents who adopt them. Special effort shall be made to disseminate the information to families that have lower income levels or that belong to disadvantaged groups.

[Acts 1979, 66th Leg., p. 2380, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 47.004. Financial Assistance

(a) Adoption fees for a hard-to-place child may be waived.

(b) The adoption of a hard-to-place child may be subsidized by an amount not exceeding the amount that would be paid for foster home care for the child if not adopted. The need for the subsidy shall be determined by the department under its rules.

(c) The county may pay the subsidy if the county is responsible for the child's foster home care at the

time of the adoption. The state shall pay the subsidy if at the time of the adoption the child is receiving aid under the department's aid to families with dependent children program, and the state may pay the subsidy if the department is managing conservator for the child.

[Acts 1979, 66th Leg., p. 2380, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1979, 66th Leg., p. 2436, ch. 842, art. 2, § 8, eff. Sept. 1, 1979.]

§ 47.005. Funds

(a) The department shall actively seek and use federal funds available for the purposes of this chapter.

(b) Gifts or grants from private sources for the purposes of this chapter shall be used to support the program.

[Acts 1979, 66th Leg., p. 2380, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

CHAPTER 48. PROTECTIVE SERVICES FOR THE ELDERLY

SUBCHAPTER A. GENERAL PROVISIONS

- Sec.**
 48.001. Purpose.
 48.002. Definitions.

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

- 48.021. Provision of Services.

SUBCHAPTER C. REPORTS OF SUSPECTED ABUSE, EXPLOITATION, OR NEGLECT

- 48.036. Report.
 48.037. Action on Report.
 48.038. Implementation of Investigation.
 48.039. Immunity.
 48.040. Representation.

SUBCHAPTER D. PROTECTIVE SERVICES

- 48.056. Agency Powers.
 48.057. Agency Reports.
 48.058. Cost of Services.
 48.059. Voluntary Protective Services.
 48.060. Interference with Voluntary Services Prohibited.
 48.061. Emergency Order for Protective Services.

SUBCHAPTER E. MISCELLANEOUS PROVISIONS

- 48.083. Confidentiality of Records.
 48.084. Objection to Medical Treatment.

SUBCHAPTER A. GENERAL PROVISIONS

§ 48.001. Purpose

The purpose of this chapter is to provide for the right to investigate the abuse, exploitation, or neglect of an elderly or disabled person.

[Acts 1981, 67th Leg., p. 2368, ch. 584, § 1, eff. Sept. 1, 1981. Amended by Acts 1983, 68th Leg., p. 730, ch. 172, § 1, eff. Sept. 1, 1983.]

§ 48.002. Definitions

In this chapter:

(1) "Elderly person" means a person 65 years of age or older.

(2) "Abuse" means the wilful infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm or pain or mental anguish or the wilful deprivation by a caretaker or one's self of goods or services which are necessary to avoid physical harm, mental anguish, or mental illness.

(3) "Exploitation" means the illegal or improper act or process of a caretaker using the resources of an elderly or disabled person for monetary or personal benefit, profit, or gain.

(4) "Neglect" means the failure to provide for one's self the goods or services which are necessary to avoid physical harm, mental anguish, or mental illness or the failure of a caretaker to provide such goods or services.

(5) "Protective services" means the services furnished by the department or by a protective services agency to an elderly or disabled person who has been determined to be in a state of abuse, exploitation, or neglect. These services may include investigation of reported abuse, social casework, psychiatric and health evaluation, home care, day care, legal assistance, social services, health care, and other services consistent with this chapter.

(6) "Protective services agency" means a public or private agency, corporation, board, or organization that provides protective services to elderly or disabled persons in the state of abuse, exploitation, or neglect.

(7) "Department" means the Department of Human Resources.

(8) "Disabled person" means a person with a mental, physical, or developmental disability between the ages of 18 and 65 years of age.

[Acts 1981, 67th Leg., p. 2368, ch. 584, § 1, eff. Sept. 1, 1981. Amended by Acts 1983, 68th Leg., p. 274, ch. 51, § 1, eff. Aug. 29, 1983; Acts 1983, 68th Leg., p. 730, ch. 172, § 1, eff. Sept. 1, 1983.]

[Sections 48.003 through 48.020 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

§ 48.021. Provision of Services

(a) The department may provide direct protective services or contract with protective services agencies for the provisions of those services.

(b) The department shall use existing resources and services of public and private agencies in providing protective services.

(c) The department shall cooperate with the appropriate law enforcement officials, courts, and agencies when providing protective services.

(d) The responsibilities set forth in this Act shall be exclusive of those designated to other state or federal agencies authorized or required by law to provide protective services to elderly or disabled persons determined to be in the state of abuse, exploitation, or neglect.

[Acts 1981, 67th Leg., p. 2368, ch. 584, § 1, eff. Sept. 1, 1981. Amended by Acts 1983, 68th Leg., p. 730, ch. 172, § 1, eff. Sept. 1, 1983.]

[Sections 48.022 through 48.035 reserved for expansion]

SUBCHAPTER C. REPORTS OF SUSPECTED ABUSE, EXPLOITATION, OR NEGLECT

§ 48.036. Report

(a) A person having reasonable cause to believe that an elderly or disabled person is in the state of abuse, exploitation, or neglect shall report the information to the department.

(b) The report may be made orally or in writing. It shall include:

(1) the name, age, and address of the elderly or disabled person;

(2) the name and address of any person responsible for the elderly or disabled person's care;

(3) the nature and extent of the elderly or disabled person's condition;

(4) the basis of the reporter's knowledge; and

(5) any other relevant information.

[Acts 1981, 67th Leg., p. 2368, ch. 584, § 1, eff. Sept. 1, 1981. Amended by Acts 1983, 68th Leg., p. 730, ch. 172, § 1, eff. Sept. 1, 1983.]

§ 48.037. Action on Report

Not later than 24 hours upon receipt of a report of suspected need for protective services, the department shall initiate a prompt and thorough investigation to determine whether the elderly or disabled person is in need of protective services, unless the department determines that the report is frivolous or patently without a factual basis.

[Acts 1981, 67th Leg., p. 2368, ch. 584, § 1, eff. Sept. 1, 1981. Amended by Acts 1983, 68th Leg., p. 730, ch. 172, § 1, eff. Sept. 1, 1983.]

§ 48.038. Implementation of Investigation

(a) In the investigation the department shall determine:

(1) whether the person needs protective services;

(2) what services are needed;

(3) whether services are available from the department or in the community and how they can be provided;

(4) whether the person would be capable of obtaining services for himself and could bear the cost or would be eligible for services from the department;

(5) whether a caretaker would be willing to provide services or would agree to their provisions;

(6) whether the elderly or disabled person desires the services; and

(7) other pertinent data.

(b) The department's investigation shall include a visit to the elderly or disabled person's home and consultation with persons thought to have knowledge of the circumstances.

(c) To implement an investigation of reported abuse, exploitation, or neglect, the probate court, or the county court when no probate court exists, may authorize entry of the premises of the elderly or disabled person.

(d) A peace officer shall accompany the person making a forcible entry under this section, if in the opinion of the court such action is necessary.

(e) The department shall prepare and keep on file a complete written report of each investigation.

(f) If the investigation reveals that the elderly or disabled person has been physically abused by another person, a copy of the report of the investigation shall be submitted to the appropriate law enforcement agency.

(g) If the elderly or disabled person has a guardian, a copy of the report shall be filed with the court to which the guardian is accountable.

[Acts 1981, 67th Leg., p. 2368, ch. 584, § 1, eff. Sept. 1, 1981. Amended by Acts 1983, 68th Leg., p. 730, ch. 172, § 1, eff. Sept. 1, 1983.]

§ 48.039. Immunity

A person filing a report under this chapter, participating in an investigation required by this chapter, or testifying or otherwise participating in any judicial proceeding arising from a petition, report, or investigation is immune from civil or criminal liability on account of his or her petition, report, testimony, or participation, unless the person acted in bad faith or with a malicious purpose.

[Acts 1981, 67th Leg., p. 2368, ch. 584, § 1, eff. Sept. 1, 1981. Amended by Acts 1983, 68th Leg., p. 730, ch. 172, § 1, eff. Sept. 1, 1983.]

§ 48.040. Representation

(a) The prosecuting attorney representing the state in criminal cases in the county court shall represent the department in any proceeding brought by the department under this chapter.

(b) The court shall appoint an attorney ad litem to represent the elderly or disabled person in any proceeding brought by the department under this chapter. A reasonable fee, as determined by the court, shall be paid to the attorney ad litem from the General Fund of the county.

[Acts 1981, 67th Leg., p. 2368, ch. 584, § 1, eff. Sept. 1, 1981. Amended by Acts 1983, 68th Leg., p. 730, ch. 172, § 1, eff. Sept. 1, 1983.]

[Sections 48.041 through 48.055 reserved for expansion]

SUBCHAPTER D. PROTECTIVE SERVICES

§ 48.056. Agency Powers

A protective services agency may furnish protective services to an elderly or disabled person with the person's consent.

[Acts 1981, 67th Leg., p. 2368, ch. 584, § 1, eff. Sept. 1, 1981. Amended by Acts 1983, 68th Leg., p. 730, ch. 172, § 1, eff. Sept. 1, 1983.]

§ 48.057. Agency Reports

A protective services agency shall make reports relating to its provision of protective services as the department or a court may require.

[Acts 1981, 67th Leg., p. 2368, ch. 584, § 1, eff. Sept. 1, 1981. Amended by Acts 1983, 68th Leg., p. 730, ch. 172, § 1, eff. Sept. 1, 1983.]

§ 48.058. Cost of Services

If the elderly or disabled person receiving the protective services is determined to be financially able to contribute to the payments for those services, the provider shall receive a reasonable reimbursement from the person's assets.

[Acts 1981, 67th Leg., p. 2368, ch. 584, § 1, eff. Sept. 1, 1981. Amended by Acts 1983, 68th Leg., p. 730, ch. 172, § 1, eff. Sept. 1, 1983.]

§ 48.059. Voluntary Protective Services

(a) An elderly or disabled person may receive voluntary protective services if the person requests or consents to receive those services.

(b) The elderly or disabled person who receives protective services shall participate in all decisions regarding his or her welfare, if able to do so.

(c) The least restrictive alternatives should be made available to the elderly or disabled person who receives protective services.

(d) If an elderly or disabled person withdraws or refuses consent, the services may not be provided.

[Acts 1981, 67th Leg., p. 2368, ch. 584, § 1, eff. Sept. 1, 1981. Amended by Acts 1983, 68th Leg., p. 730, ch. 172, § 1, eff. Sept. 1, 1983.]

§ 48.060. Interference with Voluntary Services Prohibited

(a) A person may not interfere with the provision of voluntary protective services to an elderly or disabled person.

(b) The department or a protective services agency may petition the appropriate court to enjoin any interference with the provision of voluntary protective services.

[Acts 1981, 67th Leg., p. 2368, ch. 584, § 1, eff. Sept. 1, 1981. Amended by Acts 1983, 68th Leg., p. 730, ch. 172, § 1, eff. Sept. 1, 1983.]

§ 48.061. Emergency Order for Protective Services

(a) For purposes of this section, a person lacks the capacity to consent to receive protective services if, because of mental or physical impairment, the person is incapable of understanding the nature of the services offered and agreeing to receive or rejecting protective services.

(b) If the department determines that an elderly or disabled person is suffering from abuse or neglect presenting an immediate threat to life, that the person lacks capacity to consent to receive protective services, and that no consent can be obtained, the department may petition the district court in the county in which the elderly or disabled person resides for an emergency order authorizing protective services.

(c) The petition shall be verified and shall include the name, age, and address of the elderly or disabled person who needs protective services, the nature of the abuse or neglect, the services needed, and a medical report signed by a physician stating that the person is suffering from abuse or neglect presenting an immediate threat to life and stating that the person is physically or mentally incapable of consenting to services.

(d) On finding that there is reasonable cause to believe that abuse or neglect presents an immediate threat to life for the elderly or disabled person and that the elderly or disabled person lacks capacity to consent to services, the court may order removal of the elderly or disabled person to safer surroundings, authorize medical treatment, and order other available services necessary to remove conditions creating the immediate threat to life. The court shall appoint an attorney ad litem to represent the interests of the elderly or disabled person at the first or a subsequent hearing.

(e) The emergency order expires at the end of 72 hours from the time of the order and may be renewed once for 72 hours.

(f) Any medical facility or physician treating an elderly or disabled person pursuant to an emergency order under this chapter is not liable for any damages arising from the treatment, except those

damages resulting from the negligence of the facility or physician.

[Acts 1981, 67th Leg., p. 2368, ch. 584, § 1, eff. Sept. 1, 1981. Amended by Acts 1983, 68th Leg., p. 730, ch. 172, § 1, eff. Sept. 1, 1983.]

[Sections 48.062 through 48.082 reserved for expansion]

SUBCHAPTER E. MISCELLANEOUS PROVISIONS

§ 48.083. Confidentiality of Records

The records of the department or other agency pertaining to an elderly or disabled person who is protected under this chapter or for whom an application for protection has been made are not open to public inspection. Information contained in the records may not be disclosed publicly in a manner that will identify an individual, but the records shall be available on application for cause to persons approved by the court having jurisdiction of the case under Chapter V, Texas Probate Code.

[Acts 1981, 67th Leg., p. 2368, ch. 584, § 1, eff. Sept. 1, 1981. Amended by Acts 1983, 68th Leg., p. 730, ch. 172, § 1, eff. Sept. 1, 1983.]

§ 48.084. Objection to Medical Treatment

This chapter does not authorize or require any medical treatment of a person who objects on the grounds that he is an adherent or member of a recognized church or religious denomination the tenets and practice of which include reliance solely upon spiritual means through prayer for healing.

[Acts 1981, 67th Leg., p. 2368, ch. 584, § 1, eff. Sept. 1, 1981. Amended by Acts 1983, 68th Leg., p. 730, ch. 172, § 1, eff. Sept. 1, 1983.]

CHAPTER 49. VOLUNTARY ADOPTION REGISTRIES

Sec.

- 49.001. Purpose.
- 49.002. Definitions.
- 49.003. Establishment of Voluntary Adoption Registries.
- 49.004. Administration.
- 49.005. Central Index.
- 49.006. Registration Eligibility.
- 49.007. Registration Applications.
- 49.008. Proof of Identity.
- 49.009. Registration.
- 49.010. Rejected Applications.
- 49.011. Fees.
- 49.012. Supplemental Information.
- 49.013. Counseling.
- 49.014. Matching Procedures.
- 49.015. Partial Match.
- 49.016. Notification of Match.
- 49.017. Disclosure: Adoptee and Birth Parents.
- 49.018. Disclosure: Biological Siblings.
- 49.019. Impossibility of Disclosure.
- 49.020. Registry Records Confidential.
- 49.021. Rulemaking.

Sec.

49.022. Prohibited Acts; Criminal Penalties.

49.023. Immunity From Liability.

§ 49.001. Purpose

The purpose of this chapter is to provide for the establishment of mutual consent voluntary adoption registries through which adoptees, birth parents, and biological siblings may voluntarily locate each other. It is not the purpose of this chapter to inhibit or prohibit persons from locating each other through other legal means, nor to inhibit or affect in any way the provision of postadoptive services and education, by adoption agencies or others, which go further than the procedures set out for registries established pursuant to this chapter.

[Acts 1983, 68th Leg., p. 1761, ch. 342, § 1, eff. Jan. 1, 1984.]

§ 49.002. Definitions

In this chapter:

(1) "Administrator" means the administrator of a mutual consent voluntary adoption registry established under this chapter.

(2) "Adoptee" means a person 21 years old or older who has been legally adopted in this state during his minority or who was born in this state and legally adopted during his minority under the laws of another state or nation.

(3) "Adoption" means the act of creating the legal relationship of parent and child between a person and a child who is not the biological child of that person. "Adoption" does not include the act of establishing the legal relationship of parent and child between a man and a child through proof of paternity or voluntary legitimation proceedings or the adoption of an adult.

(4) "Adoption agency" means a person, other than a natural parent or guardian of a child, who plans for the placement of or places a child in the home of a prospective adoptive parent.

(5) "Adoptive parent" means an adult who is a parent of an adoptee through a legal process of adoption.

(6) "Authorized agency" means a public social service agency authorized to place children for adoption or other person approved for that purpose by the department. "Authorized agency" includes a licensed or unlicensed private adoption agency that has ceased operations as an adoption agency and has transferred its adoption records to an agency authorized by the department to place children for adoption and a licensed or unlicensed adoption agency that has been acquired by, merged with, or otherwise succeeded by an agency authorized by the department to place children for adoption.

(7) "Biological parent" means the man or woman who is in fact the father or mother of genetic origin of a child.

(8) "Biological siblings" means siblings who share a common birth parent.

(9) "Birth parent" means the biological mother of an adoptee; the man deemed by law or adjudicated to be the biological father of an adoptee, an adoptee's putative father whose name appears on the adoptee's original birth certificate as the adoptee's father, and a putative father who has signed a consent to adoption, affidavit of relinquishment, affidavit of waiver of interest in child, or other written instrument releasing the adoptee for adoption, unless the consent, affidavit, or other instrument includes a sworn refusal to admit or a denial of paternity. "Birth parent" includes a birth mother and birth father but does not include a person adjudicated by a court of competent jurisdiction not to be the biological parent of an adoptee.

(10) "Central registry" means the mutual consent voluntary adoption registry established and maintained by the department under this chapter.

(11) "Putative father" means a man who is not deemed by law or adjudicated to be the biological father of an adoptee and who claims or is alleged to be the adoptee's biological father.

(12) "Registry" means a mutual consent voluntary adoption registry established under this chapter.

(13) "Siblings" means two or more persons who share a common birth or adoptive parent.

[Acts 1983, 68th Leg., p. 1761, ch. 342, § 1, eff. Jan. 1, 1984.]

§ 49.003. Establishment of Voluntary Adoption Registries

(a) The department shall establish and maintain a mutual consent voluntary adoption registry.

(b) Except as provided by Subsection (c) of this section, an agency authorized by the department to place children for adoption and an association comprised exclusively of those agencies may establish a mutual consent voluntary adoption registry. An agency may contract with any other agency authorized by the department to place children for adoption or with an association comprised exclusively of those agencies to perform registry services on its behalf.

(c) An authorized agency that does not directly or by contract provide registry services as required by this chapter on January 1, 1984, may not provide its own registry service. The department shall operate through the central registry those services for agencies not permitted to provide a registry under this section. An authorized agency that does not provide registry services shall file a report with the department on all adoptions of minors placed by the agency before January 1, 1984.

(d) The report required by Subsection (c) of this section must include:

- (1) the name of the adopted child as shown in the final adoption decree;
- (2) the birth date of the adopted child;
- (3) the docket number of the adoption suit;
- (4) the identity of the court granting the adoption;
- (5) the date of the final adoption decree;
- (6) the name and last known address of each parent, guardian, managing conservator, or other person whose consent to adoption was required or waived under Section 16.05, Family Code, or whose parental rights were terminated in the adoption suit;
- (7) the identity of the agency through which the adopted child was placed.

[Acts 1983, 68th Leg., p. 1761, ch. 342, § 1, eff. Jan. 1, 1984.]

§ 49.004. Administration

(a) Each registry shall be directed by a registry administrator. The administrator of a registry established by an authorized agency may be a person other than the administrator of that agency.

(b) The administrator may delegate to deputy administrators and staff the duties established by this chapter.

[Acts 1983, 68th Leg., p. 1761, ch. 342, § 1, eff. Jan. 1, 1984.]

§ 49.005. Central Index

(a) The administrator of the central registry shall compile a central index through which adoptees and birth parents may identify the appropriate registry through which to register.

(b) The clerk of the court in which an adoption is granted shall, on or before the 10th day of the first month after the month in which the adoption is granted, transmit to the administrator of the central registry a report of adoption with respect to each adoption granted on or after January 1, 1984. The report must include the following information:

- (1) the name of the adopted child after adoption as shown in the final adoption decree;
- (2) the birth date of the adopted child;
- (3) the docket number of the adoption suit;
- (4) the identity of the court granting the adoption;
- (5) the date of the final adoption decree;
- (6) the name and address of each parent, guardian, managing conservator, or other person whose consent to adoption was required or waived under Section 16.05, Family Code, or whose parental rights were terminated in the adoption suit;
- (7) the identity of the authorized agency, if any, through which the adopted child was placed for adoption; and

(8) the identity, address, and telephone number of the registry through which the adopted child may register as an adoptee.

(c) An authorized agency not required by Section 49.003(c) of this code to file a report may file with the administrator of the central registry a report of adoption with respect to any person adopted during minority before January 1, 1984. The report may include:

- (1) the name of the adopted child as shown in the final adoption decree;
- (2) the birth date of the adopted child;
- (3) the docket number of the adoption suit;
- (4) the identity of the court granting the adoption;
- (5) the date of the final adoption decree;
- (6) the identity of the agency, if any, through which the adopted child was placed;
- (7) the identity, address, and telephone number of the registry through which the adopted child may register as an adoptee.

(d) Upon inquiry by an adoptee who has provided satisfactory proof of age and identity and paid all required inquiry fees, the administrator of the central registry shall review the information on file in the central index. If the index reveals that the adoptee was not placed for adoption through an authorized agency, the administrator of the central registry shall issue the adoptee an official certificate stating that the adoptee is entitled to apply for registration through the central registry. If the index identifies an authorized agency through which the adoptee was placed for adoption, the administrator of the central registry shall determine the identity of the registry through which the adoptee may register. If the administrator of the central registry cannot determine from the index whether or not the adoptee was placed for adoption through an authorized agency, the administrator of the central registry shall determine the identity of the registry with which the adoptee may register. Each administrator shall, within 30 days after receiving an inquiry from the administrator of the central registry, respond in writing to the inquiry that the registrant was not placed for adoption by any agency served by that registry or that the registrant was placed for adoption by an agency served by that registry. If the registrant was placed for adoption by an agency served by the registry, the administrator shall file a report with the administrator of the central registry including the information described by Subdivisions (1) through (6) of Subsection (c) of this section. After completing his investigation, the administrator of the central registry shall issue an official certificate stating:

- (1) the identity of the registry through which the adoptee may apply for registration, if known; or

(2) if the administrator cannot make a conclusive determination, that the adoptee is entitled to apply for registration through the central registry and is entitled to apply for registration through other registries created under this chapter.

(e) Upon inquiry by a birth parent who has provided satisfactory proof of identity and age, and paid all required inquiry fees, the administrator of the central registry shall review the information on file in the central index and consult with the administrators of other registries in the state in order to determine the identity of the appropriate registry or registries through which the birth parent may register. Each administrator shall, within 30 days after receiving an inquiry from the administrator of the central registry, respond in writing to the inquiry. After completing his investigation, the administrator of the central registry shall provide the birth parent with a written statement either identifying the name, address, and telephone number of each registry through which registration would be appropriate or stating that after diligent inquiry the administrator cannot determine the specific registry or registries through which registration would be appropriate.

[Acts 1983, 68th Leg., p. 1761, ch. 342, § 1, eff. Jan. 1, 1984.]

§ 49.006. Registration Eligibility

(a) An adoptee may apply to a registry for information about his birth parents.

(b) A birth parent who is 21 years old or older may apply to a registry for information about an adoptee who is a child by birth of the birth parent.

(c) A putative father who acknowledges paternity but is not, at the time of application, a birth father may register as a birth father but may not otherwise be recognized as a birth father for the purposes of this chapter unless:

(1) the adoptee's birth mother in her application identifies him as the adoptee's biological father; and

(2) additional information concerning the adoptee obtained from other sources is not inconsistent with his claim of paternity.

(d) A biological sibling who is 21 years old or older may apply to the central registry for information about his biological siblings. The application must be independent of any application submitted by a biological sibling as an adoptee for information about his birth parents.

(e) Only birth parents, adoptees, and biological siblings may apply for information through a registry.

(f) No person, including an authorized agency, may apply for information through a registry as an

agent, attorney, or representative of an adoptee, birth parent, or biological sibling.

[Acts 1983, 68th Leg., p. 1761, ch. 342, § 1, eff. Jan. 1, 1984.]

§ 49.007. Registration Applications

(a) The administrator shall require each registration applicant to sign a written, verified application.

(b) An adoptee adopted through an authorized agency must register through the registry maintained by that agency or the registry to which the agency has delegated registry services. An adoptee adopted through an authorized agency may not register through any other registry unless the agency through which he was adopted or the successor of the agency does not maintain a registry, directly or by delegation to another agency, in which case the adoptee may register through the registry maintained by the department.

(c) Birth parents may register through one or more registries.

(d) Biological siblings registering as biological siblings may register through the central registry only.

(e) Each application must contain:

(1) the name, address, and telephone number of the applicant;

(2) all other names and aliases by which the applicant has been known;

(3) the applicant's name, age, date of birth, and place of birth;

(4) the original name of the adoptee, if known;

(5) the adoptive name of the adoptee, if known;

(6) a statement that the applicant is willing to allow his identity to be disclosed to those registrants eligible to learn his identity;

(7) the name, address, and telephone number of the agency or other entity, organization, or person placing the adoptee for adoption, if known; or, if not known, a statement that the applicant does not know that information;

(8) an authorization to the administrator and his delegates to inspect all vital statistics records, court records, and agency records, including confidential records, relating to the birth, adoption, marriage, and divorce of the applicant or to the birth and death of any child or sibling by birth or adoption of the applicant;

(9) the specific address to which the applicant wishes notice of a successful match to be mailed;

(10) a statement that the applicant either does or does not consent to disclosure of identifying information about himself after the applicant's death;

(11) a statement that the registration is to be effective for 99 years or for a stated shorter period selected by the applicant; and

(12) a statement that the adoptee applicant either does or does not desire to be informed that registry records indicate that the applicant has a biological sibling who has registered under this chapter.

(f) The application may contain the applicant's social security number if the applicant, after being advised of his right not to supply such number, voluntarily furnishes it.

(g) The application of an adoptee must include the names and birth dates of all children younger than 21 years old in the applicant's adoptive family.

(h) The application of a birth mother must include the following information:

(1) the original name and date of birth or approximate date of birth of each adoptee with respect to whom she is registering;

(2) each name known or thought by the applicant to have been used by the adoptee's birth father;

(3) the last known address of the adoptee's birth father; and

(4) other information available to her through which the birth father may be identified.

(i) The application of the birth father must include the following information:

(1) the original name and date of birth or approximate date of birth of each adoptee with respect to whom he is registering;

(2) each name, including the maiden name, known or thought by the applicant to have been used by the adoptee's birth mother;

(3) the last known address of the adoptee's birth mother; and

(4) other information available to him through which the birth mother may be identified.

(j) The application of a biological sibling must include:

(1) a statement explaining the applicant's basis for believing that he has one or more biological siblings;

(2) the names of all the applicant's siblings by birth and adoption and their dates and places of birth, if known;

(3) the names of his legal parents;

(4) the names of his birth parents, if known; and

(5) any other information known to the applicant through which the existence and identity of the applicant's biological siblings can be confirmed.

(k) An application may also contain additional information through which the applicant's identity and eligibility to register may be ascertained.

(l) The administrator shall assist the applicant in filling out the application if the applicant is unable to complete the application without assistance, but

the administrator may not furnish the applicant with any substantive information necessary to complete the application.

[Acts 1983, 68th Leg., p. 1761, ch. 342, § 1, eff. Jan. 1, 1984.]

§ 49.008. Proof of Identity

The department's rules and minimum standards must provide for proof of identity in order to facilitate the purposes of this chapter and to protect the privacy rights of adoptees, adoptive parents, birth parents, biological siblings, and their families.

[Acts 1983, 68th Leg., p. 1761, ch. 342, § 1, eff. Jan. 1, 1984.]

§ 49.009. Registration

(a) The administrator may not accept an application for registration unless:

(1) the applicant provides proof of identity in accordance with Section 49.008 of this code;

(2) the applicant establishes his eligibility to register;

(3) the administrator has determined that the applicant is not required to register with another registry;

(4) the applicant pays all required registration fees; and

(5) the counseling required under Section 49.013 of this code has been completed.

(b) Unless earlier withdrawn, a registration remains in full force and effect from the date of acceptance for 99 years or for a shorter period specified by the registrant in his application.

(c) A registrant may withdraw his registration without charge at any time.

(d) After withdrawal or expiration of the registration, the registrant shall be treated as if he had never registered.

[Acts 1983, 68th Leg., p. 1761, ch. 342, § 1, eff. Jan. 1, 1984.]

§ 49.010. Rejected Applications

(a) Registry applications shall be accepted or rejected within 45 days after the date the application is filed.

(b) If an application is rejected, the administrator shall provide the applicant with a written statement of the reasons for rejection.

(c) If the basis for rejecting the application is that the applicant is required to register through another registry, the registry administrator shall identify the registry through which the applicant is required to apply, if known.

[Acts 1983, 68th Leg., p. 1761, ch. 342, § 1, eff. Jan. 1, 1984.]

§ 49.011. Fees

(a) The costs of establishing, operating, and maintaining a registry may be recovered in whole or in part through users' fees charged to applicants and registrants.

(b) Each registry shall establish a schedule of fees for services provided to users of the registry. Fees set forth in the schedule of fees shall be reasonably related to the direct and indirect costs of establishing, operating, and maintaining the registry. The department shall collect from each registrant a registration fee of \$15 or an amount set as provided under H.B. No. 894, Acts of the 68th Legislature, Regular Session, 1983,¹ whichever amount is the larger. The fee collected by the department shall be deposited in the state treasury to the credit of a special fund that may be appropriated only for the administration of the central registry. No fees may be charged for withdrawing a registration.

(c) The administrator may waive users' fees in whole or in part if the applicant provides satisfactory proof of financial inability to pay such fees.

[Acts 1983, 68th Leg., p. 1761, ch. 342, § 1, eff. Jan. 1, 1984.]

¹ Acts 1983, 68th Leg., p. 4676, ch. 815.

§ 49.012. Supplemental Information

(a) A registrant may amend his registration and may submit additional information to the administrator. A registrant shall notify the administrator of any change in his name or address that occurs after acceptance of his application.

(b) The administrator has no duty to search for a registrant who fails to register any change of name or address.

[Acts 1983, 68th Leg., p. 1761, ch. 342, § 1, eff. Jan. 1, 1984.]

§ 49.013. Counseling

(a) The applicant must participate in counseling for at least one hour with a social worker or mental health professional with expertise in postadoption counseling before the administrator may accept his application for registration.

(b) The counseling shall be with a social worker or mental health professional employed or designated by the department or agency operating the registry.

(c) If the applicant is unwilling or unable to counsel with a social worker or mental health professional employed by the department or agency operating the registry, the applicant may arrange for counseling at his expense with any social worker or mental health professional mutually agreeable to the applicant and the registry administrator at a location reasonably accessible to the applicant.

(d) Counseling fees charged by the department or agency operating a registry shall be set forth in the schedule of fees required under Section 49.011(b) of this code.

(e) The social worker or mental health professional with whom the applicant has counseled shall furnish the applicant and the administrator with a written certification that the required counseling has been completed.

[Acts 1983, 68th Leg., p. 1761, ch. 342, § 1, eff. Jan. 1, 1984.]

§ 49.014. Matching Procedures

(a) The administrator shall process each registration in an attempt to match the adoptee and his birth parents or a biological sibling and his biological siblings.

(b) The administrator shall determine that there is a match if the adult adoptee, the birth mother, and the birth father have each registered or if any two biological siblings have registered. No match shall be made until the youngest living adoptive sibling of an adoptee who shares a common birth parent with the adoptee is 21 years old or older.

(c) In order to establish or corroborate a match, the administrator shall request confirmation of a possible match from each vital statistics bureau that has possession of the adoptee's or biological siblings' original birth records, unless the department or agency operating the registry has in its own records sufficient information through which the match may be confirmed, in which case, the administrator may, but is not required to, request confirmation from a vital statistics bureau. A vital statistics bureau may, without breaching any duty of confidentiality to the adoptee, adoptive parents, birth parents, or biological siblings involved, and without the necessity of a court order, confirm or deny the match.

(d) In order to establish or corroborate a match, the administrator may also request confirmation of a possible match from the agency, if any, which has possession of records concerning the adoption of an adoptee, from the court that granted the adoption, from the hospital where the adoptee or any biological sibling was born, from the physician who delivered the adoptee or any biological sibling, or from any other person who has knowledge of the relevant facts. The agency, court, hospital, physician, or person with knowledge may, without breaching any duty of confidentiality to the adoptee, adoptive parents, birth parents, or biological siblings involved, confirm or deny the match.

(e) If a match is denied by any source contacted under Subsection (d) of this section, the administrator shall make a full and complete investigation into the reliability of the denial. If the match is corroborated by other reliable sources and the administra-

tor is satisfied that the denial is erroneous, the administrator may make disclosures but shall report to the adoptee, birth parents, and biological siblings involved that the match was not confirmed by all information sources.

[Acts 1983, 68th Leg., p. 1761, ch. 342, § 1, eff. Jan. 1, 1984.]

§ 49.015. Partial Match

(a) If the administrator determines that an adoptee and either of the adoptee's birth parents have registered, disclosures may be made without the registration of the other birth parent only if:

(1) the birth parent who did not register, after having been served with citation in person, by publication, or by other substituted service, defaulted in the suit in which the parent-child relationship between the birth parent and the adoptee was terminated or declared not to exist;

(2) the adoptee and birth mother of the adoptee have registered, and each putative father of the adoptee has either died without legitimating the adoptee or failed to legitimate the adoptee after being served with citation in person, by publication, or by substituted service in any suit affecting the parent-child relationship with respect to the adoptee;

(3) the adoptee and the birth mother of the adoptee have registered, and there is no man who is a birth parent of the adoptee;

(4) the birth mother submits, or the administrator obtains from a court of competent jurisdiction in the state where the adoptee's original birth certificate is filed, a copy of a judgment declaring that the identity of the adoptee's biological father is unknown; or

(5) the administrator verifies that no living man was identified and given notice in preadoption legal proceedings of his status as the adoptee's biological father and that before January 1, 1974, either the parent-child relationship between the adoptee and the adoptee's birth mother was terminated or the adoptee was adopted.

(b) After the requirements of Subsection (a) of this section have been satisfied, the administrator shall notify the registrants affected of the match.

[Acts 1983, 68th Leg., p. 1761, ch. 342, § 1, eff. Jan. 1, 1984.]

§ 49.016. Notification of Match

(a) When a match has been made and confirmed to the administrator's satisfaction, the administrator shall mail to each registrant, at his last known address, by registered or certified mail, return receipt requested, delivery restricted to addressee only, a written notice:

(1) informing the registrant that a match has been made and confirmed;

(2) reminding the registrant that he may withdraw his registration before disclosures are made, if he so desires, and that identifying information about the registrant may be released after 30 days in the event the registrant fails to withdraw his registration;

(3) notifying the registrant that before any identifying disclosures are made to him, he must sign a written postmatch consent to disclosure acknowledging that he continues to desire that disclosures be made to him; and

(4) advising the registrant that additional counseling services are available.

(b) Identifying information about a registrant shall be released without the registrant's having consented after the match to disclosure if:

(1) the registrant fails to withdraw his registration within 30 days after receiving the notification of match;

(2) there is no proof that the notification of match was received by the registrant within 45 days after the date the notification of match was mailed to the registrant and the administrator, after making due inquiry to the vital statistics bureaus of this state and the state of the registrant's last known address, has not within 90 days after the date the notification of match was mailed obtained satisfactory proof of the registrant's death; or

(3) the registrant is dead, the registrant's registration was valid at the time of his death, and the registrant had in writing specifically authorized the postdeath disclosure in his application or in a supplemental statement filed with the administrator.

(c) Identifying information about a deceased birth parent may not be released until each surviving child of the deceased birth parent is an adult unless the child's surviving parent, guardian, managing conservator, or legal custodian consents in writing to the disclosure.

(d) The administrator shall release identifying information about each other to registrants who have complied with Section 49.016(a) of this code if within 60 days from the date notification of match was mailed, the remaining registrant or registrants have not withdrawn their registrations.

[Acts 1983, 68th Leg., p. 1761, ch. 342, § 1, eff. Jan. 1, 1984.]

§ 49.017. Disclosure: Adoptee and Birth Parents

(a) The administrator shall prepare disclosure statements and schedule disclosure conferences with the registrants entitled to disclosure under Section 49.016 of this code.

(b) Except as provided by Subsection (d) of this section, identifying information may not be disclosed in any manner other than in a face-to-face conference attended in person by the registrant

entitled to receive such information and a representative of the registry or of the agency through which the adoptee was adopted.

(c) At a conference, the registrant must be furnished with a written disclosure statement including the name, address, and telephone number of the registrants affected about whom identifying information may be disclosed.

(d) If it would be unduly difficult for a registrant to attend a disclosure conference in person, the administrator shall, at the request of the registrant and with written permission from the other registrants affected, waive the requirement of a face-to-face conference and mail the disclosure statement by registered or certified mail, return receipt requested, delivery restricted to addressee only, to the address specified by the registrant.

(e) The registrant shall sign a written statement acknowledging receipt of the disclosure statement. [Acts 1983, 68th Leg., p. 1761, ch. 342, § 1, eff. Jan. 1, 1984.]

§ 49.018. Disclosure: Biological Siblings

(a) The administrator shall prepare disclosure statements and schedule disclosure conferences with the registrants entitled to disclosure under Section 49.016 of this code.

(b) Except as provided by Subsection (d) of this section, identifying information may not be disclosed in any manner other than in a face-to-face conference attended in person by the registrant entitled to receive the information and a representative of the registry.

(c) At a conference, the registrant must be furnished with a written disclosure statement including the name, address, and telephone number of each of the registrant's biological siblings about whom identifying information may be released.

(d) If it would be unduly difficult for a registrant to attend a disclosure conference in person, the administrator shall, at the request of the registrant and with written permission from the other registrants affected, waive the requirement of a face-to-face conference and mail the disclosure statement by registered or certified mail, return receipt requested, delivery restricted to addressee only, to the address specified by the registrant.

(e) The registrant shall sign a written statement acknowledging receipt of the disclosure statement. [Acts 1983, 68th Leg., p. 1761, ch. 342, § 1, eff. Jan. 1, 1984.]

§ 49.019. Impossibility of Disclosure

If the administrator establishes that no match can be made because of the death of an adoptee, birth parent, or biological sibling, the administrator shall promptly notify the registrants affected. The ad-

ministrator shall disclose the reason that no match can be made and may disclose nonidentifying information concerning the circumstances of death.

[Acts 1983, 68th Leg., p. 1761, ch. 342, § 1, eff. Jan. 1, 1984.]

§ 49.020. Registry Records Confidential

(a) All applications, registrations, records, and other information submitted to, obtained by, or otherwise acquired by a registry are confidential and may not be disclosed to any person or entity except in the manner authorized in this chapter.

(b) The information acquired by a registry may not be disclosed under freedom of information or sunshine legislation, rules, or practice.

(c) A person may not file or prosecute class action litigation to force a registry to disclose identifying information of any kind.

[Acts 1983, 68th Leg., p. 1761, ch. 342, § 1, eff. Jan. 1, 1984.]

§ 49.021. Rulemaking

(a) The department shall make rules and promulgate minimum standards to carry out the provisions of this chapter and to ensure that each registry respects the right to privacy and confidentiality of an adoptee, birth parent, and biological sibling who does not desire to disclose his identity.

(b) The department shall conduct a comprehensive review of all of its rules and standards under this chapter at least every six years.

(c) Before adopting rules and promulgating minimum standards, the department shall send a copy of the proposed rules and standards at least 60 days before they take effect to the administrator of each registry established under this chapter and to the administrator of each agency authorized by the department to place children for adoption in order to provide the administrators an opportunity to review the proposed rules and standards and send written suggestions to the department in connection therewith.

[Acts 1983, 68th Leg., p. 1761, ch. 342, § 1, eff. Jan. 1, 1984.]

§ 49.022. Prohibited Acts; Criminal Penalties

(a) An administrator, employee, or agent of the department may not initiate contact with an adult adoptee, birth parent, or biological sibling, directly or indirectly, for the purpose of requesting or suggesting that the adoptee, birth parent, or biological sibling place his name in a registry. This subsection does not prevent the department from making known to the public, by appropriate means, the existence of registries.

(b) Information received by or in connection with the operation of a registry may not be stored in any

data bank used for any purpose other than operation of the registry or processed through any data processing equipment accessible by any person not employed by the registry.

(c) A person commits an offense if he, in violation of this chapter, knowingly or recklessly discloses information from registry applications, registrations, records, and other information submitted to, obtained by, or otherwise acquired by a registry. This subsection shall not be construed to penalize the disclosure of information from adoption agency records, as opposed to registry records. An offense under this subsection is a felony of the second degree.

(d) A person commits an offense if he, in violation of this chapter, by criminal negligence causes or permits the disclosure of information from registry applications, registrations, records, and other information submitted to, obtained by, or otherwise acquired by a registry. This subsection shall not be construed to penalize the disclosure of information from adoption agency records, as opposed to registry records. An offense under this subsection is a Class A misdemeanor.

(e) A person commits an offense if he impersonates an adoptee, birth parent, or biological sibling with the intent to secure confidential information from a registry established pursuant to this chapter. An offense under this subsection is a felony of the second degree.

(f) A person commits an offense if he impersonates an administrator, agent, or employee of a registry with the intent to secure confidential information from a registry established pursuant to this chapter. An offense under this subsection is a felony of the second degree.

(g) A person commits an offense if he, with intent to deceive and with knowledge of the statement's meaning, makes a false statement under oath in connection with the operation of a registry. An offense under this subsection is a felony of the third degree.

[Acts 1983, 68th Leg., p. 1761, ch. 342, § 1, eff. Jan. 1, 1984.]

§ 49.023. Immunity From Liability

(a) Neither the department nor an authorized agency establishing or operating a registry is liable to any person for obtaining or disclosing identifying information about a birth parent, adoptee, or biological sibling within the scope of this chapter and under its provisions.

(b) An employee or agent of the department or of any authorized agency establishing or operating a registry pursuant to this chapter is not liable to any person for obtaining or disclosing identifying information about a birth parent, adoptee, or biological

sibling within the scope of this chapter and under its provisions.

(c) A person or entity furnishing information to the administrator or any employee or agent of a registry is not liable to any person for disclosing information about a birth parent, adoptee, or biological sibling within the scope of this chapter and under its provisions.

(d) A person or entity is not immune from liability for performing any act prohibited by Section 49.022 of this code.

[Acts 1983, 68th Leg., p. 1761, ch. 342, § 1, eff. Jan. 1, 1984.]

SUBTITLE E. SOCIAL WORK SERVICES

Subtitle E, Social Work Services, consisting of Chapter 50, was added by Acts 1981, 67th Leg., p. 2923, ch. 776, § 1.

For another Subtitle E, added by Acts 1981, 67th Leg., p. 3313, ch. 867, § 1, see § 51.001 et seq., post.

CHAPTER 50. CERTIFICATION

Sec.	
50.001.	Definitions.
50.002.	Exemptions.
50.003.	Civil Rights.
50.004.	Council for Social Work Certification.
50.005.	Funding.
50.006.	Regulation and Enforcement.
50.0061.	Advertising.
50.007.	Annual Report.
50.008.	Official Roster.
50.009.	Fees.
50.010.	Limitation of Practice.
50.011.	Professional Identification.
50.012.	Public Representations.
50.013.	Applications.
50.014.	Examinations.
50.015.	Certified Social Worker.
50.016.	Social Worker.
50.017.	Social Work Associate.
50.018.	Experience Evaluation.
50.019.	Provisional Certificate.
50.020.	Private Practice.
50.021.	Revocation and Suspension.
50.022.	Disciplinary Proceedings.
50.023.	Expiration and Renewal.
50.024.	Department Regulation.
50.025.	Limitations.
50.026.	Recognition Order.
50.027.	Expiration.
50.028.	Violations.
50.029.	Enforcement.
50.030.	Appropriation.
50.031.	Grants.
50.032.	Reciprocity.
50.033.	Employment of Social Worker.
50.034.	Continuing Education.

§ 50.001. Definitions

(a) In this chapter:

(1) "Board" means the Texas Board of Human Resources.

(2) "Certified social worker" means a person who is duly certified as a certified social worker by the department in accordance with this chapter.

(3) "Social work services" means the professional activity of helping individuals, groups, or communities enhance or restore their capacity for social functioning and creating societal conditions favorable to this goal. Social work services consist of the professional application of social work values, principles, and techniques to one or more of the following ends: helping people obtain tangible services, counseling with individuals, families, or groups, helping communities or groups provide social and health services, and participating in formulating relevant public policies. The practice of social work requires knowledge of human development and behavior, of social, economic, and cultural institutions, and of the interaction of all these factors.

(4) "Social worker" means a person who has been duly certified as a social worker by the department in accordance with this chapter.

(5) "Social work associate" means a person who has been duly certified as a social work associate by the department in accordance with this chapter.

(6) "Council" means the Council for Social Work Certification.

(7) "Department" means the Texas Department of Human Resources.

(b) The department may define by rule any word or term not defined in this section as necessary to administer or enforce this chapter. The definition may not be inconsistent or in conflict with the purposes or objectives of this chapter.

[Acts 1981, 67th Leg., p. 2923, ch. 776, § 1, eff. Sept. 1, 1981.]

§ 50.002. Exemptions

All persons are exempt from this chapter if they do not represent or hold themselves out to the public, directly or indirectly, as certified under this chapter and do not use any name, title, or designation indicating that they are certified under this chapter.

[Acts 1981, 67th Leg., p. 2923, ch. 776, § 1, eff. Sept. 1, 1981.]

§ 50.003. Civil Rights

A consideration of an application for certification, examination, regulation, disciplinary proceeding, and any other action and decision performed by authority of this chapter shall be made or done

without regard to sex, race, religion, national origin, color, or political affiliation.

[Acts 1981, 67th Leg., p. 2923, ch. 776, § 1, eff. Sept. 1, 1981.]

§ 50.004. Council for Social Work Certification

(a) The Council for Social Work Certification is created to advise the department on problems relating to the practice of social work. The council shall review rules and minimum standards for social work certification and make recommendations to the department concerning rules, standards, and administration under this chapter.

(b) The council is composed of nine members appointed by the board upon the recommendation of the commissioner. The council is composed as follows: three members shall be at all times certified social workers certified under this chapter, three members shall be at all times social workers or social work associates certified under this chapter, and the remaining three members shall be representatives of the public who are not certified under this chapter and who do not have, other than as consumers, any interest in the practice of social work. Until December 31, 1987, one member who is a certified social worker must have been certified under the work experience qualifications prescribed by Subdivision (3) or (4) of Subsection (a) of Section 50.015 of this chapter, and one member who is a social worker must have been certified under the work experience qualifications prescribed by Subdivisions (2), (3), or (4) of Subsection (a) of Section 50.016 of this chapter.

(c) Except for the initial appointments, members hold office for staggered terms of three years with three members' terms expiring January 31 of each year. In making the initial appointments, the board shall appoint members within 90 days after this chapter takes effect to serve the following terms: three members for terms that expire January 31, 1985, three members for terms that expire January 31, 1984, and three members for terms that expire January 31, 1983.

(d) The board shall make appointments to the council after considering how representative the council is with regard to race, sex, age, and geographical representation.

(e) It is a ground for removal from the council that a member:

(1) does not have at the time of appointment the qualifications required by Subsection (b) of this section for appointment to the council;

(2) does not maintain during the service on the council the qualifications required by Subsection (b) of this section for appointment to the council; or

(3) violates a prohibition established by Subsection (g) or (h) of this section. The validity of an

action of the council is not affected by the fact that it was taken when a ground for removal of a member of the council existed.

(f) A person who is required to register as a lobbyist under Chapter 422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252-9c, Vernon's Texas Civil Statutes), by virtue of his activities for compensation in or on behalf of a profession related to the operation of the council may not serve as a council member or act as the general counsel to the council.

(g) A member or employee of the council may not be an officer, employee, or paid consultant of a trade association in the field of social work.

(h) A member or employee of the council may not be related within the second degree by affinity or consanguinity to a person who is an officer, employee, or paid consultant of a trade association in the field of social work.

(i) Members of the council must be citizens of the United States and residents of this state. Social workers appointed to the board must be certified as required by this section, except that the initial appointees must be persons who are eligible for the appropriate certificate and must have actively, actually, and continuously engaged in rendering social work services or in social work teaching or administration for a period of at least five years immediately preceding appointment.

(j) Each member of the council is entitled to a per diem as set by legislative appropriation for state employees and travel expenses to and from the business of the council. No member shall receive actual or necessary expenses except for travel to and from meetings.

(k) The council shall meet at least once a year. At the first regular meeting each year the council shall elect a chairman and a vice-chairman. Other regular meetings may be held as the rules of the council may provide. Special meetings may be held at times considered advisable by the council.

(l) The council is subject to the open meetings law, Chapter 271, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 6252-17, Vernon's Texas Civil Statutes), and the Administrative Procedure and Texas Register Act, as amended (Article 6252-13a, Vernon's Texas Civil Statutes).

(m) The department shall provide staff necessary to assist the council in performing its duties. The staff person directly responsible for the administration of this chapter shall at all times have the confidence of the majority of the council.

(n) The council is subject to the Texas Sunset Act, as amended (Article 5429k, Vernon's Texas Civil Statutes). Unless continued in existence as provided by that Act, the council is abolished and this section expires effective September 1, 1987. If the

council is continued in existence beyond that date, subsequent sunset provisions should be made to conform with those of the Texas Department of Human Resources.

[Acts 1981, 67th Leg., p. 2923, ch. 776, § 1, eff. Sept. 1, 1981. Amended by Acts 1983, 68th Leg., p. 417, ch. 87, § 1, eff. Sept. 1, 1983.]

Section 14 of the 1983 amendatory act provides:

"A person who is a member of the Council for Social Work Certification on the effective date of this Act is entitled to serve for the remainder of the person's term. When a position on the council filled by a certified social worker or a social worker becomes vacant, the Texas Board of Human Resources shall appoint a person certified under the work experience qualification as required by Subsection (b) of Section 50.004, Human Resources Code, as amended by this Act."

§ 50.005. Funding

(a) All money derived from fees, assessments, or charges under this chapter shall be paid by the department into the State Treasury for safekeeping and shall be placed by the State Treasurer in a separate fund to be known as the social workers fund. The money shall be available to the department exclusively for the administration, implementation, and enforcement of this chapter. Surpluses are reserved for the use of the department in the administration and enforcement of this chapter.

(b) The comptroller shall, on requisition of the department, draw warrants from time to time on the State Treasurer for the amount specified in the requisition, not exceeding the amount in the fund at the time the requisition is made. However, all money expended in the administration, implementation, or enforcement of this chapter shall be specified and determined by itemized appropriation in the General Appropriations Act for the department and not otherwise.

[Acts 1981, 67th Leg., p. 2923, ch. 776, § 1, eff. Sept. 1, 1981.]

§ 50.006. Regulation and Enforcement

(a) The department may adopt and enforce the rules necessary for the performance of its duties, establish standards of conduct and ethics for all persons certified under this chapter, and ensure strict compliance with and enforcement of this chapter.

(b) The violation by a certified social worker, social worker, or social work associate of this chapter or of any rule of the department pertaining to the practice of social work is sufficient reason to suspend or revoke a certificate issued under this chapter.

(c) In addition to any other action, proceeding, or remedy authorized by law, the department may institute an action to enjoin a violation of this chapter or a rule of the department. In order for the department to sustain the action, it is not necessary to allege or prove the lack of an adequate remedy at

law or that substantial or irreparable damage would result from the continued violation. Either party to the action may appeal to the appellate court having jurisdiction of the cause. The department shall not be required to give any appeal bond in any cause arising under this chapter. The attorney general shall represent the department in all actions and proceedings to enforce this chapter.

(d) The department shall prepare information of consumer interest describing the regulatory functions of the department and describing the department's procedures by which consumer complaints are filed with and resolved by the department. The department shall make the information available to the general public and appropriate state agencies.

(e) There shall be prominently displayed at all times in the place of business of each person certified under this chapter a sign containing the name, mailing address, and telephone number of the department and a statement informing consumers that complaints against persons certified under this chapter may be directed to the department.

[Acts 1981, 67th Leg., p. 2923, ch. 776, § 1, eff. Sept. 1, 1981. Amended by Acts 1983, 68th Leg., p. 420, ch. 87, § 2, eff. Sept. 1, 1983.]

§ 50.0061. Advertising

(a) The department may not adopt rules restricting competitive bidding or advertising by a person regulated by the department except to prohibit false, misleading, or deceptive practices by the person.

(b) The department may not include in its rules to prohibit false, misleading, or deceptive practices by a person regulated by the department a rule that:

- (1) restricts the person's use of any medium for advertising;
- (2) restricts the person's personal appearance or use of his voice in an advertisement;
- (3) relates to the size or duration of an advertisement by the person; or
- (4) restricts the person's advertisement under a trade name.

[Acts 1983, 68th Leg., p. 420, ch. 87, § 3, eff. Sept. 1, 1983.]

§ 50.007. Annual Report

Within 90 days after the end of each fiscal year as defined by the law of this state, the department shall submit a written report to the governor and to the presiding officer of each house of the legislature regarding its work in certifying social workers during the preceding fiscal year.

[Acts 1981, 67th Leg., p. 2923, ch. 776, § 1, eff. Sept. 1, 1981.]

§ 50.008. Official Roster

(a) A roster showing the names and addresses, as reflected by the department's records, of all certified social workers, social workers, and social work associates certified by the department shall be prepared and published by the department at its discretion. Copies of the roster shall be mailed to each person certified by the department and placed on file with the secretary of state.

(b) A person's name or address may not appear in the roster unless all fees required by this chapter are current and paid in full at the time the roster is sent to the printer or publisher.

[Acts 1981, 67th Leg., p. 2923, ch. 776, § 1, eff. Sept. 1, 1981.]

§ 50.009. Fees

(a) The department shall establish, charge, and collect fees sufficient to cover the cost of administering this chapter, as follows:

- (1) a fee for the filing of an application to take an examination for a certificate under this chapter;
- (2) a fee for the taking of an examination;
- (3) a fee for the original issuance of certificate under this chapter;
- (4) a fee for the original issuance of an order of recognition to practice a specialty in the practice of social work;
- (5) a fee for an annual renewal of an order of recognition to practice a specialty in the practice of social work;
- (6) a fee for an annual renewal of a certificate issued in accordance with this chapter;
- (7) a fee for replacement of a certificate, specialty order of recognition, or renewal lost or destroyed; and
- (8) a fee for a copy of the official roster of certified persons published by the department for the one copy mailed to each person certified.

(b) If a certified social work associate is qualified on September 2, 1983, to be examined for a certificate as a social worker because of a legislative change in qualifications under Section 50.016 of this chapter, the department may not charge or collect a fee for issuing the social worker certificate to that person.

[Acts 1981, 67th Leg., p. 2923, ch. 776, § 1, eff. Sept. 1, 1981. Amended by Acts 1983, 68th Leg., p. 421, ch. 87, § 4, eff. Sept. 1, 1983.]

§ 50.010. Limitation of Practice

(a) Unless certified under this chapter or unless specifically exempted from its provisions, a person may not:

- (1) employ, use, cause to be used, or make use of any of the following terms or any combinations, variations, or abbreviations of the terms as a pro-

fessional, business, or commercial identification, title, name, representation, claim, asset, or means of advantage or benefit: "certified social worker," "licensed certified social worker," "registered certified social worker," "social worker," "licensed social worker," "registered social worker," "social work associate," or "registered social work associate"; or

(2) employ, use, cause to be used, or make use of any letter, abbreviation, word, symbol, slogan, sign, or any combination or variation of them that tends or is likely to create any impression with a member of the public that a person is qualified or authorized to practice social work or is a certified social worker, social worker, or social work associate, unless appropriately certified under and practicing in accordance with this chapter.

(b) A person, firm, partnership, association, corporation, business, or professional entity that does or offers or attempts to do an act prescribed by Subsection (a) of this section is engaged in the practice of social work.

[Acts 1981, 67th Leg., p. 2923, ch. 776, § 1, eff. Sept. 1, 1981.]

§ 50.011. Professional Identification

A person certified by the department in accordance with this chapter shall, in the professional use of his name or any sign, directory, listing, contract, document, pamphlet, stationery, letterhead, advertisement, signature, or other means of professional identification, written or printed, use the following legally required identifications:

(1) if certified as a certified social worker, the words "certified social worker" or the initials "C.S.W.";

(2) if certified as a social worker, the words "social worker" or the initials "S.W."; or

(3) if certified as a social work associate, the words "social work associate" or the initials "S.W.A."

[Acts 1981, 67th Leg., p. 2923, ch. 776, § 1, eff. Sept. 1, 1981.]

§ 50.012. Public Representations

A firm, partnership, association, corporation, or other business or professional entity may not hold itself or another out to the public as being engaged in the work or practice of social work or offering social work services under an assumed, trade, business, professional, partnership, or corporate name or title or employ, use, cause to be used, or make use of, directly or indirectly or in any manner, the words or terms "social work," "social work services," "social work, inc.," "professional social workers," "certified social workers," "social workers," "social work associates," "C.S.W.," "S.W.A." or any combinations, abbreviations, or variations of any of these or in combination with any other words, let-

ters, initials, signs, legends, or symbols on, in, or as a part of, directly or indirectly, any sign, directory, listing, contract, document, pamphlet, stationery, letterhead, advertisement, signature, trade name, assumed name, or corporate or other business or professional name, unless the firm, partnership, association, corporation, or other business or professional entity is actually and actively engaged in the practice of social work or is actually and actively performing social work services, and unless the services performed by it which constitute the practice of social work are either personally performed or done by a certified social worker, social worker, or social work associate practicing in accordance with this chapter or under general direction of a certified social worker or social worker.

[Acts 1981, 67th Leg., p. 2923, ch. 776, § 1, eff. Sept. 1, 1981.]

§ 50.013. Applications

An application for certification under this chapter shall be on a form prescribed and furnished by the department and shall contain statements made under oath setting forth in detail the applicant's education, experience, and other information as required by the department that qualify the applicant for a certificate under this chapter. No person is eligible for a certificate provided under this chapter unless he is at least 18 years of age and worthy of the public trust and confidence.

[Acts 1981, 67th Leg., p. 2923, ch. 776, § 1, eff. Sept. 1, 1981.]

§ 50.014. Examinations

(a) At least once each calendar year the department shall prepare and administer an examination to determine the qualifications of applicants for certificates under this chapter. Examinations shall be conducted in the manner the department determines and in a manner that is fair and impartial to all individuals and to every school or system of social work. Applicants shall be known to the examiners only by numbers until after the general averages of the applicants in a class have been determined and certificates have been granted or refused. The scope and content of examinations shall be sufficient to ensure professional efficacy and competence in keeping with the highest standards of the social work profession.

(b) On satisfactory completion of all requirements of the examination conducted by the department, an applicant may be granted a certificate as a certified social worker, social worker, or social work associate as the department determines.

(c) An applicant who fails an examination may be reexamined at a subsequent time on payment of the required fees. An applicant may be reexamined only three times for the same certificate.

(d) If requested by a person who fails the examination for a certificate, the department shall furnish to the person an analysis of the person's performance on the examination.

(e) Not later than the 30th day after the day on which a certification examination is administered under this chapter, the department shall notify each examinee of the results of the examination. However, if an examination is graded or reviewed by a national testing service, the department shall notify examinees of the results of the examination not later than the 14th day after the day on which the department receives the results from the testing service. If the notice of the examination results will be delayed for longer than 90 days after the examination date, the department shall notify the examinee of the reason for the delay before the 90th day.

[Acts 1981, 67th Leg., p. 2923, ch. 776, § 1, eff. Sept. 1, 1981. Amended by Acts 1983, 68th Leg., p. 422, ch. 87, § 5, eff. Sept. 1, 1983.]

§ 50.015. Certified Social Worker

(a) Until December 31, 1985, the department shall consider the following as minimum evidence that an applicant is qualified to be examined for a certificate as a certified social worker:

(1) a doctoral degree or master's degree in social work from an accredited graduate program approved by the department;

(2) a doctoral degree or master's degree not in social work from an accredited program approved by the department and the successful completion of two years' actual and active social work experience approved by the department; or

(3) a baccalaureate degree in social work or a related field from an educational program approved by the department and the successful completion of five years' actual and active social work experience approved by the department; or

(4) a baccalaureate degree not in social work or a related field from an educational institution approved by the department and the successful completion of 10 years' actual and active social work experience approved by the department.

(b) After December 31, 1985, the department shall consider only the qualifications prescribed by Subdivision (1) of Subsection (a) of this section as minimum evidence that an applicant is qualified to be examined for a certificate as a certified social worker.

[Acts 1981, 67th Leg., p. 2923, ch. 776, § 1, eff. Sept. 1, 1981. Amended by Acts 1983, 68th Leg., p. 422, ch. 87, § 6, eff. Sept. 1, 1983.]

§ 50.016. Social Worker

(a) Until December 31, 1985, the department shall consider the following as minimum evidence that an

applicant is qualified to be examined for a certificate as a social worker:

(1) a baccalaureate degree in social work from an educational program approved by the department;

(2) a baccalaureate degree not in social work from an educational institution approved by the department and the successful completion of five years' actual and active social work experience approved by the department;

(3) an associate degree from an educational institution approved by the department and the successful completion of 10 years' actual and active social work experience approved by the department; or

(4) a high school diploma or its substantial equivalent as determined by the department and the successful completion of 15 years' actual and active social work experience approved by the department.

(b) After December 31, 1985, the department shall consider only the qualifications prescribed by Subdivision (1) of Subsection (a) of this section as minimum evidence that an applicant is qualified to be examined for a certificate as a social worker.

[Acts 1981, 67th Leg., p. 2923, ch. 776, § 1, eff. Sept. 1, 1981. Amended by Acts 1983, 68th Leg., p. 423, ch. 87, § 7, eff. Sept. 1, 1983.]

§ 50.017. Social Work Associate

(a) The department shall consider the following as minimum evidence that an applicant is qualified to be examined for a certificate as a social work associate:

(1) a baccalaureate degree from an accredited educational institution and the additional satisfactory completion of a specified number of years of actual and active social work experience approved by the department;

(2) an associate of arts degree from an accredited educational institution and the additional satisfactory completion of a specified number of years of actual and active social work experience approved by the department; or

(3) a high school diploma or its substantial equivalent as determined by the department and the satisfactory completion of a specified number of years of actual and active social work experience approved by the department.

(b) Repealed by Acts 1983, 68th Leg., p. 428, ch. 87, § 13, eff. Sept. 1, 1983.

[Acts 1981, 67th Leg., p. 2923, ch. 776, § 1, eff. Sept. 1, 1981. Amended by Acts 1983, 68th Leg., p. 428, ch. 87, § 13, eff. Sept. 1, 1983.]

§ 50.018. Experience Evaluation

In determining the credibility and acceptability of an applicant's professional or technical experience or competence, the department may require docu-

mentary evidence of the quality, scope, and nature of the experience and competence as necessary to ensure public safety, health, and welfare.

[Acts 1981, 67th Leg., p. 2923, ch. 776, § 1, eff. Sept. 1, 1981.]

§ 50.019. Provisional Certificate

(a) Until December 31, 1985, a person who, in the judgment of the department, meets the requirements of this chapter may be issued the appropriate certificate, as the department shall determine, without examination, on application to the department in the form and content that it may require and on payment of the fee for the original issue of a certificate as established by the department in accordance with this chapter.

(b) After December 31, 1985, a person who has some of the work experience requirements for examination in Section 50.015 or 50.016 of this chapter may, after completion of the required work experience, be issued the appropriate certificate without examination if:

(1) the person has at least one-half of the work experience prescribed by Section 50.015 or 50.016 of this chapter by December 31, 1985;

(2) the person notifies the department not later than December 31, 1985, of the person's intention to apply for a certificate without examination; and

(3) the department determines that the work experience is satisfactory.

[Acts 1981, 67th Leg., p. 2923, ch. 776, § 1, eff. Sept. 1, 1981. Amended by Acts 1983, 68th Leg., p. 424, ch. 87, § 8, eff. Sept. 1, 1983.]

§ 50.020. Private Practice

(a) The department shall establish procedures for the recognition of persons qualified for the private, independent practice of social work and publish or cause to be published a roster of qualified persons. Minimum qualifications for recognition shall include:

(1) certification as a certified social worker under this chapter; or

(2) a number of years of acceptable social work experience as determined by the department.

(b) A social worker or social work associate will not be eligible for recognition as being qualified to practice social work as a private, independent practitioner.

[Acts 1981, 67th Leg., p. 2923, ch. 776, § 1, eff. Sept. 1, 1981.]

§ 50.021. Revocation and Suspension

The department may refuse to issue or to renew a certificate or order of recognition, may place on probation a person whose certificate or order of recognition has been suspended, may reprimand a

person with a certificate or order of recognition, or may revoke or suspend a certificate or order of recognition issued under this chapter for any of the following reasons:

(1) violating a provision of this chapter or a rule of the department;

(2) circumventing or attempting to circumvent this chapter or a rule of the department;

(3) participating; directly or indirectly, in a plan, scheme, or arrangement attempting or having as its purpose the evasion of this chapter or a rule of the department;

(4) engaging in unethical conduct;

(5) engaging in conduct which discredits or tends to discredit the profession of social work;

(6) performing an act, allowing an omission, or making an assertion or representation that is fraudulent, deceitful, or misleading or that in any manner tends to create a misleading impression;

(7) knowingly associating with or permitting or allowing the use of any certified person's professional services or professional identification in a project or enterprise that the person knows or with the exercise of reasonable diligence should know is a practice that violates this chapter or a rule of the department pertaining to the practice of social work;

(8) knowingly associating with or permitting the use of a certified person's name, professional services, professional identification, or endorsement in connection with a venture or enterprise that the person knows or with the exercise of reasonable diligence should know is a trade, business, or professional practice of a fraudulent, deceitful, misleading, or dishonest nature;

(9) revealing, directly or indirectly, or causing to be revealed a confidential communication transmitted to the certified person by a client or recipient of his services except as may be required by law;

(10) having a certificate or a license to practice social work in another jurisdiction denied, suspended, or revoked for reasons or causes the department finds would constitute a violation of this chapter or a rule pertaining to the practice of social work adopted by the department;

(11) having been convicted of a felony in an American jurisdiction; or

(12) refusing to do or perform any act or service for which the person is certified under this chapter solely on the basis of the recipient's age, sex, race, religion, national origin, color, or political affiliation.

[Acts 1981, 67th Leg., p. 2923, ch. 776, § 1, eff. Sept. 1, 1981. Amended by Acts 1983, 68th Leg., p. 425, ch. 87, § 9, eff. Sept. 1, 1983.]

§ 50.022. Disciplinary Proceedings

(a) A proceeding under Section 50.021 of this chapter begins when a charge is filed with the department in writing and under oath. The charge may be made by any person.

(b) Repealed by Acts 1983, 68th Leg., p. 428, ch. 87, § 13, eff. Sept. 1, 1983.

(c) The department may rule that the order revoking or suspending a certificate or order of recognition be probated so long as the probationer conforms to the orders and rules that the department sets out as the terms of probation. The department, at the time of probation, shall set out the period of time that constitutes the probationary period. The department may at any time while the probationer remains on probation hold a hearing and on majority vote rescind the probation and enforce the department's original action in revoking or suspending the certificate or order of recognition.

(d) The department shall provide for notice and an opportunity to appeal from disciplinary proceedings. Disciplinary proceedings and the appeals from the proceedings are governed by the Administrative Procedure and Texas Register Act, as amended (Article 6252-13a, Vernon's Texas Civil Statutes).

(e) The department shall keep an information file on each complaint or charge filed. During the consideration of a charge filed under this section and until the charge is finally resolved, all parties shall be informed monthly in writing as to the status of the complaint.

[Acts 1981, 67th Leg., p. 2923, ch. 776, § 1, eff. Sept. 1, 1981. Amended by Acts 1983, 68th Leg., p. 428, ch. 87, § 13, eff. Sept. 1, 1983.]

§ 50.023. Expiration and Renewal

(a) The department by rule shall adopt a system under which certificates or orders of recognition issued under this chapter expire on various dates during the year, and the dates for renewal shall be adjusted accordingly. On renewal of the certificate or order of recognition before or on the expiration date, the total renewal fee is payable.

(b) Not later than 30 days before the expiration date, the department shall notify in writing each person certified of the date of the expiration of a certificate or order of recognition issued to him, the amount of the fee for renewal, and the continuing education provisions that are required for its renewal for one year. The department shall attempt to obtain from the person a signed receipt confirming receipt of the notice.

(c) If a person's certificate or order of recognition has been expired for not longer than 90 days, the person may renew the certificate or order of recognition by paying to the department the required

renewal fee and a fee that is one-half of the examination fee for the certificate.

(d) If a person's certificate or order of recognition has been expired for longer than 90 days but less than two years, the person may renew the certificate or order of recognition by paying to the department all unpaid renewal fees and a fee that is equal to the examination fee for the certificate.

(e) If a person's certificate or order of recognition has been expired for two years or longer, the person may not renew the certificate or order of recognition. The person may obtain a new certificate or order of recognition by submitting to reexamination, if an examination was originally required, and complying with the requirements and procedures for obtaining an original certificate or order of recognition.

[Acts 1981, 67th Leg., p. 2923, ch. 776, § 1, eff. Sept. 1, 1981. Amended by Acts 1983, 68th Leg., p. 427, ch. 87, § 10, eff. Sept. 1, 1983.]

§ 50.024. Department Regulation

(a) The department may establish, within the scope of social work and this chapter, specifically designed areas of specialty work service or practice for those persons certified and in good standing as certified social workers or social workers. The basis for department action in establishing a social work specialty shall be founded in the public interest and necessity and for the purpose of practicing, aiding, and assisting the public in identifying those persons in the professions qualified to practice or perform specialty services.

(b) In establishing a specialty service or practice, the department shall define the scope of the specialty, establish standards of special qualifications for the specialty workers or practitioners that will accurately and truly describe the parameters of the specialty and the use of which will be prohibited to those who have not satisfied the department's requirements for qualification in the specialty, adopt rules of conduct for specialty practitioners that will ensure strict compliance with and enforcement of this chapter, and adopt rules for suspending or revoking the order of recognition in the specialty.

(c) A specialty may not be authorized for the private practice of social work except for those persons certified as certified social workers under this chapter meeting the minimum number of years of actual and active social work practice as determined by the department. However, the department may not establish any specialty or specialty identification in conflict with any licensing law of this state.

[Acts 1981, 67th Leg., p. 2923, ch. 776, § 1, eff. Sept. 1, 1981.]

§ 50.025. Limitations

After the effective date of an order of the department establishing areas of specialty service or practice, a certified social worker or social worker may not make use of a specialty professional identification or title designated by the department until the person has qualified and been recognized by the department as worthy of the public trust in performing services within the scope of the specialty.

[Acts 1981, 67th Leg., p. 2923, ch. 776, § 1, eff. Sept. 1, 1981.]

§ 50.026. Recognition Order

After a certified social worker or social worker has met all requirements of the department for recognition in a specialty established by the department, the department shall recognize the person as so qualified. The recognition shall be evidenced by an order of recognition of specialty of a name, design, and content as the department shall determine, setting forth the full name of the person, official specialty serial number, the signature of the commissioner and the chairman of the council, and the department's official seal. Issue of the order of recognition of specialty shall be evidence that the person to whom it is issued has been recognized by this state as a specialty social work practitioner under the name or title designated by the department.

[Acts 1981, 67th Leg., p. 2923, ch. 776, § 1, eff. Sept. 1, 1981.]

§ 50.027. Expiration

The department by rule shall adopt a system under which orders of recognition of specialty practice expire on various dates during the year, and the dates for renewal shall be adjusted accordingly. On renewal of the specialty order of recognition on the expiration date, the total specialty order of recognition renewal fee is payable.

[Acts 1981, 67th Leg., p. 2923, ch. 776, § 1, eff. Sept. 1, 1981.]

§ 50.028. Violations

A person who violates this chapter or a rule of the department pertaining to the practice of social work is subject to a civil penalty of not less than \$50 nor more than \$500 for each day of violation.

[Acts 1981, 67th Leg., p. 2923, ch. 776, § 1, eff. Sept. 1, 1981.]

§ 50.029. Enforcement

(a) When it appears that a person has violated or is violating or is threatening to violate this chapter or a rule or order of the department pertaining to social work, the department may cause a civil suit to be instituted in a district court for injunctive relief to restrain the continued violation or threat of violation or for the assessment and recovery of the civil

penalty, as the court may consider proper, or for both injunctive relief and civil penalty. On application for injunctive relief and a finding that a person is violating or threatening to violate this chapter or a rule, variance, or order of the department, the district court may grant the injunctive relief that the facts warrant.

(b) At the request of the department, the attorney general shall institute and conduct a suit in the name of this state for injunctive relief or to recover the civil penalty or for both injunctive relief and penalty, as authorized in Subsection (a) of this section.

[Acts 1981, 67th Leg., p. 2923, ch. 776, § 1, eff. Sept. 1, 1981.]

§ 50.030. Appropriation

For the biennium ending August 31, 1983, the funds received in the social workers fund are appropriated to the department to be expended by it in the administration of this chapter. To the extent applicable, the general rules of the General Appropriations Act apply to the expenditure of funds under this appropriation.

[Acts 1981, 67th Leg., p. 2923, ch. 776, § 1, eff. Sept. 1, 1981.]

§ 50.031. Grants

The department is hereby empowered and authorized to take all action necessary to qualify for, accept, and receive funds or grants made available by the United States or an agency of the United States, by this state or any agency of this state, or by a private foundation or other source for the establishment and maintenance of programs of continuing education.

[Acts 1981, 67th Leg., p. 2923, ch. 776, § 1, eff. Sept. 1, 1981.]

§ 50.032. Reciprocity

(a) The department may, on application and payment of the appropriate fee, certify as a certified social worker, social worker, or social work associate a person who is appropriately certified or licensed by another state, territory, or possession of the United States if the requirements of that state, territory, or possession for the certificate or license are the substantial equivalent of the requirements of this chapter as determined by the department.

(b) The department may waive any certification requirement for an applicant with a valid certificate or license from another state with which the State of Texas has a reciprocity agreement.

[Acts 1981, 67th Leg., p. 2923, ch. 776, § 1, eff. Sept. 1, 1981. Amended by Acts 1983, 68th Leg., p. 428, ch. 87, § 11, eff. Sept. 1, 1983.]

§ 50.033. Employment of Social Worker

Nothing in this chapter shall be construed as requiring the employment of a certified social worker, a social worker, or a social work associate by any public agency or private employer. As used in this section, private employer includes but is not limited to a nonprofit corporation.

[Acts 1981, 67th Leg., p. 2923, ch. 776, § 1, eff. Sept. 1, 1981.]

§ 50.034. Continuing Education

The department may recognize, prepare, or administer continuing education programs for certified social workers, social workers, and social work associates certified under this chapter. Participation in the programs is voluntary.

[Acts 1983, 68th Leg., p. 428, ch. 87, § 12, eff. Sept. 1, 1983.]

SUBTITLE E. SERVICES FOR FAMILIES

Subtitle E, Services for Families, consisting of Chapter 51, was added by Acts 1981, 67th Leg., p. 3313, ch. 867, § 1.

For another Subtitle E, Social Work Services, added by Acts 1981, 67th Leg., p. 2923, ch. 776, § 1, see § 50.001, ante.

CHAPTER 51. FAMILY VIOLENCE SHELTERS

Sec.

- 51.001. Purpose.
- 51.002. Definitions.
- 51.003. Contracts.
- 51.004. Contract Bids.
- 51.005. Contract Specifications.
- 51.006. Report.
- 51.007. Confidentiality.
- 51.008. Consultations.
- 51.009. Grants and Funds.
- 51.010. Rules.
- 51.011. Funding.

§ 51.001. Purpose

The purpose of this chapter is to promote the development of locally based and supported nonprofit shelters and services for victims of family violence.

[Acts 1981, 67th Leg., p. 3313, ch. 867, § 1, eff. Sept. 1, 1981.]

§ 51.002. Definitions

In this chapter:

(1) "Shelter center" means a program that is operated by a public or private nonprofit organization and that provides shelter and services to victims of family violence.

(2) "Victim of family violence" means:

(A) an adult who is subjected to physical force or the threat of physical force by another who is related by affinity or consanguinity to that adult, who is a former spouse of that adult, or who resides in the same household with that adult; or

(B) an individual, other than an individual using physical force or the threat of physical force, who resides in the same household with a victim of family violence as defined in Paragraph (A) of this subdivision.

[Acts 1981, 67th Leg., p. 3313, ch. 867, § 1, eff. Sept. 1, 1981.]

§ 51.003. Contracts

(a) The Texas Department of Human Resources shall contract for services with shelter centers that provide access to shelter and services to victims of family violence with consideration given to geographic distribution and need. These contracts are to expand existing shelter center services and may not result in reducing financial support a shelter center receives from another source. The contracts shall not provide for more than 75 percent of the cost of the shelter center program. The department shall develop a declining scale of state financial support for shelter centers, declining over a six-year period from the initiation of each individual contract, with no more than 50 percent of a shelter center program's funding to be provided by the state after the sixth year. The balance each year shall be provided from other sources. The department may adopt rules which will allow exceptions to the above scale in individual instances when a shelter center shall demonstrate that exigent circumstances require such a waiver.

(b) The department shall contract for the provision of training, technical assistance, and evaluation related to shelter and service program development and criminal justice processes.

[Acts 1981, 67th Leg., p. 3313, ch. 867, § 1, eff. Sept. 1, 1981.]

§ 51.004. Contract Bids

(a) To be eligible for a contract, a public or private nonprofit organization must operate a shelter center that provides temporary lodging and social services for adults and their children who have left or have been removed from the family home because of family violence. The shelter center must have been in actual operation offering shelter services 24 hours a day with a capacity for not less than five persons for at least nine months before the date that the contract is awarded. The contract application must be submitted on forms prescribed by the department.

(b) The department shall consider the following factors in awarding the contracts:

(1) the shelter center's eligibility for and use of funds from the federal government, philanthropic organizations, and voluntary sources;

(2) community support for the shelter center as evidenced by financial contributions from civic organizations, local governments, and individuals;

(3) evidence that the shelter center provides services that encourage rehabilitation and effectively utilizes community resources;

(4) the endorsement and involvement of local law enforcement officials;

(5) support for the shelter center through volunteer work, especially volunteer effort by persons who have been victims of family violence; and

(6) the shelter center's efforts to provide services to violent family members and to encourage family reconciliation if rehabilitation occurs.

[Acts 1981, 67th Leg., p. 3313, ch. 867, § 1, eff. Sept. 1, 1981.]

§ 51.005. Contract Specifications

(a) The department shall contract only with shelter centers that fulfill the requirements of this chapter.

(b) The contracts shall require the persons operating a shelter center to:

(1) make a quarterly and an annual financial report on a form prescribed by the department;

(2) cooperate with inspections the department makes to ensure services standards and fiscal responsibility; and

(3) provide as a minimum access to the following:

(A) 24-hour-a-day shelter;

(B) a crisis call hotline available 24 hours a day;

(C) emergency medical care;

(D) counseling or psychological services;

(E) emergency transportation;

(F) legal assistance, as available;

(G) educational arrangements for children;

(H) information about training for and seeking employment;

(I) cooperation with law enforcement officials;

(J) community education;

(K) a referral system to existing community services; and

(L) a volunteer recruitment and training program.

(c) The contracts may require the persons operating a shelter center to use intake and case study forms. Forms required shall be developed by the

department with consultation as outlined in Section 51.008 of this subtitle.

[Acts 1981, 67th Leg., p. 3313, ch. 867, § 1, eff. Sept. 1, 1981.]

§ 51.006. Report

Prior to each regular session of the legislature, the department shall publish a report that summarizes reports from shelter centers under contract with the department and that analyzes the effectiveness of the contracts authorized by this chapter. The reports must include information on the expenditure of funds authorized under this chapter, the services provided, the number of persons for whom a service was provided, and any other information relating to the provision of family violence services. Copies of the report shall be submitted to the governor, the lieutenant governor, the speaker of the house of representatives, the Legislative Budget Board, the Senate Committee on Human Resources, and the House Committee on Human Services or their successor committees.

[Acts 1981, 67th Leg., p. 3313, ch. 867, § 1, eff. Sept. 1, 1981.]

§ 51.007. Confidentiality

The department may not disclose any information gained through reports, collected case data, or inspections that would identify a particular center or a person working at or receiving services at a shelter center.

[Acts 1981, 67th Leg., p. 3313, ch. 867, § 1, eff. Sept. 1, 1981.]

§ 51.008. Consultations

In implementing this chapter, the department shall consult with individuals and groups having knowledge of and experience in the problems of family violence.

[Acts 1981, 67th Leg., p. 3313, ch. 867, § 1, eff. Sept. 1, 1981.]

§ 51.009. Grants and Funds

The department may seek other funds that may be available for the contracts authorized by this chapter.

[Acts 1981, 67th Leg., p. 3313, ch. 867, § 1, eff. Sept. 1, 1981.]

§ 51.010. Rules

The department may adopt rules necessary to implement this chapter.

[Acts 1981, 67th Leg., p. 3313, ch. 867, § 1, eff. Sept. 1, 1981.]

§ 51.011. Funding

(a) In order to finance the program created by this chapter, the department is authorized to solicit

and receive grants of money from either private or public sources, including appropriation by the legislature from the general revenue fund of the State of Texas, and in that regard it is hereby declared that the need for and importance of this program require priority and preferential consideration in appropriation.

(b) The department may utilize not more than six percent of the annual legislative appropriation to the family violence program for administration of this chapter and not more than six percent annually for the contracts described in Subsection (b) of Section 51.003 of this chapter.

[Acts 1981, 67th Leg., p. 3313, ch. 867, § 1, eff. Sept. 1, 1981.]

TITLE 3. FACILITIES AND SERVICES FOR CHILDREN

SUBTITLE A. FACILITIES FOR CHILDREN

CHAPTER 61. TEXAS YOUTH COUNCIL

SUBCHAPTER A. GENERAL PROVISIONS

- Sec.**
61.001. Definitions.
61.002. Purpose.

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

- 61.011. Texas Youth Commission.
61.012. Members of the Governing Board.
61.013. Presiding Officer; Meetings.
61.014. Quorum.
61.015. Per Diem; Expenses.
61.016. Office.
61.017. Executive Director.
61.018. Superintendents.
61.019. Delegation of Powers and Duties.
61.020. Review.

SUBCHAPTER C. POWERS AND DUTIES

- 61.031. Continuing Study.
61.032. Administration of Institutions.
61.033. Report to Governor, Legislature.
61.034. Policies and Rules.
61.035. Employees.
61.036. Cooperation With Other Agencies.
61.037. Use of Existing Institutions and Agencies.
61.038. Repealed.
61.039. Commission Programs.
61.040. Additional Facilities; Parole Supervision.
61.041. Study of Treatment Methods; Statistical Records.
61.042. Referrals from Federal Court.
61.043. Gifts; Grants.
61.044. Duties of Executive Director.
61.045. Duties of Superintendents.
61.046. Religious Training
61.047. Contract With Big Brothers/Big Sisters of America.

SUBCHAPTER D. ADMISSION AND COMMITMENT

- 61.061. Admission to State Homes.

- Sec.**
61.062. Commitment by Juvenile Court.
61.063. Order Conveying Child.
61.064. Conveyance of Child to Commission.
61.065. Notification and Duty to Furnish Information.
61.066. Commitment Records.

SUBCHAPTER E. CARE AND TREATMENT OF CHILDREN

- 61.071. Initial Examination.
61.072. Reexamination.
61.073. Records of Examinations and Treatment.
61.074. Failure to Examine or Reexamine.
61.075. Determination of Treatment.
61.076. Type of Treatment Permitted.
61.077. Mentally Ill, Retarded, or Epileptic Child.
61.078. Notice of Pending Discharge.

SUBCHAPTER F. RELEASE

- 61.081. Release Under Supervision.
61.082. Transportation, Clothing, Money.
61.083. Contracts With Counties.
61.084. Termination of Control.

SUBCHAPTER G. MISCELLANEOUS PROVISIONS

- 61.091. Cooperation of Other Agencies.
61.092. No Forfeiture of Civil Rights.
61.093. Escape and Apprehension.

SUBCHAPTER A. GENERAL PROVISIONS

§ 61.001. Definitions

In this chapter:

- (1) "Commission" means the Texas Youth Commission.
- (2) "Chairman" means the chairman of the commission.
- (3) "Executive director" means the executive director of the commission.
- (4) "Court" means a juvenile court.
- (5) "Delinquent child" means a child adjudged to be a delinquent child under Section 54.03 of the Family Code.

[Acts 1979, 66th Leg., p. 2382, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 163, ch. 44, art. II, § 1, eff. April 26, 1983.]

§ 61.002. Purpose

The purpose of this chapter is to provide for administration of the state's correctional facilities for delinquent children; to provide a program of constructive training aimed at rehabilitation and reestablishment in society of children adjudged delinquent by the courts of this state and committed to the Texas Youth Commission, and to provide active parole supervision for delinquent children until officially discharged from custody of the Texas Youth Commission.

[Acts 1979, 66th Leg., p. 2382, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 164, ch. 44, art. II, § 2, eff. April 26, 1983.]

[Sections 61.003 to 61.010 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE
PROVISIONS

§ 61.011. Texas Youth Commission

The Texas Youth Commission is an agency of the state.

[Acts 1979, 66th Leg., p. 2383, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 164, ch. 44, art. II, § 3, eff. April 26, 1983.]

§ 61.012. Members of the Governing Board

(a) The governing board of the Texas Youth Commission consists of six members appointed by the governor with the consent of the senate.

(b) Members of the commission must be citizens who are recognized within their communities for their interest in youth.

(c) The commission members hold office for staggered terms of six years, with the terms of two members expiring every two years.

(d) A member is eligible for reappointment.

[Acts 1979, 66th Leg., p. 2383, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 164, ch. 44, art. II, § 4, eff. April 26, 1983.]

§ 61.013. Presiding Officer; Meetings

(a) The commission shall elect one member presiding officer, who shall preside over meetings of the commission.

(b) The commission shall meet at least four times each year.

(c) A meeting shall be held on the call of the chairman or on the request of four members at the time and place designated by the chairman.

[Acts 1979, 66th Leg., p. 2383, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 165, ch. 44, art. II, § 5, eff. April 26, 1983.]

§ 61.014. Quorum

Four members constitute a quorum for the exercise of functions of the commission not delegated to the executive director or other employees.

[Acts 1979, 66th Leg., p. 2383, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 165, ch. 44, art. II, § 6, eff. April 26, 1983.]

§ 61.015. Per Diem; Expenses

Commission members are entitled to receive a per diem of \$35 for not more than 90 days in any fiscal year, plus reimbursement for actual expenses incurred while on commission business.

[Acts 1979, 66th Leg., p. 2383, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 165, ch. 44, art. II, § 7, eff. April 26, 1983.]

§ 61.016. Office

The commission shall have its office wherever it chooses, in a building designated and approved by the State Board of Control.

[Acts 1979, 66th Leg., p. 2383, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 166, ch. 44, art. II, § 8, eff. April 26, 1983.]

§ 61.017. Executive Director

(a) The commission shall employ an executive director to serve at the will of the board.

(b) The executive director shall devote full time to the work of the commission.

(c) The executive director is entitled to actual expenses while on commission business.

[Acts 1979, 66th Leg., p. 2383, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 166, ch. 44, art. II, § 9, eff. April 26, 1983.]

§ 61.018. Superintendents

(a) The commission shall employ a superintendent for each institution under its control.

(b) The superintendent for any institution exclusively for the care of girls must be a woman.

(c) To qualify for the position of superintendent, a person must be of high moral character, education, and training, and must be able to recommend and develop an aggressive program for youth rehabilitation.

(d) A superintendent shall take the official oath and shall execute a bond in the sum of \$10,000, payable to the governor. The bond must be conditioned on the faithful performance of the duties of the office and must be approved by the attorney general.

[Acts 1979, 66th Leg., p. 2383, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 166, ch. 44, art. II, § 10, eff. April 26, 1983.]

§ 61.019. Delegation of Powers and Duties

Any power, duty, or function of the commission may be exercised and performed by the executive director or any member or employee designated or assigned by the commission or by the executive director.

[Acts 1979, 66th Leg., p. 2384, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 166, ch. 44, art. II, § 11, eff. April 26, 1983.]

§ 61.020. Review

The commission is subject to the Texas Sunset Act, as amended (Article 5429k, Vernon's Texas Civil Statutes); and unless continued in existence as provided by that Act the commission is abolished

and this chapter expires effective September 1, 1987.

[Acts 1979, 66th Leg., p. 2384, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 166, ch. 44, art. II, § 12, eff. April 26, 1983.]

[Sections 61.021 to 61.030 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

§ 61.031. Continuing Study

The commission shall carry on a continuing study of the problem of juvenile delinquency in this state and shall seek to focus public attention on special solutions to this problem.

[Acts 1979, 66th Leg., p. 2384, ch. 284, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 167, ch. 44, art. II, § 13, eff. April 26, 1983.]

§ 61.032. Administration of Institutions

The commission shall administer the training, diagnostic treatment, and supervisory facilities and services of the state for delinquent children committed to the state and shall manage and direct all institutions and training school facilities under the authority of the commission.

[Acts 1979, 66th Leg., p. 2384, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 167, ch. 44, art. II, § 14, eff. April 26, 1983.]

§ 61.033. Report to Governor, Legislature

Before the convening date of each regular session of the legislature, the commission shall make a report to the governor and the legislature of its activities and accomplishments and of its findings as to its major needs in fulfilling its responsibility for children committed to it by courts of the state. The report shall include specific recommendations for legislation, planned and drafted as part of a unified program to serve the best interest of the state and the youth committed to the commission and recommendations for the repeal of any conflicting, obsolete, or otherwise undesirable legislation affecting youth.

[Acts 1979, 66th Leg., p. 2384, ch. 284, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 167, ch. 44, art. II, § 15, eff. April 26, 1983.]

§ 61.034. Policies and Rules

(a) The commission is responsible for the adoption of all policies and shall make rules appropriate to the proper accomplishment of its functions.

(b) The commission shall adopt rules for the government of the schools and facilities under its authority and shall see that the affairs of the schools and facilities are conducted according to law and to the commission's rules. The purpose of the rules and of all education, work, training, discipline, recreation, and other activities in the schools and

facilities is to restore and increase the self-respect and self-reliance of the youth under the authority of the commission and to qualify them for good citizenship and honorable employment.

[Acts 1979, 66th Leg., p. 2384, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 167, ch. 44, art. II, § 16, eff. April 26, 1983.]

§ 61.035. Employees

(a) Within the limits specified by legislative appropriation, the commission may employ and compensate personnel necessary to carry out its duties.

(b) The commission may remove any employee for cause, and a decision by the commission is final.

(c) A superintendent may remove for cause any employee under his or her authority, with the approval of the executive director.

[Acts 1979, 66th Leg., p. 2384, ch. 284, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 168, ch. 44, art. II, § 17, eff. April 26, 1983.]

§ 61.036. Cooperation With Other Agencies

(a) The commission shall cooperate with all existing agencies and encourage the establishment of new agencies, both local and statewide, whose object is services to delinquent and pre-delinquent youth of this state.

(b) On the request of the governing body of any county or city, the commission shall assist in developing, strengthening, and coordinating educational, welfare, health, recreational, and law-enforcement programs which have as their object the prevention of juvenile delinquency and crime.

[Acts 1979, 66th Leg., p. 2385, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 168, ch. 44, art. II, § 18, eff. April 26, 1983.]

§ 61.037. Use of Existing Institutions and Agencies

(a) In carrying out its duties, the commission may make use of law-enforcement, detention, supervisory, medical, educational, correctional, and other facilities, institutions, and agencies in the state. This section does not authorize the commission to assume control of any other agency, institution, or facility in the state, or to require any agency, institution, or facility to serve the commission in a manner inconsistent with its authority or function or with any law or regulation governing its activity.

(b) When funds are available for the purpose, the commission may enter into agreements with appropriate public or private agencies for the separate care and treatment of persons subject to the control of the commission. The commission may not make use of any private institution or agency without its consent and may not pay a private institution for services that a public institution is willing and able to perform.

(c) The commission shall periodically inspect all public and private institutions and agencies whose facilities it is using. Every public and private institution and agency shall afford to the commission reasonable opportunity to examine and consult with children who have been committed to the commission and who are in the custody of the institution or agency.

(d) Placement of a child in, or the release of a child by, any institution not operated by the commission does not terminate the authority of the commission over the child. No child placed in an institution or under an agency by the commission may be released by the institution or agency without the approval of the commission.

[Acts 1979, 66th Leg., p. 2385, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 169, ch. 44, art. II, § 19, eff. April 26, 1983.]

§ 61.038. Repealed by Acts 1981, 67th Leg., p. 2425, ch. 617, § 5, eff. Sept. 1, 1981

Section 5 of the 1981 repealing act provides, in part: "On the effective date of this Act, the employees of the Texas Youth Council's Community Assistance Program are transferred to and become employees of the Texas Juvenile Probation Commission. This transfer shall not constitute a break in state service for the purpose of determining benefits due such state employees. On the effective date of this Act, any unexpended balance in the appropriation to the Texas Youth Council's Community Assistance Program is transferred to the Texas Juvenile Probation Commission and appropriated to it for the purpose of carrying out the provisions of this chapter. Counties presently receiving funds under the Community Assistance Program shall be eligible to receive those funds during the 1981-82 biennium at current levels."

See, now, § 75.061.

§ 61.039. Commission Programs

The commission may provide a service or program as part of its statewide plan if the service or program is not provided by a local community.

[Acts 1979, 66th Leg., p. 2385, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 170, ch. 44, art. II, § 20, eff. April 26, 1983.]

§ 61.040. Additional Facilities; Parole Supervision

When funds are available, the commission may:

(1) establish and operate places for detention and diagnosis of delinquent children committed to it;

(2) establish and operate additional treatment and training facilities, including forestry or parks-maintenance camps and ranches necessary to classify, segregate, and handle juvenile delinquents according to their needs;

(3) establish active parole supervision to aid children given conditional release to find homes and employment and to become reestablished in the community.

[Acts 1979, 66th Leg., p. 2386, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 170, ch. 44, art. II, § 21, eff. April 26, 1983.]

§ 61.041. Study of Treatment Methods; Statistical Records

(a) The commission shall conduct continuing inquiry into the effectiveness of the treatment methods it employs in the reformation of delinquent children. To this end, the commission shall maintain a record of arrests and commitments of its wards subsequent to their discharge from the jurisdiction of the commission and shall tabulate, analyze, and publish biennially these data for use in evaluating the relative merits of treatment methods.

(b) The commission shall cooperate with courts and private and public agencies in the collection of statistics and information regarding juvenile delinquency, arrests made, complaints, informations, and petitions filed, and the dispositions made of them, and other information useful in determining the amount and causes of juvenile delinquency in this state.

[Acts 1979, 66th Leg., p. 2386, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 170, ch. 44, art. II, § 22, eff. April 26, 1983.]

§ 61.042. Referrals from Federal Court

The commission may enter into agreements with the federal government to accept children from the federal court for an agreed compensation.

[Acts 1979, 66th Leg., p. 2384, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 171, ch. 44, art. II, § 23, eff. April 26, 1983.]

§ 61.043. Gifts; Grants

The commission may accept gifts, grants, or donations of money or property from private sources to effectuate the purpose of this chapter. Donated funds shall be placed in the state treasury in a special fund called the Texas Youth Commission fund and expended as other state money is expended, on warrants drawn by the comptroller on the order of the commission.

[Acts 1979, 66th Leg., p. 2386, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 171, ch. 44, art. II, § 24, eff. April 26, 1983.]

§ 61.044. Duties of Executive Director

(a) The executive director shall perform the duties assigned by the commission.

(b) The executive director shall prepare and submit to the commission for its approval a biennial budget of all funds necessary to be appropriated by the legislature to the commission to carry out the purposes of this chapter. The budget shall be submitted and filed by the commission in the form and manner and within the time prescribed by law.

[Acts 1979, 66th Leg., p. 2386, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 171, ch. 44, art. II, § 25, eff. April 26, 1983.]

§ 61.045. Duties of Superintendents

(a) The superintendent of each school or facility shall have general charge of and be responsible for the welfare and custody of the children in the school or facility and for carrying out the rehabilitation program prescribed by the commission. Under the direction of the commission, the superintendent shall seek to establish relationships and to organize a way of life that will meet the spiritual, moral, physical, emotional, intellectual, and social needs of the children under his or her care as those needs would be met in an adequate home.

(b) The superintendent shall see that the buildings and premises are kept in good sanitary order.

(c) The superintendent is responsible for keeping the books of the school or facility fully exhibiting all money received and disbursed, the source from which it is received, and the purposes for which it is expended. All supplies for the school or facility shall be purchased in the same manner as for other similar institutions. The books shall give a full record of all products produced, whether sold or consumed, and shall at all times be open for the inspection of the council, the state auditor, and the governor.

[Acts 1979, 66th Leg., p. 2387, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 172, ch. 44, art. II, § 26, eff. April 26, 1983.]

§ 61.046. Religious Training

The commission shall provide for the religious and spiritual training of children in its custody.

[Acts 1979, 66th Leg., p. 2387, ch. 1, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 172, ch. 44, art. II, § 27, eff. April 26, 1983.]

§ 61.047. Contract With Big Brothers/Big Sisters of America

(a) The commission may execute contracts with Big Brothers/Big Sisters of America or its successor organization under which the commission agrees to disburse money to the local affiliates in this state of Big Brothers/Big Sisters of America or its successor organization, and Big Brothers/Big Sisters of America or its successor organization agrees to:

(1) pair adult volunteers with children who are between the ages of 6 and 18 to engage in activities in which relationships based on friendship can develop between them;

(2) monitor the relationships between the paired adults and children to determine if meaningful relationships are developing between them that are beneficial to the children; and

(3) plan and implement other programs beneficial to the character development of the children served.

(b) Before December 31 of each even-numbered year, the commission shall review and present to the

legislature an evaluation of the activities for which the money disbursed under Subsection (a) of this section is used.

[Acts 1979, 66th Leg., p. 2436, ch. 842, art. 2, § 9, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 172, ch. 44, art. II, § 28, eff. April 26, 1983.]

[Sections 61.048 to 61.060 reserved for expansion]

SUBCHAPTER D. ADMISSION AND COMMITMENT

§ 61.061. Admission to State Homes

(a) Subject to the policies adopted by the commission, the Corsicana State Home, the West Texas Children's Home at Pyote, and the Waco State Home¹ may accept for admission any child 3 years of age or older but under 19 years of age who is a full orphan, a half-orphan, or the subject of a suit affecting the parent-child relationship under Subtitle A, Title 2, of the Family Code,² and may offer, if needed, care, treatment, education, and training to the child until his or her 18th birthday. A person who is 18 years old or older and who leaves the home provided by this section may not return to live there.

(b) A person under the care of a home named in this section who is 18 years old or older may remain at the home if the home determines that room is available and if he or she is a full-time or part-time student at an accredited academic or vocational institution.

(c) A person who remains at the home under the conditions described in Subsection (b) of this section may stay at the home until his or her 21st birthday or until he or she is no longer enrolled in school.

[Acts 1979, 66th Leg., p. 2387, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 173, ch. 44, art. II, § 29, eff. April 26, 1983.]

¹ Name changed to Waco Center for Youth, see Civil Statutes, art. 3255c, § 2.

² Family Code, § 11.01 et seq.

§ 61.062. Commitment by Juvenile Court

When a child is found to have engaged in delinquent conduct as provided by Title 3, Family Code,¹ and a juvenile court does not release the child unconditionally or place the child on probation or in a suitable institution or agency other than a state training school, the juvenile court shall commit the child to the commission and may suspend the execution of the order of commitment.

[Acts 1979, 66th Leg., p. 2387, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 173, ch. 44, art. II, § 30, eff. April 26, 1983.]

¹ Family Code, § 51.01 et seq.

§ 61.063. Order Conveying Child

When a juvenile court commits a child to the commission, the court may order the child conveyed to some place of detention approved, established, or designated by the commission, or it may direct that the child be left at liberty until otherwise ordered by the commission under conditions ensuring the child's submission to any order of the commission.

[Acts 1979, 66th Leg., p. 2388, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 174, ch. 44, art. II, § 31, eff. April 26, 1983.]

§ 61.064. Conveyance of Child to Commission

(a) When a child is to be conveyed to a facility designated by the commission, the juvenile court shall assign an officer or other suitable person to accompany the child. The person assigned to accompany a female must be a woman.

(b) The cost of conveying the child shall be paid by the county from which the child is committed. However, no compensation shall be allowed except for the actual and necessary expenses of the child and the person accompanying the child.

[Acts 1979, 66th Leg., p. 2388, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 174, ch. 44, art. II, § 32, eff. April 26, 1983.]

§ 61.065. Notification and Duty to Furnish Information

(a) When a juvenile court commits a child to the commission, the court shall forward to the commission a certified copy of the order of commitment.

(b) The court, the probation officer, the prosecuting and police authorities, the school authorities, and other public officials shall make available to the commission all pertinent information in their possession regarding the case.

(c) If requested by the commission, the reports required by this section shall be made on forms furnished by the commission or according to an outline furnished by the commission.

[Acts 1979, 66th Leg., p. 2388, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 174, ch. 44, art. II, § 33, eff. April 26, 1983.]

§ 61.066. Commitment Records

A commitment to the commission may not be received in evidence or used in any way in any proceedings in any court except in subsequent proceedings under Title 3, of the Family Code¹ against the same child, and except in imposing sentence in any criminal proceedings against the same person.

[Acts 1979, 66th Leg., p. 2388, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 175, ch. 44, art. II, § 34, eff. April 26, 1983.]

¹ Family Code, § 51.01 et seq.

[Sections 61.067 to 61.070 reserved for expansion]

SUBCHAPTER E. CARE AND TREATMENT
OF CHILDREN

§ 61.071. Initial Examination

The commission shall examine and make a study of each delinquent child committed to it as soon as possible after the arrival of the child. The study shall be made according to rules established by the commission and shall include an investigation of all pertinent circumstances of the life and behavior of the child.

[Acts 1979, 66th Leg., p. 2388, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 175, ch. 44, art. II, § 35, eff. April 26, 1983.]

§ 61.072. Reexamination

The commission shall periodically reexamine each child under its control except those on release under supervision or in foster homes. The examination of a child may be made as frequently as the commission considers desirable, but shall be made at intervals not exceeding one year.

[Acts 1979, 66th Leg., p. 2388, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 175, ch. 44, art. II, § 36, eff. April 26, 1983.]

§ 61.073. Records of Examinations and Treatment

The commission shall keep written records of all examinations and conclusions based on them and of all orders concerning the disposition or treatment of each delinquent child subject to its control. These records are not public and are available only according to the provisions of Section 51.14(b), Family Code.

[Acts 1979, 66th Leg., p. 2388, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 176, ch. 44, art. II, § 37, eff. April 26, 1983; Acts 1983, 68th Leg., p. 4584, ch. 769, § 2, eff. June 19, 1983.]

§ 61.074. Failure to Examine or Reexamine

Failure of the commission to examine or reexamine a child as required by this chapter does not entitle the child to be discharged from the control of the commission, but the child may petition the committing court for discharge. After due notice to the commission, the committing court shall discharge the child from the control of the commission unless the commission satisfies the court that further control is necessary.

[Acts 1979, 66th Leg., p. 2389, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 176, ch. 44, art. II, § 38, eff. April 26, 1983.]

§ 61.075. Determination of Treatment

When a delinquent child has been committed to the commission, the commission may:

(1) permit the child liberty under supervision and on conditions it believes conducive to acceptable behavior;

(2) order the child's confinement under conditions it believes best designed for the child's welfare and the interests of the public;

(3) order reconfinement or renewed release as often as conditions indicate to be desirable;

(4) revoke or modify any order of the commission affecting a child, except an order of final discharge, as often as conditions indicate; or

(5) discharge the child from control when it is satisfied that discharge will best serve the child's welfare and the protection of the public.

[Acts 1979, 66th Leg., p. 2389, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 176, ch. 44, art. II, § 39, eff. April 26, 1983.]

§ 61.076. Type of Treatment Permitted

(a) As a means of correcting the socially harmful tendencies of a delinquent child committed to it, the commission may:

(1) require the child to participate in moral, academic, vocational, physical, and correctional training and activities;

(2) require the modes of life and conduct that seem best adapted to fit the child for return to full liberty without danger to the public;

(3) provide any medical or psychiatric treatment that is necessary; and

(4) place physically fit children in parks-maintenance camps, forestry camps, or ranches owned by the state or the United States and require the performance of suitable conservation and maintenance work.

(b) The dominant purpose of placing children in camps is to benefit and rehabilitate the children rather than to make the camps self-sustaining. Children placed in camps may not be exploited.

[Acts 1979, 66th Leg., p. 2389, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 177, ch. 44, art. II, § 40, eff. April 26, 1983.]

§ 61.077. Mentally Ill, Retarded, or Epileptic Child

If the commission determines that a delinquent child committed to it is mentally ill or retarded or is an epileptic, the commission, without delay, shall return the child to the court of original jurisdiction for appropriate disposition or shall request that the court in the county where the training school is located take any action required by the condition of the child.

[Acts 1979, 66th Leg., p. 2389, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 177, ch. 44, art. II, § 41, eff. April 26, 1983.]

§ 61.078. Notice of Pending Discharge

As soon as practicable after the commission makes a decision to discharge a child or authorize his absence from its custody, the commission shall give notice of its decision to the juvenile court and the office of the prosecuting attorney of the county in which the child was adjudicated a delinquent child.

[Acts 1981, 67th Leg., p. 2223, ch. 523, § 2, eff. Aug. 31, 1981. Amended by Acts 1983, 68th Leg., p. 178, ch. 44, art. II, § 42, eff. April 26, 1983.]

[Sections 61.079 to 61.080 reserved for expansion]

SUBCHAPTER F. RELEASE

§ 61.081. Release Under Supervision

(a) The commission may release under supervision any delinquent child in its custody and place the child in his or her home or in any situation or family approved by the commission.

(b) Subject to legislative appropriation, the commission may employ parole officers to investigate, place, supervise, and direct the activities of a parolee to ensure the parolee's adjustment to society in accordance with the rules adopted by the commission.

(c) Parole officers may work with local organizations, clubs, and agencies to formulate plans and procedures for the prevention of juvenile delinquency.

(d) The commission may resume the care and custody of any child released under supervision at any time before the final discharge of the child.

(e) Not later than 10 days before the day the commission releases a delinquent child under this section, the commission shall give notice of the release to the juvenile court and the office of the prosecuting attorney of the county in which the child was adjudicated a delinquent child.

[Acts 1979, 66th Leg., p. 2390, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1981, 67th Leg., p. 2223, ch. 523, § 1, eff. Aug. 31, 1981; Acts 1983, 68th Leg., p. 178, ch. 44, art. II, § 43, eff. April 26, 1983.]

§ 61.082. Transportation, Clothing, Money

(a) The commission shall ensure that each delinquent child it releases under supervision has suitable clothing, transportation to his or her home or to the county in which a suitable home or employment has been found, and money in an amount authorized by the rules of the commission.

(b) The expenditure for clothing and transportation and the payment of money may be made from funds for support and maintenance appropriated to the commission or to the institution from which the child is released, from local funds, or from any

legislative appropriation specifically made for these purposes.

[Acts 1979, 66th Leg., p. 2390, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 179, ch. 44, art. II, § 44, eff. April 26, 1983.]

§ 61.083. Contracts With Counties

(a) The commission may make a contract with a county to use the services of the county's juvenile probation department for the supervision of delinquent children within the county who are on furlough from a commission facility or who are released under supervision from a commission facility.

(b) The commission shall pay the county \$2 a day for each child subject to a contract authorized by Subsection (a) of this section. However, the maximum payment for each child in the county for more than 20 days is \$40 a month. The payments shall be made to the county treasurer on a quarterly schedule.

(c) The commission may not pay a county for supervision of a child for any time after the child:

- (1) is discharged from the commission's custody;
- (2) is returned to a commission facility; or
- (3) transfers his or her residence to another county or state.

(d) A county that has a contract with the commission must report to the commission on the status and progress of each child for whom the county is receiving payments. The reports shall be made at the time and in the manner specified by the contract.

[Acts 1979, 66th Leg., p. 2390, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1981, 67th Leg., p. 887, ch. 313, § 1, eff. Aug. 31, 1981; Acts 1983, 68th Leg., p. 179, ch. 44, art. II, § 45, eff. April 26, 1983.]

§ 61.084. Termination of Control

The commission shall discharge from its custody a child not already discharged on his or her 18th birthday.

[Acts 1979, 66th Leg., p. 2390, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 180, ch. 44, art. II, § 46, eff. April 26, 1983.]

[Sections 61.085 to 61.090 reserved for expansion]

SUBCHAPTER G. MISCELLANEOUS PROVISIONS

§ 61.091. Cooperation of Other Agencies

To effectuate the purpose of this chapter and to make maximum use of existing facilities and personnel, all departments and agencies of the state and all officers and employees of the state, when requested by the commission, shall cooperate with it

in all activities consistent with their proper functions.

[Acts 1979, 66th Leg., p. 2391, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 180, ch. 44, art. II, § 47, eff. April 26, 1983.]

§ 61.092. No Forfeiture of Civil Rights

Commitment of a delinquent child to the custody of the commission does not disqualify the child in any future examination, appointment, or application for public service under the government of the state or of any political subdivision of the state.

[Acts 1979, 66th Leg., p. 2391, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 180, ch. 44, art. II, § 48, eff. April 26, 1983.]

§ 61.093. Escape and Apprehension

A delinquent child who has been committed to the commission and placed by it in any institution or facility and who has escaped or been released under supervision and broken the conditions of release, may be arrested without a warrant by a sheriff, deputy sheriff, constable, police officer, or parole officer employed or designated by the commission, and may be kept in custody in a suitable place and detained until the child is returned to the custody of the commission.

[Acts 1979, 66th Leg., p. 2391, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 180, ch. 44, art. II, § 49, eff. April 26, 1983.]

CHAPTER 62. DETENTION HOMES AND PARENTAL SCHOOLS

Sec.

62.001. Detention Homes and Parental Schools.

62.002. Multicounty Facilities.

§ 62.001. Detention Homes and Parental Schools

(a) Any county may establish detention homes and parental schools for juveniles. The commissioners court may appropriate necessary funds from the general fund of the county to establish, equip, and maintain detention homes and parental schools for the juveniles of the county.

(b) Any county in which no detention home or parental school exists may appropriate funds necessary to pay for the proper care and training of its juveniles in the detention home or parental school of any county that agrees to receive the juveniles. The cost of the care shall be agreed on by the commissioners courts of the counties concerned.

(c) If, in the opinion of the commissioners court, it is necessary to levy a special tax to establish and maintain a detention home or parental school or to pay for the care and training of juveniles as provided by Subsection (b) of this section, the commissioners court may hold a special election on the question

of levying the tax. If a petition signed by 10 percent of the qualified voters of the county is submitted requesting a special election, the commissioners court shall hold the special election.

(d) All elections held under Subsection (c) of this section shall be governed by the general laws relating to elections for the levy of special school taxes.

[Acts 1979, 66th Leg., p. 2391, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 62.002. Multicounty Facilities

(a) The purpose of this section is to enable counties jointly to provide better probation services and detention and diagnostic facilities for juveniles than the counties, acting singly, would be able to provide.

(b) The commissioners courts of two or more counties may enter into cooperative agreements to acquire, maintain, and operate detention and diagnostic facilities for juveniles. The counties may maintain, improve, and operate the property so acquired and all improvements thereon, and may sell or lease all or any part of the property and improvements in accordance with the terms of the cooperative agreement. The counties may accept any donation or gift made for the purpose of acquiring, maintaining, or operating the juvenile facilities.

(c) In accordance with the terms of the cooperative agreement, each county which is a party to the agreement may issue the bonds of the county as provided by Chapter 2, Title 22, Revised Civil Statutes of Texas, 1925, as amended¹, for the purpose of acquiring, maintaining, and operating the facilities for juveniles.

(d) The commissioners courts of two or more counties may enter into cooperative agreements to provide probation services for juveniles. The cooperative agreement shall set forth in detail how the probation services are to be provided and financed.

[Acts 1979, 66th Leg., p. 2391, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

¹ Civil Statutes, art. 718 et seq.

SUBTITLE B. SERVICES FOR CHILDREN

CHAPTER 71. COMMISSION ON SERVICES TO CHILDREN AND YOUTH [REPEALED]

§§ 71.001 to 71.009. Repealed by Acts 1981, 67th Leg., p. 1790, ch. 390, § 3, eff. Aug. 31, 1981

Section 2 of the 1981 repealing act provided:

"The Texas Commission on Services to Children and Youth is abolished. The records and other property in the custody of the commission are transferred to the Texas Department of Community Affairs."

See, now, § 72.001 et seq.

CHAPTER 72. COORDINATION OF PROGRAMS FOR THE DEVELOPMENT OF CHILDREN AND YOUTH

Sec.

- 72.001. Policy and Purpose.
- 72.002. Definitions.
- 72.003. Authorization.
- 72.004. Powers.
- 72.005. Use of Interagency Councils.
- 72.006. Prior Law; Public Instrumentality; Cooperation of State Agencies and Personnel.
- 72.007. Cooperation of Political Subdivisions.

§ 72.001. Policy and Purpose

It is the policy of this state to foster and support families as the most important continuing factor in determining what a child will become and to provide effective public services to strengthen the family unit to fulfill the unmet developmental needs of children and youth. Each child is entitled to the concern and full protection of this state acting in concert with communities in which the child lives. In the absence of parents or in the inability of parents to provide essential care, protection, and nurture for their children, competent substitute care, protection, and nurture should be provided by proper coordinative efforts. The legislature recognizes that the public interest requires the wise investment of resources to prevent abnormalities and maladjustments in children who will later require institutional care and treatment at many times the human and fiscal costs of prevention. It further recognizes that supportive activities to families with children and youth are primarily a community responsibility that can best be served by having the state assist in the coordination of programs within communities and rural areas of the state. To carry out these policies and purposes, this chapter is enacted authorizing the Texas Department of Community Affairs to assist communities in providing for programs to enhance the development of children and youth.

[Acts 1981, 67th Leg., p. 1788, ch. 390, § 1, eff. Aug. 31, 1981.]

Section 2 of the 1981 Act provided:

"The Texas Commission on Services to Children and Youth is abolished. The records and other property in the custody of the commission are transferred to the Texas Department of Community Affairs."

§ 72.002. Definitions

In this chapter:

(1) "Department" means the Texas Department of Community Affairs.

(2) "Director" means the executive director of the Texas Department of Community Affairs.

[Acts 1981, 67th Leg., p. 1788, ch. 390, § 1, eff. Aug. 31, 1981.]

§ 72.003. Authorization

The department may assist communities in planning, developing, implementing, and coordinating programs to provide services to enhance the development of children and youth.

[Acts 1981, 67th Leg., p. 1788, ch. 390, § 1, eff. Aug. 31, 1981.]

§ 72.004. Powers

Within the policies and purposes provided by Section 72.001 of this chapter, the department shall give a priority to children and youth, and in addition to other powers and duties given to it by this chapter or by any other law, the department may:

(1) advocate and provide an articulate focus for the needs of children and youth and disseminate information to the public regarding children's and youth's services;

(2) determine the extent and availability of public and private resources and services to children and youth and their families;

(3) coordinate the determination of the need for services to children and youth in this state by surveying and measuring their unmet developmental needs and make recommendations to all appropriate public and private agencies as needed;

(4) provide for the development and demonstration of programs that will enhance development of children and youth;

(5) establish and promote cooperation among private groups and governmental agencies to encourage and assist families in the provision of an environment for children and youth suitable to their full development, particularly at the community level;

(6) arrange technical assistance and consultation for sources and potential sources of services to children and youth;

(7) encourage the development of systems for the efficient and effective delivery of services to children and youth and their families rendered by the departments and agencies of state government, including particularly services delivered at the neighborhood and community levels;

(8) develop, revise, and implement a state plan for childhood development in cooperation with interagency councils and with the assistance of appropriate public and private groups and agencies providing for a mechanism at the community and state levels that assures a coordinated approach in assessing the need for and the delivery of services to children and youth and their families;

(9) provide assistance, including financial assistance, in the administration of community multipurpose programs that assist children and youth and their families;

(10) provide departmental assistance in developing and financing joint training programs for community-based staff specialists from the state and local agencies rendering services to children and youth and their families;

(11) provide, perform, and promote consultative, evaluative, referral, and other functions as may be directed to improve service delivery;

(12) provide services directly to children and youth and their families, but only to those who have needs which are not met from any other resources of state or community governments;

(13) prepare and submit a report to the governor and appropriate interagency councils before September 1 prior to each legislative session containing a review of the status of services to children and youth, recommendations for priorities for the development and coordination of services to children and youth, an evaluation of the progress made as the result of the recommendations made in the past, a statement of goals for activities of the department relating to children and youth during the next year, and specific recommendations about what changes in law or appropriations need to be made to assist these programs to greater effectiveness; and

(14) perform other functions that may be consistent with the purposes of this chapter.

[Acts 1981, 67th Leg., p. 1788, ch. 390, § 1, eff. Aug. 31, 1981.]

§ 72.005. Use of Interagency Councils

The department shall utilize the coordinative expertise provided by interagency councils as authorized by law and as established by the governor, and there shall exist a working committee composed of one representative appointed by each interagency council to assist and advise the department in the administration of this chapter.

[Acts 1981, 67th Leg., p. 1788, ch. 390, § 1, eff. Aug. 31, 1981.]

§ 72.006. Prior Law; Public Instrumentality; Cooperation of State Agencies and Personnel

Nothing in this chapter shall be construed as amending prior statutory enactments which confer specific responsibilities on departments or agencies of this state for services to children and youth, including the Texas Department of Human Resources, the Texas Department of Health, the Texas Department of Mental Health and Mental Retardation, the Texas Rehabilitation Commission, and the Central Education Agency. It is the intent of the legislature that the department be the public instrumentality for advocating, planning, developing, and coordinating services to optimize the development of children and youth throughout the state, but the department shall not directly administer the servic-

es except as authorized by law. All state agencies, officers, and employees shall cooperate with the department for the accomplishment of the purposes of this chapter.

[Acts 1981, 67th Leg., p. 1788, ch. 390, § 1, eff. Aug. 31, 1981.]

§ 72.007. Cooperation of Political Subdivisions

Political subdivisions of this state are authorized and encouraged to cooperate with the department in effectuating the provisions of this chapter.

[Acts 1981, 67th Leg., p. 1788, ch. 390, § 1, eff. Aug. 31, 1981.]

CHAPTER 73. INTERAGENCY COUNCIL ON EARLY CHILDHOOD INTERVENTION SERVICES

Sec.

- 73.001. Definitions.
- 73.002. Interagency Council.
- 73.003. State Plan.
- 73.004. Advisory Committee.
- 73.005. Duties.
- 73.006. Reimbursement and Staff Support.
- 73.007. Public Awareness and Training.
- 73.008. Early Identification Strategy.
- 73.009. Referral for Services.
- 73.010. Eligibility for Services.
- 73.011. Parent Counseling and Case Management.
- 73.012. Monitoring.
- 73.013. Intervention Services.
- 73.014. Report.
- 73.015. New Program Strategy.
- 73.016. Grant Request for New Program.
- 73.017. Approval Criteria.
- 73.018. Program Approval.
- 73.019. Program Standards.
- 73.020. Agency Guidelines.
- 73.021. Program Evaluation.

Acts 1981, 67th Leg., p. 2326, ch. 572, art. 1, classified as Civil Statutes, art. 4413(43a), was repealed by § 4(b) of Acts 1983, 68th Leg., p. 1021, ch. 235, art. 4, which by § 4(a) thereof incorporated the provisions of the 1981 Act into the Human Resources Code by adding this Chapter 73, consisting of §§ 73.001 to 73.021.

§ 73.001. Definitions

In this chapter:

- (1) "Council" means the Interagency Council on Early Childhood Intervention Services.
- (2) "Developmentally delayed child" means a child who exhibits:
 - (A) a significant delay, beyond acceptable variations in normal development, in one or more of the following areas:
 - (i) cognitive;
 - (ii) gross or fine motor;

- (iii) language or speech;
- (iv) social or emotional
- (v) self-help skills; or

(B) an organic defect or condition that is very likely to result in a delay in one or more of those capabilities or skills.

[Acts 1983, 68th Leg., p.1012, ch. 235, art. 4, § 4(a), eff. Sept. 1, 1983.]

§ 73.002. Interagency Council

(a) The council is composed of one lay member and one representative each from the Texas Department of Health, the Texas Department of Mental Health and Mental Retardation, the Texas Department of Human Resources, and the Central Education Agency. The governor with the advice and consent of the senate shall appoint the lay member, and the commissioner of each agency shall appoint that agency's representative.

(b) A member appointed by an agency serves for a term of two years or until the person terminates employment with the agency, whichever occurs first. The member appointed by the governor serves for a term of two years expiring February 1 of every odd-numbered year.

(c) The members of the council shall annually elect one member to serve as chairman.

(d) The council shall meet at least quarterly and shall adopt rules for the conduct of its meetings.

(e) Any action taken by the council must be approved by a majority vote of the members present.

[Acts 1983, 68th Leg., p. 1012, ch. 235, art. 4, § 4(a), eff. Sept. 1, 1983.]

§ 73.003. State Plan

(a) The council shall develop and implement a state plan for early childhood intervention services to ensure that:

- (1) the provisions of this chapter are properly implemented by the agencies affected;
- (2) child and family needs are assessed statewide and all available resources are coordinated to meet those needs;
- (3) manpower needs are assessed statewide and strategies are developed to meet those needs;
- (4) incentives are offered for private sources to maintain present commitments and to assist in developing new programs; and
- (5) a procedure for review of individual complaints about services provided under this chapter is implemented.

(b) The council shall make written recommendations for the carrying out of its duties under this chapter. If the council considers a recommendation that will affect an agency not represented on the council, the council shall seek the advice and assistance of the agency before taking action on the

recommendation. The council's recommendations shall be implemented by the agencies affected by the recommendations.

[Acts 1983, 68th Leg., p. 1012, ch. 235, art. 4, § 4(a), eff. Sept. 1, 1983.]

§ 73.004. Advisory Committee

(a) The council shall establish an advisory committee composed of parents, professionals, and advocacy groups. The council shall appoint as many members as it considers necessary to assist the council in the performance of its duties.

(b) The committee shall meet and serve under the rules of the council, but the committee shall elect its own chairman. The committee may be divided into regional committees to assist the council in community-level program planning and implementation.

[Acts 1983, 68th Leg., p. 1012, ch. 235, art. 4, § 4(a), eff. Sept. 1, 1983.]

§ 73.005. Duties

(a) The council with the advice of the committee shall address contemporary issues affecting intervention services in the state including:

- (1) successful intervention strategies;
- (2) personnel preparation and continuing education;
- (3) screening services;
- (4) day or respite care services;
- (5) public awareness; and
- (6) contemporary research.

(b) The council with the advice of the committee shall advise the legislature on legislation that is needed to develop further and to maintain a statewide system of quality intervention services for all developmentally delayed children under three years of age. The council may develop and submit legislation to the legislature or comment on pending legislation that affects this population.

[Acts 1983, 68th Leg., p. 1012, ch. 235, art. 4, § 4(a), eff. Sept. 1, 1983.]

§ 73.006. Reimbursement and Staff Support

(a) Council and committee members are entitled to reimbursement for actual and necessary expenses incurred in the performance of their duties. The agencies represented on the council shall equally bear the cost of reimbursement.

(b) The agencies represented on the council shall provide staff support to the council. The agencies may provide staff support to the committee.

[Acts 1983, 68th Leg., p. 1012, ch. 235, art. 4, § 4(a), eff. Sept. 1, 1983.]

§ 73.007. Public Awareness and Training

(a) The Texas Department of Health, the Texas Department of Mental Health and Mental Retarda-

tion, the Texas Department of Human Resources, and the Central Education Agency shall jointly develop and implement:

(1) a general public awareness strategy focusing on the importance of prenatal care and early detection of developmental delay and the availability of state resources to meet the needs of developmentally delayed children under six years of age; and

(2) a statewide plan for conducting regional training sessions for public and private service providers who have routine contact with children under six years of age that focuses on methods for early detection of developmental delay.

(b) The Texas Department of Health shall allocate funds appropriated to it under this chapter to other agencies that assume implementation responsibilities.

[Acts 1983, 68th Leg., p. 1012, ch. 235, art. 4, § 4(a), eff. Sept. 1, 1983.]

§ 73.008. Early Identification Strategy

(a) The Texas Department of Health shall develop and implement a statewide strategy for the early identification of developmentally delayed children under six years of age, utilizing information from other agencies serving handicapped children.

(b) The strategy must include plans to:

(1) incorporate, strengthen, and expand similar existing local efforts;

(2) incorporate and coordinate screening services currently provided through a public agency; and

(3) establish a liaison with primary referral sources, including hospitals, physicians, public health facilities, and day-care facilities, to encourage referrals of developmentally delayed children.

[Acts 1983, 68th Leg., p. 1012, ch. 235, art. 4, § 4(a), eff. Sept. 1, 1983.]

§ 73.009. Referral for Services

(a) A child under six years of age may be referred to the Texas Department of Health for services described by this section if the child is:

- (1) identified as developmentally delayed;
- (2) suspected of being developmentally delayed;

or

(3) considered at risk of developmental delay because of certain biological or environmental factors.

(b) For each child referred, the department shall:

(1) seek appropriate medical or developmental screening or evaluation and if such screening services or evaluation services are not available, the department shall provide those services either directly or by contract; and

(2) refer the child to a public or private program that can meet the child's needs.

(c) Services under this section shall be provided in a manner that minimizes intrusion into family privacy.

[Acts 1983, 68th Leg., p. 1012, ch. 235, art. 4, § 4(a), eff. Sept. 1, 1983.]

§ 73.010. Eligibility for Services

A developmentally delayed child is eligible for services under Sections 73.011, 73.012, 73.013, and 73.016 of this code if the child:

- (1) is under three years of age; or
- (2) has not reached the age of eligibility for entry into the comprehensive special education program for handicapped children under Section 16.104 of the Texas Education Code, as amended.

[Acts 1983, 68th Leg., p. 1012, ch. 235, art. 4, § 4(a), eff. Sept. 1, 1983.]

§ 73.011. Parent Counseling and Case Management

(a) For an eligible developmentally delayed child, the Texas Department of Health shall provide parent counseling and case management services designed to:

- (1) assist in the development of positive attitudes and coping skills;
- (2) provide objective information about alternatives for securing direct services for the child;
- (3) actively involve the case manager in procuring needed services on the parent's behalf;
- (4) actively involve the case manager in responding to complaints about services procured through this process; and
- (5) facilitate communication among providers serving the child, including the primary physician.

(b) The services shall be provided before a child is placed in an appropriate program. If the child is placed in a program that meets the standards established by Section 73.019 of this code, that program shall assume responsibility for providing parent counseling and case management services following placement. If the child is not placed in such a program, the department shall continue to provide those services.

[Acts 1983, 68th Leg., p. 1012, ch. 235, art. 4, § 4(a), eff. Sept. 1, 1983.]

§ 73.012. Monitoring

(a) The Texas Department of Health shall monitor the overall progress of an eligible developmentally delayed child who receives services under this chapter until the child enters the public school system, including the monitoring of the parental counseling and case management services.

(b) Periodic reevaluations shall be obtained as the department considers necessary. If an original

placement no longer meets the child's needs, the department shall provide additional referrals.

[Acts 1983, 68th Leg., p. 1012, ch. 235, art. 4, § 4(a), eff. Sept. 1, 1983.]

§ 73.013. Intervention Services

(a) The Texas Department of Health shall provide intervention services to an eligible developmentally delayed child if the department is not able to place the child in a program that meets the standards established by Section 73.019 of this code.

(b) Intervention services must include:

- (1) training, counseling, and case management services for the child's parents;
- (2) individualized instruction or treatment in the following areas of development: cognitive, gross or fine motor, language or speech, social or emotional, and self-help skills; and
- (3) related services, including occupational therapy, physical therapy, speech and language therapy, adaptive equipment, and transportation.

(c) The Texas Department of Health may either directly provide the services needed to comply with the requirements of this section or contract for the provision of the services.

[Acts 1983, 68th Leg., p. 1012, ch. 235, art. 4, § 4(a), eff. Sept. 1, 1983.]

§ 73.014. Report

The Texas Department of Health shall report to the council any needs identified in areas where a program that meets the standards established by Section 73.019 of this code is not available.

[Acts 1983, 68th Leg., p. 1012, ch. 235, art. 4, § 4(a), eff. Sept. 1, 1983.]

§ 73.015. New Program Strategy

The council shall develop a strategy for establishing new programs to meet needs identified by the Texas Department of Health in accordance with Section 73.014 of this code.

[Acts 1983, 68th Leg., p. 1012, ch. 235, art. 4, § 4(a), eff. Sept. 1, 1983.]

§ 73.016. Grant Request for New Program

A public or private service provider may apply for funds to provide a program of intervention services for eligible developmentally delayed children in an area of identified need by submitting a grant request to the Central Education Agency or the Texas Department of Mental Health and Mental Retardation. The council shall adopt guidelines for determining which agency shall receive a request, but each agency shall process any request received.

[Acts 1983, 68th Leg., p. 1012, ch. 235, art. 4, § 4(a), eff. Sept. 1, 1983.]

§ 73.017. Approval Criteria

(a) The agency receiving a request for funding for a new program shall transmit the request to the council for approval.

(b) The council shall review the requests on a competitive basis giving consideration to the following:

- (1) the extent to which the program would meet identified needs;
- (2) the cost of initiating a program, if applicable;
- (3) whether other funding sources are available;
- (4) the proposed cost to the parents for the services; and
- (5) the assurance of quality services.

[Acts 1983, 68th Leg., p. 1012, ch. 235, art. 4, § 4(a), eff. Sept. 1, 1983.]

§ 73.018. Program Approval

(a) For each grant approved by the council, the council shall direct the Texas Department of Health to allocate appropriated funds for the program to the service provider in the amount specified by the council.

(b) The Texas Department of Health shall require the service provider to execute a contract with the department specifying the program standards and agency guidelines that the provider has agreed to meet.

(c) The contract must specify the minimum and maximum number of eligible developmentally delayed children to be served. The program must serve at least the minimum number and may not be required to serve more than the maximum number specified. If the number of eligible children applying for admission to an approved program exceeds the maximum number specified, the service provider may apply for supplemental funding.

(d) The service provider may charge a fee for intervention services, based on the parent's ability to pay, to be used to offset the cost of providing or securing the services. If a fee is charged, a separate charge shall be made for each type of service. A determination of the parent's ability to pay for services must include a consideration of the availability of financial assistance or other benefits for which the child may be eligible.

[Acts 1983, 68th Leg., p. 1012, ch. 235, art. 4, § 4(a), eff. Sept. 1, 1983.]

§ 73.019. Program Standards

Before a grant request for a new program may be approved, a service provider must agree to meet the following program standards:

- (1) the program must be maintained within the guidelines established by the agency;

(2) the provider must ensure that for each child served an individualized developmental plan is developed and is based on a comprehensive developmental evaluation performed by an interdisciplinary team with parent participation and periodic review and reevaluation;

(3) the provider must provide services to meet the unique needs of each child as indicated by the child's individualized developmental plan;

(4) the provider must demonstrate a capability to obtain or provide an array of services that must include:

(A) training, counseling, case management services, and home visits for the parents of each child served;

(B) individualized instruction or treatment in the following areas of development: cognitive, gross or fine motor, language or speech, social or emotional, and self-help skills; and

(C) related services, including occupational therapy, physical therapy, speech and language therapy, adaptive equipment, transportation, and other therapies as needed or prescribed;

(5) the provider must maintain a plan for in-service personnel training;

(6) the provider must cooperate with the Texas Department of Health's monitoring and case management efforts; and

(7) the provider must cooperate with the periodic evaluation efforts of the agency.

[Acts 1983, 68th Leg., p. 1012, ch. 235, art. 4, § 4(a), eff. Sept. 1, 1983.]

§ 73.020. Agency Guidelines

(a) The agency that receives a grant request for a new program shall develop specific program guidelines in the following areas:

- (1) instructional or treatment options;
- (2) frequency and duration of service;
- (3) staff-child ratios;
- (4) staff composition and qualifications; and
- (5) other program aspects designed to ensure the provision of quality services.

(b) The agency may modify the standards established by Section 73.019 of this code if the agency considers the modifications necessary for a particular program.

[Acts 1983, 68th Leg., p. 1012, ch. 235, art. 4, § 4(a), eff. Sept. 1, 1983.]

§ 73.021. Program Evaluation

(a) Each agency shall periodically evaluate each program operating under the agency's guidelines to determine whether the provider is meeting the conditions of the contract.

(b) If an agency determines that a program is not meeting a requirement that was agreed on as a condition for funding, the agency shall notify the

Texas Department of Health to withhold further funding for the program.

[Acts 1983, 68th Leg., p. 1012, ch. 235, art. 4, § 4(a), eff. Sept. 1, 1983.]

SUBTITLE C. STATE AID TO LOCAL JUVENILE PROBATION DEPARTMENTS

CHAPTER 75. TEXAS JUVENILE PROBATION COMMISSION

SUBCHAPTER A. GENERAL PROVISIONS

Sec.

- 75.001. Purposes.
- 75.002. Definitions.

SUBCHAPTER B. TEXAS JUVENILE PROBATION COMMISSION

- 75.021. Creation.
- 75.022. Membership.
- 75.023. Terms of Office.
- 75.024. Chairman and Vice-Chairman.
- 75.025. Expenses.
- 75.026. Meetings.
- 75.027. Texas Advisory Council on Juvenile Services.
- 75.028. Director and Employees.
- 75.029. Expiration.

SUBCHAPTER C. POWERS AND DUTIES OF COMMISSION

- 75.041. Standards for Juvenile Boards, Probation Officers, and Facilities.
- 75.042. Minimum Standards.
- 75.043. Training Assistance to Local Authorities.
- 75.044. Records and Reports.
- 75.045. Gifts and Grants.
- 75.046. Interagency Cooperation.
- 75.047. Inspections, Audits.
- 75.048. Studies.
- 75.049. Annual Report.
- 75.050. Delegation of Authority.
- 75.051. Deposit of Money.

SUBCHAPTER D. STATE AID TO JUVENILE BOARDS

- 75.061. State Aid Defined.
- 75.062. Provision of Probation and Detention Services.
- 75.063. Determination of Amount.
- 75.064. Maintenance of Local Financial Support.
- 75.065. Special Rules for Multicounty Jurisdictions.
- 75.066. Reports.
- 75.067. Payment of State Aid.
- 75.068. Refusal or Suspension of State Aid.
- 75.069. Applicability.

SUBCHAPTER A. GENERAL PROVISIONS

§ 75.001. Purposes

The purposes of this chapter are to make probation services available throughout the state for juveniles, to improve the effectiveness of probation services, to provide alternatives to the commitment of juveniles by providing financial aid to juvenile

boards for the establishment and improvement of probation services, to establish uniform probation administration standards, and to improve communications between state and local entities within the juvenile justice system.

[Acts 1981, 67th Leg., p. 2419, ch. 617, § 1, eff. Sept. 1, 1981.]

§ 75.002. Definitions

In this chapter:

(1) "Director" means the executive director of the Texas Juvenile Probation Commission.

(2) "Commission" means the Texas Juvenile Probation Commission.

(3) "Juvenile board" means the body established by general or special law to provide juvenile probation services to each county or the juvenile court as designated under Article 5138d, Revised Civil Statutes of Texas, 1925, as amended.

(4) "Employee in the criminal or juvenile justice system" means a person employed as a peace officer, county attorney, district attorney, probation officer, parole officer, corrections officer, any person employed by a court, or any person employed by an agency or institution, either public or private, where children may be committed under the Family Code.

(5) "Advisory council" means the Texas Advisory Council on Juvenile Services.

[Acts 1981, 67th Leg., p. 2419, ch. 617, § 1, eff. Sept. 1, 1981.]

[Sections 75.003 to 75.020 reserved for expansion]

SUBCHAPTER B. TEXAS JUVENILE PROBATION COMMISSION

§ 75.021. Creation

The Texas Juvenile Probation Commission is created.

[Acts 1981, 67th Leg., p. 2419, ch. 617, § 1, eff. Sept. 1, 1981.]

§ 75.022. Membership

The commission consists of three judges of the district courts of Texas and six citizens of Texas who are not employed in the criminal or juvenile justice system, all to be appointed by the governor with the advice and consent of the senate. A judge's service on the commission is an additional duty of office. The judges on the commission must, at the time of their appointment, be presiding judges over courts designated by at least one county in their district as a juvenile court except that in counties in which a system of rotating the juvenile court among the several district courts exists, any

of the district court judges is eligible to serve on the commission.

[Acts 1981, 67th Leg., p. 2419, ch. 617, § 1, eff. Sept. 1, 1981.]

§ 75.023. Terms of Office

(a) Members of the commission serve staggered terms of six years each ending on August 31 of each odd-numbered year.

(b) If a judicial member of the commission ceases to hold a judicial office, that person's place on the commission becomes vacant.

(c) The governor shall fill vacancies by appointment for the unexpired term.

[Acts 1981, 67th Leg., p. 2419, ch. 617, § 1, eff. Sept. 1, 1981.]

Section 6 of the 1981 Act provides:

"In making the initial appointments to the Texas Juvenile Probation Commission, the governor shall appoint three members for terms expiring on August 31, 1983, three members for terms expiring on August 31, 1985, and three members for terms expiring on August 31, 1987."

§ 75.024. Chairman and Vice-Chairman

(a) The governor shall designate a chairman and vice-chairman from among the members of the commission.

(b) The chairman and vice-chairman of the commission shall serve for a term of two years.

[Acts 1981, 67th Leg., p. 2419, ch. 617, § 1, eff. Sept. 1, 1981.]

§ 75.025. Expenses

Members of the commission are not entitled to compensation but are entitled to reimbursement for actual and necessary expenses incurred in performing their official duties as commission members.

[Acts 1981, 67th Leg., p. 2419, ch. 617, § 1, eff. Sept. 1, 1981.]

§ 75.026. Meetings

(a) The commission shall hold regular quarterly meetings each year on dates fixed by the commission and special meetings at the call of the chairman.

(b) The commission shall make rules providing for the regulation of its proceedings.

(c) A majority of the commission constitutes a quorum.

(d) The commission shall keep a public record of its decisions at its general office.

[Acts 1981, 67th Leg., p. 2419, ch. 617, § 1, eff. Sept. 1, 1981.]

Section 2 of the 1981 Act provides:

"The chairman shall call the first meeting of the Texas Juvenile Probation Commission as soon after the commission has been appointed as is practical."

§ 75.027. Texas Advisory Council on Juvenile Services

An advisory council to be appointed by the commission shall consist of two juvenile judges, three juvenile probation officers, two citizens knowledgeable of juvenile services, and a representative of the Texas Youth Council to report to the director of the Texas Juvenile Probation Commission.

[Acts 1981, 67th Leg., p. 2419, ch. 617, § 1, eff. Sept. 1, 1981.]

§ 75.028. Director and Employees

(a) The commission shall employ a director, whose qualifications must comply with standards required for a probation officer and who has a minimum of two years' experience in the administration and supervision of probation services. The director may employ as many other employees as are needed to administer this chapter.

(b) The commission may delegate authority to the director to select employees of the commission.

[Acts 1981, 67th Leg., p. 2419, ch. 617, § 1, eff. Sept. 1, 1981.]

Section 5 of the 1981 Act provides:

"Section 61.038, Human Resources Code, is repealed. On the effective date of this Act, the employees of the Texas Youth Council's Community Assistance Program are transferred to and become employees of the Texas Juvenile Probation Commission. This transfer shall not constitute a break in state service for the purpose of determining benefits due such state employees. On the effective date of this Act, any unexpended balance in the appropriation to the Texas Youth Council's Community Assistance Program is transferred to the Texas Juvenile Probation Commission and appropriated to it for the purpose of carrying out the provisions of this chapter. Counties presently receiving funds under the Community Assistance Program shall be eligible to receive those funds during the 1981-82 biennium at current levels."

§ 75.029. Expiration

Unless continued by law, the commission is abolished, and this chapter expires effective September 1, 1991.

[Acts 1981, 67th Leg., p. 2419, ch. 617, § 1, eff. Sept. 1, 1981.]

[Sections 75.030 to 75.040 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES OF COMMISSION

§ 75.041. Standards for Juvenile Boards, Probation Officers, and Facilities

Based on local information and evidence gathered through public hearings around the state, the commission shall promulgate reasonable rules for juvenile boards, probation officers, programs, and facilities:

(1) establishing minimum standards for personnel, staffing, case loads, programs, facilities, record keeping, equipment, and other aspects of the opera-

tion of a juvenile board necessary for the provision of adequate and effective probation services;

(2) establishing a code of ethics for probation officers and providing for the enforcement of the code; and

(3) establishing appropriate educational, preservice and in-service training, and certification standards for probation officers or court-supervised community-based program personnel.

[Acts 1981, 67th Leg., p. 2419, ch. 617, § 1, eff. Sept. 1, 1981.]

§ 75.042. Minimum Standards

To be eligible for appointment as a probation officer, a person who is not employed as a juvenile probation officer on September 1, 1981, must:

(1) be of good moral character;

(2) have acquired a bachelor's degree conferred by a college or university accredited by an accrediting organization recognized by the Coordinating Board, Texas College and University System;

(3) have either:

(A) one year of graduate study in criminology, corrections, counseling, law, social work, psychology, sociology, or other field or instruction approved by the commission; or

(B) one year of experience in full-time case work, counseling, community or group work in a social service, community, corrections, or juvenile agency that deals with offenders or disadvantaged persons and that is determined by the commission to provide the kind of experience needed to meet this requirement; and

(4) have satisfactorily completed the course of preservice training or instruction, have passed the tests or examinations, and possess the level of certification as the commission may prescribe.

(d) The commission may make rules under which the requirement of a year of graduate study or full-time employment experience may be waived if the authority responsible for the employment of the probation officer establishes in a manner satisfactory to the commission that no person meeting this requirement could be located to fill a job opening after a diligent effort to locate a person was made. The commission may make rules providing for the temporary employment of a person who has not yet completed a course of preservice training, passed the examination, nor attained a prescribed level of certification, the employment to be contingent on his completing those requirements within the time specified by the commission.

(e) Any person to be eligible for employment by a probation office in a position having the responsibility for supervision of other probation officers must possess a level of training, experience, and certifica-

tion as the commission prescribes, and several levels of certification may be required to reflect increasing levels of responsibility. However, no rule of the commission with regard to required levels of certification may affect the continued employment of a probation officer in a supervisory position that he is holding on the date that the rule takes effect.

(f) A peace officer, a prosecuting attorney, and any other person who is employed by or who reports directly to a law enforcement or prosecution official may not act as a probation officer or be made responsible for supervision of a juvenile on probation. A probation officer may not carry a firearm in the course of his official duties.

[Acts 1981, 67th Leg., p. 2419, ch. 617, § 1, eff. Sept. 1, 1981.]

§ 75.043. Training Assistance to Local Authorities

The commission shall provide educational training and technical assistance to counties, juvenile boards, and probation offices to promote compliance with the standards required under this chapter and to assist the local authorities in improving the operation of probation, parole, and detention services.

[Acts 1981, 67th Leg., p. 2419, ch. 617, § 1, eff. Sept. 1, 1981.]

§ 75.044. Records and Reports

The commission shall require each juvenile board in Texas to:

(1) keep such financial and statistical records as the commission deems necessary; and

(2) submit periodic financial and statistical reports to the commission.

[Acts 1981, 67th Leg., p. 2419, ch. 617, § 1, eff. Sept. 1, 1981.]

§ 75.045. Gifts and Grants

The commission may apply for and accept gifts or grants from any public or private source for use in maintaining and improving probation services in Texas.

[Acts 1981, 67th Leg., p. 2419, ch. 617, § 1, eff. Sept. 1, 1981.]

§ 75.046. Interagency Cooperation

(a) The commission may cooperate and contract with the federal government, with governmental agencies in Texas and other states, with political subdivisions of Texas, and with private agencies to improve probation services.

(b) The executive directors of the Texas Juvenile Probation Commission and the Texas Youth Council shall meet at least quarterly to discuss mutual

problems and make recommendations to the governor and legislature.

[Acts 1981, 67th Leg., p. 2419, ch. 617, § 1, eff. Sept. 1, 1981.]

§ 75.047. Inspections, Audits

(a) The commission may inspect and evaluate any juvenile board and conduct audits of financial records at any reasonable time to determine compliance with the commission's rules, regulations, and standards.

(b) Juvenile boards receiving funds under this chapter are also subject to audit by the Legislative Budget Board, the Governor's Budget and Planning Office, the State Auditor, and the State Comptroller of Public Accounts.

[Acts 1981, 67th Leg., p. 2419, ch. 617, § 1, eff. Sept. 1, 1981.]

§ 75.048. Studies

(a) The commission may, at the request of the governor or on its own motion, conduct or participate in the studies of corrections methods and systems, and treatment and therapy programs.

(b) The commission shall review and make a written report to the governor and the legislature on or before December 31, 1982, on the current practices in Texas regarding children who are charged with committing offenses that would be a felony if committed by an adult and the disposition of these incidents, charges, or cases.

[Acts 1981, 67th Leg., p. 2419, ch. 617, § 1, eff. Sept. 1, 1981.]

§ 75.049. Annual Report

The commission shall make a report to the governor and to the legislature each year covering its operations and the condition of probation services in Texas during the previous year and making whatever recommendations it considers desirable.

[Acts 1981, 67th Leg., p. 2419, ch. 617, § 1, eff. Sept. 1, 1981.]

§ 75.050. Delegation of Authority

The commission may delegate to the director or to any other employee any authority given it by this chapter except the authority to make rules.

[Acts 1981, 67th Leg., p. 2419, ch. 617, § 1, eff. Sept. 1, 1981.]

§ 75.051. Deposit of Money

All money received by the commission under Section 75.045 of this chapter shall be deposited in the state treasury to be used for the sole purpose of payments of state aid under this chapter and for the administration of this chapter.

[Acts 1981, 67th Leg., p. 2419, ch. 617, § 1, eff. Sept. 1, 1981.]

[Sections 75.052 to 75.060 reserved for expansion]

WTSC Human Resources—4

SUBCHAPTER D. STATE AID TO JUVENILE BOARDS

§ 75.061. State Aid Defined

"State aid" means funds allocated by the commission for financial assistance to juvenile boards to achieve the purposes of this chapter as stated by Section 75.001 and to conform to the standards and policies promulgated by the commission.

[Acts 1981, 67th Leg., p. 2419, ch. 617, § 1, eff. Sept. 1, 1981.]

§ 75.062. Provision of Probation and Detention Services

(a) The commission shall assist counties in providing their own probation and juvenile detention services by encouraging the establishment of juvenile boards. If two or more counties lack sufficient population to provide adequate juvenile probation and detention services, the commission may assist the counties in establishing multicounty boards or offices.

(b) If a county does not provide a juvenile probation department or officer before September 1, 1985, the commission may directly provide probation or detention services in the county.

[Acts 1981, 67th Leg., p. 2419, ch. 617, § 1, eff. Sept. 1, 1981.]

§ 75.063. Determination of Amount

The commission shall annually allocate funds for financial assistance to juvenile boards for the provision of juvenile services. The allocation of the funds shall be based on juvenile population and other factors determined to be appropriate by the commission. The legislature shall determine and appropriate the amount of state aid necessary to supplement local funds for maintenance and improvement of statewide juvenile services which comply with the standards promulgated by the commission. A portion of the funds appropriated to the commission for state aid may be set aside for programs designed to address special needs or projects of local juvenile boards.

[Acts 1981, 67th Leg., p. 2419, ch. 617, § 1, eff. Sept. 1, 1981.]

§ 75.064. Maintenance of Local Financial Support

A juvenile jurisdiction does not qualify and is not eligible for state aid unless it first is demonstrated to the satisfaction of the commission that the amount of local or county funds budgeted for juvenile services, including for the basis of this calculation the amount expended on juvenile detention and correctional facilities and excluding construction or renovation, is at least equal to or greater than the

amount expended for those services in the 1980 county fiscal year. At the end of each fiscal period, the commission shall satisfy itself that actual expenditures of local or county funds for juvenile services as defined in this subsection were as reflected in the representations made to the commission at the beginning of the period and may require a rebate or may withhold future state aid funds to which the jurisdiction would otherwise be entitled to the extent necessary to satisfy this requirement.

[Acts 1981, 67th Leg., p. 2419, ch. 617, § 1, eff. Sept. 1, 1981.]

§ 75.065. Special Rules for Multicounty Jurisdictions

If necessary, the commission may make rules providing for the payment of compensation, insurance, retirement, fringe benefits, and all related matters to those juvenile probation officers whose jurisdictions are composed of more than one county; providing for the centralization of administrative responsibilities associated with the state aid program in one of the counties in a jurisdiction composed of more than one county; and providing for the application of Section 75.063 in a jurisdiction composed of more than one county. Those juvenile probation officers who serve a jurisdiction composed of one county are considered to be employees of that county.

[Acts 1981, 67th Leg., p. 2419, ch. 617, § 1, eff. Sept. 1, 1981.]

§ 75.066. Reports

A juvenile board receiving state aid shall submit reports as required by the commission.

[Acts 1981, 67th Leg., p. 2419, ch. 617, § 1, eff. Sept. 1, 1981.]

§ 75.067. Payment of State Aid

(a) When the commission determines that a juvenile board complies with its standards, the commission shall prepare and submit to the State Comptroller of Public Accounts a voucher for payment to the juvenile board of the amount of state aid to which it is entitled.

(b) The fiscal officer designated for the juvenile board shall deposit all state aid received under this chapter into a special fund to be used solely by the juvenile board for the provision of juvenile probation services.

[Acts 1981, 67th Leg., p. 2419, ch. 617, § 1, eff. Sept. 1, 1981.]

§ 75.068. Refusal or Suspension of State Aid

The commission shall refuse or suspend payment of state aid to any juvenile board that fails to comply with the commission's standards or maintain local financial support. The commission shall pro-

vide for notice and a hearing in cases in which it refuses or suspends state aid.

[Acts 1981, 67th Leg., p. 2419, ch. 617, § 1, eff. Sept. 1, 1981.]

§ 75.069. Applicability

The provisions of this subchapter relating to state aid to not apply to juvenile boards until September 1, 1983.

[Acts 1981, 67th Leg., p. 2419, ch. 617, § 1, eff. Sept. 1, 1981.]

TITLE 4. SERVICES FOR THE DEAF

CHAPTER 81. TEXAS COMMISSION FOR THE DEAF

Sec.

- 81.001. Definition.
- 81.002. Texas Commission for the Deaf.
- 81.003. Terms.
- 81.004. Application of Sunset Act.
- 81.005. Chairman; Meetings; Expenses.
- 81.006. Duties and Powers.
- 81.0061. Interpreters in Agency or Court Proceedings.
- 81.007. Board for Evaluation of Interpreters.
- 81.008. Executive Director.
- 81.009. Employees.
- 81.010. Technical Advisory Council for Planning and Operations.
- 81.011. Telecommunication Devices for the Deaf in State Agencies or Institutions.
- 81.012. Pilot Programs for Deaf-Blind Multihandicapped Individuals and Their Parents.
- 81.013. Private Outdoor Training Programs for Deaf Students.

§ 81.001. Definition

In this chapter, "commission" means the Texas Commission for the Deaf.

[Acts 1979, 66th Leg., p. 2394, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1979, 66th Leg., p. 2431, ch. 842, art. 2, § 3, eff. Sept. 1, 1979.]

§ 81.002. Texas Commission for the Deaf

(a) The Texas Commission for the Deaf is composed of nine members appointed by the governor with the advice and consent of the senate.

(b) Three members of the commission must be deaf persons, two must be parents of deaf persons, two must be professionals serving the deaf, and two must be persons from the general public.

[Acts 1979, 66th Leg., p. 2394, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1979, 66th Leg., p. 2431, ch. 842, art. 2, § 3, eff. Sept. 1, 1979.]

Section 10 of Acts 1979, 66th Leg., p. 1651, ch. 690, enacting former Civil Statutes, art. 4413(42b), provided:

"The governor shall appoint members of the commission immediately after this Act takes effect. The governor shall designate three of the first nine members appointed to serve terms expiring in 1981, three to serve terms expiring in 1983, and three to serve terms expiring in 1985."

Section 12 of said Act provided:

"Sec. 12. Chapter 640, Acts of the 62nd Legislature, Regular Session, 1971, as amended (Article 4413(42), Vernon's Texas Civil Statutes), is repealed. The State Commission for the Deaf created by that Act is abolished and its records and property are transferred to the commission created by this Act."

§ 81.003. Terms

Members hold office for staggered terms of six years, with the terms of three members expiring on January 31 of each odd-numbered year.

[Acts 1979, 66th Leg., p. 2394, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1979, 66th Leg., p. 2431, ch. 842, art. 2, § 3, eff. Sept. 1, 1979.]

§ 81.004. Application of Sunset Act

The Texas Commission for the Deaf is subject to the Texas Sunset Act, as amended (Article 5429k, Vernon's Texas Civil Statutes). Unless the commission is continued in existence as provided by that Act, the commission is abolished and this chapter expires effective September 1, 1985.

[Acts 1979, 66th Leg., p. 2394, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1979, 66th Leg., p. 2431, ch. 842, art. 2, § 3, eff. Sept. 1, 1979.]

§ 81.005. Chairman; Meetings; Expenses

(a) The commission shall elect a chairman from among its members. The chairman serves for a term of one year.

(b) The commission shall hold at least six meetings a year.

(c) Five members of the commission constitute a quorum for the transaction of business.

(d) Members of the commission are entitled to reimbursement for their actual and necessary expenses in attending meetings of the commission and in carrying out official duties.

[Acts 1979, 66th Leg., p. 2394, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1979, 66th Leg., p. 2431, ch. 842, art. 2, § 3, eff. Sept. 1, 1979.]

§ 81.006. Duties and Powers

(a) The commission shall:

(1) develop and implement a statewide program of advocacy and education to ensure continuity of services to the deaf;

(2) provide direct services to the deaf, including interpreter services, information and referral services, message relay services, advocacy services, services to elderly deaf and hearing impaired, training in basic life skills and job-seeking skills, and individual and family counseling;

(3) work to ensure more effective coordination and cooperation among public and nonprofit organizations providing social and educational services to deaf individuals;

(4) establish a registry of available interpreters for the deaf and a catalogue of resources availa-

ble for the needs of the deaf, both of which it shall disseminate to interested people and update annually;

(5) conduct, in consultation with institutions of higher education, interpreter training workshops and institutes designed to qualify interpreters for state certification, develop guidelines for instruction of interpreters for the deaf in institutions of higher education, and with the assistance of the Central Education Agency develop and implement standards for training interpreters for the deaf in institutions of higher education; and

(6) annually review the schedule of fees recommended by the commission for the payment of interpreters and, as a result of the findings of the review and other relevant information, adopt by rule a schedule of reasonable fees to be paid to interpreters with varied levels of skill. The schedule of fees must be made available and recommended for adoption by other state agencies.

(b) The commission may:

(1) appoint one or more advisory committees to consult with and advise the commission and may reimburse the members of an advisory committee for the actual and necessary expenses incurred in performing duties requested by the commission;

(2) accept gifts, grants, and donations of money, personal property, or real property for use in expanding and improving services to deaf persons of this state;

(3) adopt rules necessary to implement this chapter; and

(4) contract with or provide grants to agencies, organizations, or individuals as necessary to implement this chapter.

[Acts 1979, 66th Leg., p. 2394, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1979, 66th Leg., p. 2431, ch. 842, art. 2, § 3, eff. Sept. 1, 1979; Acts 1981, 67th Leg., p. 351, ch. 140, § 1, eff. May 14, 1981; Acts 1983, 68th Leg., p. 2176, ch. 403, § 1, eff. Aug. 29, 1983.]

§ 81.0061. Interpreters in Agency or Court Proceedings

(a) The commission shall compile a list of qualified interpreters who are available for assignment by a state agency, a court, or a political subdivision to interpret proceedings for deaf persons. The commission shall disseminate this list to the agencies, courts, political subdivisions, and the general public. The commission shall prescribe the qualifications for interpreters who are to appear on the list and in prescribing those qualifications shall consider interpreters who are certified by the Texas Society of Interpreters for the Deaf or the National Registry of Interpreters for the Deaf, or both.

(b) The commission by rule shall adopt a schedule of reasonable fees recommended for the payment of interpreters required by law to be provided in pro-

ceedings of state agencies, courts, and political subdivisions. In adopting the schedule, the commission shall consider the recommendations of the Texas Society of Interpreters for the Deaf and the National Registry of Interpreters for the Deaf.

[Acts 1981, 67th Leg., p. 351, ch. 140, § 2, eff. May 14, 1981.]

§ 81.007. Board for Evaluation of Interpreters

(a) The commission may establish a program in accordance with this section for the certification of interpreters who have reached varying levels of proficiency in manual communication skills.

(b) The commission shall appoint a board of five persons to administer the certification program.

(c) Subject to approval of the commission, the board shall prescribe qualifications for each of several levels of certification based on proficiency and shall evaluate and certify interpreters using these qualifications.

(d) The commission shall use the recommendations of the board in compiling a statewide registry of interpreters by skill level. The registry must, in addition to other pertinent information, include recommendations relating to the appropriate selection and utilization of sign language interpreters for the deaf. The registry must be made available to and recommended for adoption by state commissions, departments, and agencies.

(e) The commission may charge a reasonable fee for the administration of an examination or other requirements for certification of an applicant.

[Acts 1979, 66th Leg., p. 2394, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1979, 66th Leg., p. 2431, ch. 842, art. 2, § 3, eff. Sept. 1, 1979; Acts 1981, 67th Leg., p. 352, ch. 140, § 3, eff. May 14, 1981; Acts 1983, 68th Leg., p. 2177, ch. 403, § 2, eff. Aug. 29, 1983.]

§ 81.008. Executive Director

(a) The commission shall appoint an executive director.

(b) In selecting an executive director, the commission shall give preference to a deaf or hard of hearing person.

(c) The executive director is responsible for carrying out policies established by the commission. The commission may not delegate responsibility for establishing policy of the agency to the executive director.

[Acts 1979, 66th Leg., p. 2394, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1979, 66th Leg., p. 2431, ch. 842, art. 2, § 3, eff. Sept. 1, 1979.]

§ 81.009. Employees

The commission may hire employees it considers necessary to carry out the purposes of this chapter.

[Acts 1979, 66th Leg., p. 2431, ch. 842, art. 2, § 3, eff. Sept. 1, 1979.]

§ 81.010. Technical Advisory Council for Planning and Operations

(a) The Technical Advisory Council for Planning and Operations is established. The commissioner of education, the commissioner of human resources, the commissioner of mental health and mental retardation, the commissioner of the Texas Rehabilitation Commission, the superintendent of the Texas School for the Deaf, the executive director of the State Commission for the Blind, the chairman of the Texas Employment Commission, the executive director of the Governor's Committee on Aging, and the commissioner of health, or a designee of each, shall serve as ex officio members of the council. In addition, the executive director of the Texas Commission for the Deaf shall appoint a member of the faculty of a college or university who specializes in the area of training for the deaf, and shall appoint two representatives of nonprofit organizations which provide services for the deaf to serve on the council.

(b) The members of the council appointed by the executive director of the Texas Commission for the Deaf shall serve for terms of two years. They shall receive no compensation but are entitled to be reimbursed for actual and necessary expenses incurred in performing their official duties.

(c) The executive director of the Texas Commission for the Deaf may appoint representatives of other public or private agencies to serve as advisors to the council and may authorize the reimbursement of their actual and necessary expenses incurred in performing their official duties.

(d) The council serves as an interagency planning council for the coordination of services to the deaf. The council shall assist the executive director of the Texas Commission for the Deaf and the commission in resolving the differences that arise among state-supported organizations responsible for direct extension of services to deaf individuals and in determining which agency is responsible for serving a multiply handicapped deaf child.

[Acts 1979, 66th Leg., p. 2431, ch. 842, art. 2, § 3, eff. Sept. 1, 1979. Amended by Acts 1981, 67th Leg., p. 352, ch. 140, § 4, eff. May 14, 1981.]

§ 81.011. Telecommunication Devices for the Deaf in State Agencies and Units of Local Government

(a) The commission shall establish and administer a program for the placement and use of telecommunication devices for the deaf in selected state agen-

cies and in emergency dispatch communication centers in selected units of local government, including counties, municipalities, and other political subdivisions that administer emergency response systems.

(b) The commission shall establish rules for the program, including rules requiring reports by state agencies and units of local government selected for placement of a device.

(c) The commission shall consult with other state agencies and with selected units of local government, as well as state organizations of and for the deaf, and shall determine:

- (1) the state agencies and units of local government in which to place devices; and
- (2) the number of devices to place with each agency or unit of local government.

(d) The commission, in consultation with the State Purchasing and General Services Commission, shall establish specifications for each device that must be met before the commission will consider its purchase, lease, rent, or acquisition. The devices shall be purchased, leased, rented, or otherwise acquired by the commission in accordance with the State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes).

(e) The commission may place devices in selected state agencies and units of local government according to established guidelines, and the commission shall bear the costs of placement in accordance with legislative appropriations. The commission may accept grants, donations, or gifts of equipment for this purpose and may reassign a device if it determines that reassignment is necessary to maximize its use.

(f) After placement, a purchased device shall remain the property of the commission. The commission is responsible for the repair, upkeep, and proper functioning of all devices included in the commission's property inventory lists.

(g) The commission shall develop and administer training programs for personnel of state agencies and units of local government selected for placement of a device to teach the use and general maintenance of the device.

(h) Each state agency or unit of local government in which a device is placed shall:

- (1) take all necessary actions to help ensure continued use of a device; and
- (2) file reports as required by the commission.

[Acts 1981, 67th Leg., p. 2307, ch. 566, § 1, eff. Sept. 1, 1981. Amended by Acts 1983, 68th Leg., p. 2178, ch. 403, § 3, eff. Aug. 29, 1983.]

Section 2 of the 1981 Act provided:

"(a) As soon as possible after the effective date of this Act, each telecommunication device for the deaf in state agencies then in possession of such a device may be transferred to the commission.

"(b) The cost of acquisition for each device shall be set by the State Purchasing and General Services Commission at the current fair market value."

§ 81.012. Pilot Programs for Deaf-Blind Multihandicapped Individuals

Text of section effective until September 1, 1987

(a) The commission shall establish not more than four pilot programs to serve deaf-blind multihandicapped individuals by helping them attain self-sufficiency and independent living.

(b) The commission shall establish a program of parental counseling for the parents of deaf-blind multihandicapped individuals. The counseling program may be provided on an individual or group basis and must include programs, activities, and services necessary to foster greater understanding and to improve relationships among professionals, parents, and deaf-blind multihandicapped individuals.

(c) The commission shall establish a summer outdoor training program for deaf-blind multihandicapped individuals. The outdoor training program must be designed to help meet the unique needs of deaf-blind multihandicapped individuals for the purpose of broadening their educational experiences and improving their ability to function more independently.

(d) The commission shall establish regulations for implementing and administering the pilot programs.

(e) The commission may contract for services or goods with private or public entities for purposes of this section.

(f) From information collected from the pilot programs, the commission shall determine the need for related future services and the most efficient and effective method of delivering the future services.

(g) Before implementing the pilot programs for deaf-blind multihandicapped individuals, the commission shall conduct a statewide survey to determine:

- (1) the number of deaf-blind multihandicapped children and adults, their location, and their living accommodations; and
- (2) the type and extent of programs and services in the state available to deaf-blind multihandicapped children and adults.

(h) Unless the pilot programs are continued in existence by the 70th Legislature, the programs are abolished and this section expires effective September 1, 1987.

[Acts 1981, 67th Leg., p. 2310, ch. 568, § 1, eff. June 15, 1981. Amended by Acts 1983, 68th Leg., p. 2179, ch. 403, § 4, eff. Aug. 29, 1983.]

§ 81.013. Private Outdoor Training Programs for Deaf Students

(a) The commission may contract with private entities to provide for the attendance of deaf students at outdoor recreational programs operated for the purpose of providing skill training and recreational experiences for deaf children or for deaf children and their parents.

(b) In selecting students to attend programs under this section, the commission shall select students from each regional day school program for the deaf, students from the Texas School for the Deaf, and other deaf children that the commission thinks will benefit from the program.

[Acts 1981, 67th Leg., p. 288, ch. 113, § 1, eff. May 13, 1981.]

TITLE 5. SERVICES FOR THE BLIND AND VISUALLY HANDICAPPED

CHAPTER 91. STATE COMMISSION FOR THE BLIND

SUBCHAPTER A. GENERAL PROVISIONS

Sec.

- 91.001. Application of Sunset Act.
- 91.002. Definitions.

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

- 91.011. State Commission for the Blind.
- 91.012. Executive Director; Other Personnel.
- 91.013. Expenses; Accounts.
- 91.014. Interest on Funds in Treasury.

SUBCHAPTER C. GENERAL POWERS AND DUTIES OF THE COMMISSION

- 91.021. Responsibility for Visually Handicapped Persons.
- 91.022. Bureau of Information.
- 91.023. Rehabilitation Services.
- 91.024. Workshops and Salesrooms.
- 91.025. Instruction of Blind Persons in Their Homes.
- 91.026. Registry of Blind and Visually Handicapped Persons.
- 91.027. Prevention of Blindness and Conservation of Eyesight.
- 91.028. Services for Visually Handicapped Children.
- 91.029. Vocational Guidance and Related Services.
- 91.030. Gifts and Grants.
- 91.0301. Loans for Visual Aids.
- 91.031. Reports.

SUBCHAPTER D. VOCATIONAL REHABILITATION OF THE BLIND

- 91.051. Definitions.
- 91.052. Vocational Rehabilitation Program for the Blind.
- 91.053. Cooperation With Federal Government.
- 91.054. Director; Appointment and Duties.
- 91.055. Eligibility for Vocational Rehabilitation Services.
- 91.056. Receipt and Disbursement of Funds.
- 91.057. Gifts.
- 91.058. Hearings.

Sec.

- 91.059. Misuse of Information.
- 91.060. Limitation on Political Activity.

SUBCHAPTER E. CENTRAL MEDIA DEPOSITORY

- 91.081. Purpose.
- 91.082. Establishment of Central Media Depository.
- 91.083. Ancillary Services.
- 91.084. Funding.

SUBCHAPTER A. GENERAL PROVISIONS

§ 91.001. Application of Sunset Act

The State Commission for the Blind is subject to the Texas Sunset Act (Article 5429k, Vernon's Texas Civil Statutes); and unless continued in existence as provided by that Act the commission is abolished and this chapter expires effective September 1, 1985.

[Acts 1979, 66th Leg., p. 2396, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 91.002. Definitions

In this chapter:

(1) "Commission" means the State Commission for the Blind.

(2) "Blind" means a person having not more than 20/200 visual acuity in the better eye with correcting lenses or visual acuity greater than 20/200 but with a limitation in the field of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

(3) "Visual handicap" includes blindness, an eye condition for which there is a medical prognosis indicating that the condition is of a progressive nature and may deteriorate either to blindness or to a substantial loss of vision, and physical or psychological handicaps that accompany or complement a disorder or imperfection of the eye.

(4) "Visually handicapped child" means a child with a visual handicap or with a visual condition requiring cosmetic treatment, psychological assistance, counseling, or other assistance that the commission can render.

[Acts 1979, 66th Leg., p. 2396, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

[Sections 91.003 to 91.010 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

§ 91.011. State Commission for the Blind

(a) The State Commission for the Blind is composed of nine members appointed by the governor with the consent of the senate. Two members must be reputable blind citizens of the state and the remaining members must be outstanding citizens of the state.

(b) A person is ineligible for appointment to the commission if the person is a paid employee of an agency carrying on work for the blind or if the person is engaged in or associated with or otherwise represents a business, discipline, profession, or trade conducted for the primary purpose of selling or furnishing goods or services of the type provided by the commission as a significant part of its assistance to eligible individuals.

(c) Members of the commission hold office for terms of six years with the terms of three members expiring on February 1 of odd-numbered years.

(d) Commission members serve without compensation but are entitled to reimbursement for necessary expenses incurred in the performance of their duties.

(e) The governor shall designate a member of the commission to serve as presiding officer, and the officer shall serve at the governor's pleasure.

(f) Five members of the commission constitute a quorum for the transaction of business.

[Acts 1979, 66th Leg., p. 2396, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1979, 66th Leg., p. 2437, ch. 842, art. 2, § 11, eff. Sept. 1, 1979; Acts 1983, 68th Leg., p. 2831, ch. 484, art. II, § 3, eff. June 19, 1983.]

Section 4 of art. II of the 1983 amendatory act provides:

"(a) A person appointed to the State Commission for the Blind who held office immediately preceding the effective date of this Act and who was eligible to be a member of the commission under the law as it existed at the time of his appointment is entitled to serve the remainder of the term for which he was appointed.

"(b) The term of office succeeding a commission member's term that expires on January 1, 1985, expires on February 1, 1991. The term of office succeeding a commission member's term that expires on January 1, 1987, expires on February 1, 1993. The term of office succeeding a commission member's term that expires on January 1, 1989, expires on February 1, 1995."

§ 91.012. Executive Director; Other Personnel

(a) The commission shall annually appoint an executive director and other necessary employees authorized by law.

(b) On undertaking specific activities supporting special and vocational education programs for the blind and visually handicapped, the commission may appoint an assistant executive director, a deputy director for cooperative programs with other agencies and departments of the state or its political subdivisions, a deputy director for technical and consultative services to private organizations and special resource facilities within the field, and a deputy director for the regular programs of the agency. These positions and the position of executive director are exempt from the state salary classification schedule, and, within the limits of available funds, the commission may fix the salaries for the positions at amounts not exceeding the average amounts paid for equivalent positions in any other five state agencies engaged in the direct extension of state-supported services to eligible individuals. The salaries and related costs of these positions may be paid out of the general funds of the agency, the special grants received by the agency, or other

funds available to the agency under interagency agreements.

(c) Within the limits of appropriated funds the commission may employ other personnel necessary to carry out its duties.

[Acts 1979, 66th Leg., p. 2396, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 91.013. Expenses; Accounts

(a) Expenses of commission members and employees must be paid in the most efficient and practical manner authorized by law.

(b) All accounts must be paid in accordance with laws applicable to the commission or to state agencies generally.

[Acts 1979, 66th Leg., p. 2397, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 91.014. Interest on Funds in Treasury

Interest earned on funds deposited in the State Treasury from gifts and grants received by the commission under Section 91.030 of this code and from proceeds from the operation of vending facilities under Chapter 94 of this code shall be credited to the fund on which the interest is earned.

[Acts 1983, 68th Leg., p. 3821, ch. 594, § 1, eff. June 19, 1983.]

[Sections 91.015 to 91.020 reserved for expansion]

SUBCHAPTER C. GENERAL POWERS AND DUTIES OF THE COMMISSION

§ 91.021. Responsibility for Visually Handicapped Persons

(a) The commission has primary responsibility for providing all services to visually handicapped persons except welfare services and services for children provided by regularly established educational agencies and state authorities.

(b) The commission shall negotiate interagency agreements with other state agencies to provide services for individuals who have both a visual handicap and another handicapping condition so that those multiply handicapped individuals may be provided the most beneficial services with the greatest possible economy.

(c) The commission and other concerned state agencies may not refuse to enter an interagency agreement developed to advance the state's policies regarding the rehabilitation or education of the blind and visually handicapped. In negotiating the agreements the agencies shall seek to extend and improve the regular services provided by the agencies and to effectively use all specialty and fiscal resources that are available. The agencies shall give careful consideration to avoiding unnecessary duplication or overlap of their respective efforts.

(d) The commission shall enter into agreements with the federal government to implement federal legislation authorizing the provision of services to the visually handicapped. The commission shall

adopt methods of administration required by the federal government for the proper and efficient implementation of the agreements, and shall comply with other federal requirements necessary to secure the full benefits of the federal legislation.

(e) The commission and other concerned state agencies may not refuse to enter interagency agreements designed to secure the full benefits of federal legislation authorizing services for the visually handicapped.

(f) The commission shall:

(1) provide advocacy and ombudsmanship services for visually handicapped citizens of the state;

(2) serve as an information center and referral resource for the visually handicapped;

(3) develop mechanisms and procedures that tend to assist visually handicapped individuals in bridging gaps between educational, institutional, rehabilitative, vocational, and related types of services operated by public and private nonprofit organizations throughout the state; and

(4) generally supervise, oversee, and assure the effective management and operation of a state program of purchasing goods and services manufactured by handicapped individuals according to the requirements of law and in nonprofit sheltered workshop facilities.

[Acts 1979, 66th Leg., p. 2397, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1979, 66th Leg., p. 2437, ch. 842, art. 2, § 12, eff. Sept. 1, 1979.]

§ 91.022. Bureau of Information

The commission shall maintain a bureau of information to assist blind and visually handicapped persons in finding employment.

[Acts 1979, 66th Leg., p. 2398, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 91.023. Rehabilitation Services

The commission may furnish materials, tools, books, and other necessary apparatus and assistance for use in rehabilitating blind and visually handicapped persons.

[Acts 1979, 66th Leg., p. 2398, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 91.024. Workshops and Salesrooms

The commission may establish workshops and salesrooms for blind and visually handicapped persons. The commission may use receipts or earnings that accrue from the operation of industrial schools, salesrooms, or workshops authorized in this chapter. Detailed statements of the receipts or earnings and expenditures shall be made to the state auditor monthly.

[Acts 1979, 66th Leg., p. 2398, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 91.025. Instruction of Blind Persons in Their Homes

The commission may employ teachers to instruct adult blind persons in their homes. However, the commission may not undertake the permanent support or maintenance of a blind person.

[Acts 1979, 66th Leg., p. 2398, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 91.026. Registry of Blind and Visually Handicapped Persons

The commission shall cooperate with the Governor's Coordinating Office for the Visually Handicapped in maintaining a current and comprehensive registry of blind and visually handicapped persons in the state. The registry must include appropriate information regarding individuals whose medical history or medical prognosis indicates that there is a reasonable likelihood that the individuals may experience a substantial visual handicap in the future.

[Acts 1979, 66th Leg., p. 2398, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

Amendment by Acts 1979, 66th Leg., p. 679, ch. 301, § 8(a)

Acts 1979, 66th Leg., p. 679, ch. 301, § 8(a), purports to repeal subsec. (e) of § 2 of Civil Statutes, art. 3207a [now, this section], without reference to repeal of said article by Acts 1979, 66th Leg., p. 2429, ch. 842, art. 1, § 2(1).

Section 3.11(c) of the Code Construction Act (Civil Statutes, art. 5429b—2) provides, in part, that the repeal of a statute by a code does not affect an amendment of the statute by the same legislature which enacted the code, that the amendment is preserved and given effect as part of the code provision, and that if any provision of a code conflicts with a statute enacted by the same legislature which enacted the code, the statute controls.

§ 91.027. Prevention of Blindness and Conservation of Eyesight

The commission shall take measures it considers advisable to prevent blindness and to conserve eyesight.

[Acts 1979, 66th Leg., p. 2398, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 91.028. Services for Visually Handicapped Children

The commission may provide services to visually handicapped children to supplement the services provided by other state agencies if the commission determines that the provision of the services is appropriate and that the services will assist the children in achieving financial self-sufficiency and a fuller and richer life. It is the intention of the

legislature that all state agencies concerned with visually handicapped children cooperate fully to achieve this purpose.

[Acts 1979, 66th Leg., p. 2398, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 91.029. Vocational Guidance and Related Services

The commission may provide vocational guidance and related services to adults with seriously defective sight through its vocational rehabilitation division if the commission determines that it may appropriately and adequately do so.

[Acts 1979, 66th Leg., p. 2398, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 91.030. Gifts and Grants

The commission may accept gifts and grants from individuals, associations, and corporations and may expend funds received in accordance with the provisions of this chapter.

[Acts 1979, 66th Leg., p. 2398, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 91.0301. Loans for Visual Aids

(a) The commission may establish a program to make loans to finance the purchase of technological aids for visually handicapped persons. Interest on the loans may not exceed 10 percent a year.

(b) The director may promulgate rules to administer the loan program.

[Acts 1981, 67th Leg., p. 317, ch. 126, § 1, eff. Sept. 1, 1981.]

§ 91.031. Reports

The commission shall submit a report to the legislature before January 1 of each odd-numbered year detailing the commission's activities and accomplishments during the preceding biennium and accounting for all funds it received or spent. The report must include recommendations for further improvement of the conditions of the blind in the state.

[Acts 1979, 66th Leg., p. 2399, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

[Sections 91.032 to 91.050 reserved for expansion]

SUBCHAPTER D. VOCATIONAL REHABILITATION OF THE BLIND

§ 91.051. Definitions

In this subchapter:

(1) "Program" means the vocational rehabilitation program authorized in this subchapter.

(2) "Director" means the executive director of the commission or his or her designee who may devote full time to the program or to vocational rehabilitation and other closely related activities to the extent permitted by applicable federal rules.

(3) "Employment handicap" means a physical or mental condition that obstructs or impairs, or if not

corrected will probably obstruct or impair, an individual's performance in an occupation.

(4) "Disabled individual" means a person who has a substantial employment handicap.

(5) "Blind disabled individual" means a person who is blind or who has a visual condition for which medical prognosis indicates a progressive deterioration that may result in a substantial vocational handicap.

(6) "Vocational rehabilitation" or "vocational rehabilitation services" means services that are provided directly by the commission or through a public or private agency and that the director determines are necessary to compensate a blind disabled individual for an employment handicap so that the individual may engage in a remunerative occupation. The terms include, but are not limited to, medical and vocational diagnosis; vocational guidance, counseling, and placement; rehabilitation training; physical restoration; transportation; occupational licenses; customary occupational tools and equipment; maintenance; training books and materials; and other goods and services for which the commission receives financial support under federal law.

(7) "Rehabilitation training" means all necessary training provided to a blind disabled individual to compensate for an employment handicap. The term includes, but is not limited to, manual, pre-conditioning, prevocational, vocational, and supplementary training and training to achieve broader and more lucrative skills and capacities.

(8) "Physical restoration" means medical, surgical, or therapeutic treatment necessary to correct or substantially reduce a blind disabled individual's employment handicap within a reasonable period of time. The term includes, but is not limited to, medical, surgical, dental, and psychiatric treatment, nursing services, hospital care, convalescent home care, drugs, medical and surgical supplies, and prosthetic appliances. The term excludes treatment to cure acute or transitory conditions.

(9) "Prosthetic appliance" means an artificial device necessary to support or replace a part of the body or to increase the acuity of a sensory organ.

(10) "Occupational license" means a license, permit, or other written authorization required by a governmental unit as a condition for engaging in an occupation.

(11) "Maintenance" means money payments not exceeding the estimated cost of subsistence during vocational rehabilitation.

(12) "Rule" means a rule promulgated by the director and approved by the commission.

[Acts 1979, 66th Leg., p. 2399, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 91.052. Vocational Rehabilitation Program for the Blind

(a) The commission shall conduct a program to provide vocational rehabilitation services to eligible blind disabled individuals.

(b) To achieve the purposes of the program, the commission may:

(1) cooperate with other public and private agencies in studying the problems involved in providing vocational rehabilitation and in establishing, developing, and providing necessary or desirable facilities and services;

(2) enter reciprocal agreements with other states to provide vocational rehabilitation for the residents of the states concerned; and

(3) conduct research and compile statistics relating to the vocational rehabilitation of blind disabled individuals.

[Acts 1979, 66th Leg., p. 2400, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 91.053. Cooperation With Federal Government

(a) The commission shall cooperate with the federal government to accomplish the purposes of federal laws relating to vocational rehabilitation and closely related activities.

(b) The commission shall negotiate agreements or plans with the federal government and shall adopt efficient methods of administration and comply with other conditions required to secure the full benefits of the federal laws. If the commission determines that a provision of state law precludes conformity with a federal requirement and limits federal financial support, the commission may waive or modify the state law to the extent necessary to obtain the full benefits of the federal law.

(c) In adopting the methods of administration, the commission shall include a system of necessary staffing patterns, personnel administration, and employee compensation comparable to the systems used by state agencies that receive substantial federal financial support. However, the commission may not employ personnel or adopt a system of merit pay that is not authorized in the commission's state appropriation unless the commission certifies to the state auditor that the commission's action is necessary to accomplish its statutory purposes and that the action will not be financed with state funds. The commission shall submit financial information required by the state auditor to support the certification.

[Acts 1979, 66th Leg., p. 2400, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 91.054. Director; Appointment and Duties

(a) The commission shall appoint a director to administer the program under its general supervision.

(b) The commission shall select the director on the basis of his or her education, training, experi-

ence, and demonstrated abilities in accordance with established personnel standards.

(c) The director shall promulgate rules governing personnel standards and, with the commission's approval, shall appoint personnel necessary to efficiently accomplish the purposes of the program.

(d) With the commission's approval, the director may delegate to an employee of the program any of the director's powers and duties relating to the program except the power to make rules and appoint personnel.

(e) The director shall make rules governing standards of eligibility for vocational rehabilitation services, the form and manner of filing applications for those services, the procedures for investigating applicants and determining their eligibility, the procedures protecting records and confidential information, procedures for fair hearings, and other matters necessary to achieve the purposes of this subchapter.

(f) With the commission's approval, the director shall establish appropriate administrative units within the program.

(g) The director shall prepare and submit to the commission annual reports of program activities and expenditures, and prior to each regular session of the legislature shall estimate the amount of funds necessary to administer the program and the amount available from all sources for that purpose.

(h) With the commission's approval, the director shall take other actions he or she considers necessary or appropriate to carry out the purposes of this subchapter.

[Acts 1979, 66th Leg., p. 2400, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 91.055. Eligibility for Vocational Rehabilitation Services

(a) The commission shall provide vocational rehabilitation services to a blind disabled individual if the individual:

(1) resides in this state and the director determines after investigation that the individual's vocational rehabilitation can be satisfactorily achieved; or

(2) is eligible for the services under an agreement with another state or the federal government.

(b) Except as otherwise provided by law or an agreement with the federal government, the commission may provide the following vocational rehabilitation services at public expense only to disabled blind individuals who are found to require financial assistance:

- (1) physical restoration;
- (2) occupational licenses;
- (3) customary occupational tools and equipment;
- (4) training books and materials;
- (5) maintenance; and

(6) transportation other than that provided to determine the individual's eligibility and the nature and extent of the vocational rehabilitation services necessary.

(c) A disabled blind individual's right to maintenance is not transferable or assignable at law or in equity.

[Acts 1979, 66th Leg., p. 2401, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 91.056. Receipt and Disbursement of Funds

(a) The state treasurer is custodian of federal funds received by the state to implement federal law relating to vocational rehabilitation.

(b) The director shall certify for disbursement funds available for the vocational rehabilitation program in accordance with regulations.

(c) The treasurer shall disburse state and federal vocational rehabilitation funds on certification by the director.

[Acts 1979, 66th Leg., p. 2401, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 91.057. Gifts

(a) With the approval of the commission, the director may accept and use unconditional gifts made to the commission to carry out the purposes of this subchapter.

(b) The director may accept, use, hold, or invest conditional gifts if the commission determines that the conditions are consistent with the provisions of this subchapter.

[Acts 1979, 66th Leg., p. 2401, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 91.058. Hearings

An applicant for or recipient of vocational rehabilitation services who is aggrieved by an action or inaction under the program is entitled to a hearing by the commission in accordance with law.

[Acts 1979, 66th Leg., p. 2402, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 91.059. Misuse of Information

Except for purposes directly connected with the administration of the vocational rehabilitation program, no person may solicit, disclose, receive, use, or knowingly permit the use of records or other information concerning an applicant for or recipient of vocational rehabilitation services that is directly or indirectly acquired by an officer or employee of the state or its political subdivisions in the course of his or her official duties.

[Acts 1979, 66th Leg., p. 2402, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 91.060. Limitation on Political Activity

(a) No officer or employee engaged in the administration of the vocational rehabilitation program may:

(1) use his or her official authority or influence or permit the use of the program for a partisan political purpose or for the purpose of interfering with or affecting the results of an election;

(2) take an active part in the management of a political campaign or participate in a political activity; or

(3) solicit or receive any service, assistance, subscription, assessment, or contribution for a political purpose.

(b) An officer or employee engaged in the administration of the program may vote as he pleases, may express his opinions as a citizen on any subject, and may not be required to contribute or render any service, assistance, subscription, assessment, or contribution for any political purpose.

(c) An officer or employee who violates Subsection (a) of this section is subject to discharge or suspension.

[Acts 1979, 66th Leg., p. 2402, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

SUBCHAPTER E. CENTRAL MEDIA DEPOSITORY

§ 91.081. Purpose

(a) The purpose of this subchapter is to establish a comprehensive central state depository for braille, large print, slow speed records and machines, tape recordings and tape players, and related forms of media that will enable the Texas State Library, the Central Education Agency, the State Commission for the Blind, volunteer organizations involved in the production of braille or recorded materials for the blind, the Library of Congress, and related types of organizations to work together more closely and effectively.

(b) It is the intent of this subchapter to allow various agencies and organizations interested in or responsible for such services to work together cooperatively in one facility without requiring one central management.

[Acts 1979, 66th Leg., p. 2406, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1979, 66th Leg., p. 2438, ch. 842, art. 2, § 15, eff. Sept. 1, 1979.]

§ 91.082. Establishment of Central Media Depository

(a) The Texas State Library and Archives Commission shall generally supervise the establishment and operation of a central media depository in Austin to house materials and devices required by blind and visually handicapped individuals or by other

individuals who are unable to use ordinary printed materials.

(b) With the approval of the library and archives commission, the agencies and organizations maintaining and operating the central media depository shall develop and periodically evaluate and modify specific arrangements for administrative support, sharing of staff and equipment, and related matters involved in the operation of the program.

[Acts 1979, 66th Leg., p. 2406, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1979, 66th Leg., p. 2438, ch. 842, art. 2, § 15, eff. Sept. 1, 1979.]

§ 91.083. Ancillary Services

The library and archives commission shall allow the central media depository to be used for the repair of special media and equipment required by individuals who are unable to use ordinary print and for research and demonstration, training, and the production of materials in special media by volunteer organizations.

[Acts 1979, 66th Leg., p. 2406, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1979, 66th Leg., p. 2438, ch. 842, art. 2, § 15, eff. Sept. 1, 1979.]

§ 91.084. Funding

The cost of establishing and operating the central media depository shall be paid with:

- (1) funds appropriated by the legislature for that purpose;
- (2) gifts, grants, bequests, and donations received by cooperating agencies for the establishment and support of the depository;
- (3) reasonable fees customarily charged for services by the agencies and organizations using or occupying the facility; and
- (4) funds budgeted by the cooperating agencies and organizations for that purpose pursuant to interagency contracts and agreements.

[Acts 1979, 66th Leg., p. 2406, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1979, 66th Leg., p. 2438, ch. 842, art. 2, § 15, eff. Sept. 1, 1979.]

CHAPTER 92. GOVERNOR'S COORDINATING OFFICE FOR THE VISUALLY HANDICAPPED

SUBCHAPTER A. GENERAL PROVISIONS [REPEALED]

Sec.
92.001, 92.002. Repealed.

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS [REPEALED]

92.011 to 92.013. Repealed.

SUBCHAPTER C. POWERS AND DUTIES OF THE OFFICE [REPEALED]

Sec.
92.021 to 92.023. Repealed.

SUBCHAPTER D. CENTRAL MEDIA DEPOSITORY [TRANSFERRED]

92.051 to 92.054. Transferred.

SUBCHAPTER E. REGISTER OF BLIND AND VISUALLY HANDICAPPED PERSONS [REPEALED]

92.081 to 92.085. Repealed.

SUBCHAPTER A. GENERAL PROVISIONS [REPEALED]

§§ 92.001, 92.002. Repealed by Acts 1979, 66th Leg., p. 2439, ch. 842, art. 2, § 16, eff. Sept. 1, 1979

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS [REPEALED]

§§ 92.011 to 92.013. Repealed by Acts 1979, 66th Leg., p. 2439, ch. 842, art. 2, § 16, eff. Sept. 1, 1979

SUBCHAPTER C. POWERS AND DUTIES OF THE OFFICE [REPEALED]

§§ 92.021 to 92.023. Repealed by Acts 1979, 66th Leg., p. 2439, ch. 842, art. 2, § 16, eff. Sept. 1, 1979

SUBCHAPTER D. CENTRAL MEDIA DEPOSITORY [TRANSFERRED]

This subchapter, consisting of §§ 92.051 to 92.054, was transferred to Subchapter E of Chapter 91, § 91.081 et seq., renumbered, and amended by Acts 1979, 66th Leg., p. 2438, ch. 842, art. 2, § 15.

SUBCHAPTER E. REGISTER OF BLIND AND VISUALLY HANDICAPPED PERSONS [REPEALED]

§§ 92.081 to 92.085. Repealed by Acts 1979, 66th Leg., p. 2439, ch. 842, art. 2, § 16, eff. Sept. 1, 1979

CHAPTER 93. COMMITTEE ON PURCHASES OF BLIND-MADE PRODUCTS AND SERVICES [REPEALED]

§§ 93.001 to 93.015. Repealed by Acts 1981, 67th Leg., p. 2284, ch. 556, § 3, eff. Sept. 1, 1981

Section 2(b) to (e) of the 1981 repealing act provides:
“(b) The members appointed to the Texas Committee on Purchases of Blind-Made Products and Services before the effective date of this Act serve for the duration of the terms for which they

were appointed as members of the Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons.

"(c) Any reference in law to the Texas Committee on Purchases of Blind-Made Products and Services means the Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons.

"(d) Any legal obligations incurred by the Texas Committee on Purchases of Blind-Made Products and Services before the effective date of this Act are transferred to the Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons.

"(e) The records and other property in the custody of the Texas Committee on Purchases of Blind-Made Products and Services are transferred to the Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons. The employees of the Texas Committee on Purchases of Blind-Made Products and Services are employees of the Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons."

See, now, § 122.001 et seq.

CHAPTER 94. VENDING FACILITIES OPERATED BY BLIND PERSONS

Sec.

- 94.001. Definitions.
- 94.002. License or Permit Required.
- 94.003. Licensing Procedure.
- 94.004. Location of Vending Facilities.
- 94.005. Issuance of Licenses; Eligibility.
- 94.006. Expiration, Renewal, and Revocation of Licenses.
- 94.007. Operation of Vending Facilities Under the Rehabilitation Commission.
- 94.008. Closing Certain Facilities Prohibited.
- 94.009. Employment of Assistants.
- 94.010. Competing Vending Machines.
- 94.011. Vending Facility Equipment and Stock.
- 94.012. Duties and Privileges of Parties.
- 94.013. Training Programs.
- 94.014. Conformity With Federal Statutes.
- 94.015. Application of Chapter.

§ 94.001. Definitions

In this chapter:

(1) "Blind person" means a person having not more than 20/200 visual acuity in the better eye with correcting lenses or visual acuity greater than 20/200 but with a limitation in the field of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

(2) "Vending facility" means a facility in which food, drinks, drugs, novelties, souvenirs, tobacco products, notions, or related items are sold regularly. The term excludes facilities consisting solely of vending machines that do not compete directly or indirectly with a facility that is or could be operated by a vocationally handicapped person.

(3) "State property" means land and buildings owned, leased, or otherwise controlled by the state.

(4) "Agency" means the state agency in charge of state property.

(5) "Handicapped" means a physical or mental condition that the commission or rehabilitation

commission determines to constitute a substantial vocational disadvantage.

(6) "Commission" means the State Commission for the Blind.

(7) "Rehabilitation commission" means the Texas Rehabilitation Commission.

[Acts 1979, 66th Leg., p. 2411, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 94.002. License or Permit Required

(a) No person may operate a vending facility or a facility with vending machines or other coin-operated devices on state property unless the person is licensed to do so by the commission or is authorized to do so by an agency granted a permit to arrange for vending facilities.

(b) Subsection (a) of this section does not apply to a building in which the State Purchasing and General Services Commission leases space to a private tenant under Section 4.15, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes).

[Acts 1979, 66th Leg., p. 2411, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 3415, ch. 571, § 5, eff. Jan. 1, 1984.]

§ 94.003. Licensing Procedure

(a) On its own initiative or at the request of an agency that controls state property, the commission shall survey the property, or blueprints and other available information concerning the property, to determine whether the installation of a vending facility is feasible and consonant with the commission's vocational rehabilitation objectives.

(b) If the installation of the facility is feasible, the commission shall either license a blind person to operate a facility to be installed by the commission or allow the rehabilitation commission to install a facility to be operated by a handicapped person who is not blind according to rules and procedures comparable to those adopted by the commission. The commission and the rehabilitation commission may enter into agreements relating to management services and related forms of necessary assistance.

[Acts 1979, 66th Leg., p. 2411, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 94.004. Location of Vending Facilities

(a) With the concurrence of the agency in charge of state property, the commission shall designate the location of vending facilities that have been requested by the agency.

(b) The agency responsible for state property shall alter the property to make it suitable for the proper operation of the vending facilities. To this end, the agency in charge of constructing new state

property shall consult with the commission during the planning stage on the construction.

[Acts 1979, 66th Leg., p. 2412, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 94.005. Issuance of Licenses; Eligibility

(a) The commission may issue a license to operate its vending facilities on state property to blind citizens of the state who are capable of operating the facilities in a manner that is reasonably satisfactory to all parties concerned.

(b) Before issuing a license to a person, the commission shall determine whether the person has the physical, psychological, and personal traits and abilities required to operate a vending facility in a satisfactory manner.

(c) The commission shall maintain a roster of the names of each person who has been certified as suitable for licensing. If two or more equally qualified persons are listed on the roster and apply for a license to operate an available vending facility, the commission shall issue the license to the person who is most in need of employment.

(d) The granting of a license does not vest the licensee with property or other rights which may constitute the basis of a cause of action, at law or in equity, against the state or its officers or employees.

[Acts 1979, 66th Leg., p. 2412, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 94.006. Expiration, Renewal, and Revocation of Licenses

(a) A license or general permit to operate a vending facility on state property is valid for a period of three years from the date it is issued.

(b) The commission shall review each license or permit prior to its expiration and shall issue a new or different license or permit as the circumstances warrant.

(c) The commission and the agency may consent mutually to revoke a general permit prior to its expiration if changed circumstances warrant that action.

(d) A blind person's wilful failure to comply with the commission's rules or the provisions of this chapter constitutes grounds for the automatic revocation of the person's license.

(e) The commission shall adopt substantive and procedural rules governing the revocation of licenses.

[Acts 1979, 66th Leg., p. 2412, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 94.007. Operation of Vending Facilities Under the Rehabilitation Commission

(a) If the commission determines that a blind person could not properly operate a vending facility at a particular location, the rehabilitation commission may survey the property to determine whether a handicapped person whose disability is not of a visual nature could operate the facility in a proper manner.

(b) The commission and the rehabilitation commission may develop procedures and methods of exchanging information necessary to implement cooperative activities.

(c) The installation and operation of a vending facility by the rehabilitation commission must conform to the provisions of this chapter applicable to vending facilities installed by the commission.

[Acts 1979, 66th Leg., p. 2412, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 94.008. Closing Certain Facilities Prohibited

Neither a vending facility operated by a blind or otherwise vocationally handicapped individual nor a vending facility location surveyed by the commission may be closed as a result of the transfer of state property from one agency to another, the alteration of a state building, or the reorganization of a state agency unless the commission or the rehabilitation commission agrees to the closing.

[Acts 1979, 66th Leg., p. 2413, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 94.009. Employment of Assistants

(a) If an individual licensed to operate a vending facility on state property requires an assistant, a qualified visually handicapped person must be given preference for employment. If the commission determines that a visually handicapped person could not perform the labor for which an assistant is required, or if a visually handicapped person is not available, a handicapped person whose disability is not of a visual nature must be given preference for employment. If no handicapped person is available for the job, preference must be given to a person who is socially, culturally, economically, or educationally disadvantaged.

(b) An assistant employed by a blind person licensed by the commission must be approved by the commission, and the deliberate refusal of a blind licensee to comply with this section constitutes grounds for the revocation of his or her license.

[Acts 1979, 66th Leg., p. 2413, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 94.010. Competing Vending Machines

(a) If the commission and an agency agree to the installation and operation of an additional vending facility or vending machine on property that already

has a commission-sponsored vending facility, no additional permit or license is required. However, the installation of a competing vending facility consisting of vending machines or other coin-operated devices must be authorized by the commission. The commission's authorization must be made with a view toward providing the greatest economic benefits for blind persons consonant with supplying the additional services required at the building.

(b) State agencies shall cooperate and negotiate in good faith to accomplish the purposes of this chapter.

(c) Vocationally handicapped individuals who operate vending facilities on state property are entitled to receive all commissions from vending machines installed on the same property. If two or more vending facilities are operated by vocationally handicapped persons in a building in which vending machines are installed, the commission shall divide the commissions from the vending machines among the handicapped operators in a manner that will achieve equity and equality in the incomes of the handicapped operators. If the commission and the rehabilitation commission have decided not to locate a vending facility in a building, the agency to whom a general permit has been issued shall determine the assignment of the commissions from vending machines installed in the building.

[Acts 1979, 66th Leg., p. 2413, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 94.011. Vending Facility Equipment and Stock

(a) The commission may supply a blind vending facility operator with equipment and initial stock necessary for the operator to begin business.

(b) The commission shall collect and set aside from the proceeds of the operation of its vending facilities enough money:

(1) to insure a sufficient amount of initial stock for the facilities and for their proper maintenance;

(2) to pay the costs of supervision and other expenses incidental to the operation of the facilities; and

(3) to pay other program costs to the extent necessary to assure fair and equal treatment of the blind persons licensed to operate the facilities and to the extent allowed under federal programs that provide financial support to the commission.

(c) Except for purchasing and installing original equipment, the operation of commission-sponsored vending facilities must be as self-supporting and self-sustaining as possible. To achieve this end, the commission shall periodically review and, when necessary, revise its schedules for collecting and set-

ting aside money from the proceeds of its vending facilities.

[Acts 1979, 66th Leg., p. 2414, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 94.012. Duties and Privileges of Parties

(a) The commission may promulgate rules and initiate procedures necessary to implement this chapter.

(b) A blind person licensed to operate a vending facility on state property shall operate the facility in accordance with law and the commission's rules and policies.

(c) The agency in charge of state property shall cooperate with the commission and its blind licensees to accomplish the purposes of this chapter. The agency shall also furnish all necessary utility service, including connections and outlets required for the installation of the facility, janitorial and garbage disposal services where feasible, and other related assistance.

[Acts 1979, 66th Leg., p. 2414, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 94.013. Training Programs

The commission may establish training or experimentation locations necessary to train blind persons who desire to be licensed to operate vending facilities and to develop techniques which will allow blind persons to operate the facilities or related types of small businesses more efficiently and productively.

[Acts 1979, 66th Leg., p. 2414, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 94.014. Conformity With Federal Statutes

(a) This chapter shall be construed in a manner consistent with the requirements of federal programs that provide financial assistance to the commission.

(b) If a provision of this chapter conflicts with a federal program requirement, the commission may waive or modify the provision to the extent necessary to secure the full benefits of the federal program.

[Acts 1979, 66th Leg., p. 2414, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 94.015. Application of Chapter

(a) This chapter does not apply to:

(1) property over which the federal government maintains partial or complete control;

(2) property maintained and operated by state-supported institutions of higher education; provided, however, that the commission may enter into agreements with state institutions of higher education concerning the use of blind labor in vending facilities at the institutions; or

(3) property purchased by the state or an agency of the state, property to which title is transferred from one state agency to another, or property control of which is transferred from one state agency to another, if:

(A) at the time of purchase or transfer of title or control, a vending facility is being operated on the property under lease, license, or contract; and

(B) prior to the time of purchase or transfer of title or control, the provisions of this chapter were rendered inapplicable to such property by this section or other law.

(b) This chapter does not apply to vending facilities operated by an institution under the control of the Texas Department of Mental Health and Mental Retardation, or its successor, if the vending facilities are operated without profit for the benefit of the patients at the institution.

(c) This chapter does not prohibit the commission from selecting blind persons to operate other suitable types of vending facilities or business enterprises, and the chapter does not prohibit the installation of automated vending facilities serviced by blind persons.

[Acts 1979, 66th Leg., p. 2414, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 4364, ch. 700, art. III, § 2, eff. Aug. 29, 1983.]

TITLE 6. SERVICES FOR THE ELDERLY

CHAPTER 101. TEXAS DEPARTMENT ON AGING

SUBCHAPTER A. ADMINISTRATIVE PROVISIONS
Sec.

- 101.001. Department and Board on Aging.
- 101.002. Application of Sunset Act.
- 101.003. Chairman of the Board.
- 101.004. Executive Director of Aging; Other Personnel.
- 101.005. Citizens Advisory Council.
- 101.006. Divisions of the Department; Personnel.
- 101.007. Merit System.
- 101.008. Budget.

SUBCHAPTER B. POWERS AND DUTIES OF BOARD

- 101.021. Rules.
- 101.022. General Functions of Department.
- 101.023. Community Senior Citizens Employment Programs.
- 101.024. Voluntary Community Services Programs.
- 101.025. Cooperation With Federal and State Agencies.
- 101.026. Donations.
- 101.027. Authority to Expend Funds.
- 101.028. Contributions to Local Organizations: Certain Counties.

Acts 1981, 67th Leg., p. 2388, ch. 599, § 1, amended this chapter. Section 2 of said Act provides:

"The Governor's Committee on Aging is continued in existence and its name is changed to the Texas Department on Aging. Any reference in a law to the Governor's Committee on Aging means the Texas Department on Aging."

SUBCHAPTER A. ADMINISTRATIVE PROVISIONS

§ 101.001. Department and Board on Aging

(a) The Texas Department on Aging is created.

(b) The Texas Board on Aging is created as the governing body of the Texas Department on Aging. The board is composed of nine members appointed by the governor with the advice and consent of the senate. To be eligible for appointment to the board, a person must have demonstrated an interest in and knowledge of the problems of aging.

(c) Members of the board serve for staggered terms of six years with the terms of three members expiring every two years. A member may be reappointed to the board.

(d) Members serve without compensation, but are entitled to reimbursement for actual travel expenses incurred in the performance of their duties.

(e) The board shall hold meetings quarterly and may hold other meetings called by the chairman.

[Acts 1979, 66th Leg., p. 2415, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1981, 67th Leg., p. 2388, ch. 599, § 1, eff. Sept. 1, 1981.]

§ 101.002. Application of Sunset Act

The department is subject to the Texas Sunset Act, as amended (Article 5429k, Vernon's Texas Civil Statutes); and unless continued in existence as provided by that Act the department is abolished and this chapter expires effective September 1, 1985.

[Acts 1979, 66th Leg., p. 2415, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1981, 67th Leg., p. 2388, ch. 599, § 1, eff. Sept. 1, 1981.]

§ 101.003. Chairman of the Board

(a) In addition to the nine members of the board, the governor shall appoint a chairman of the board, who shall direct the work of the board.

(b) The chairman serves during the tenure of the appointing governor.

(c) The chairman serves without compensation but is entitled to reimbursement for actual travel expenses incurred in performing the duties of the office.

[Acts 1979, 66th Leg., p. 2416, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1981, 67th Leg., p. 2388, ch. 599, § 1, eff. Sept. 1, 1981.]

§ 101.004. Executive Director of Aging; Other Personnel

(a) The board shall appoint an executive director of aging, who shall discharge all executive and administrative functions of the department. The executive director must be a person with executive ability and experience in the area of aging. The executive director serves at the pleasure of the board.

(b) Salaries and other office expenses are paid with funds appropriated to the department for those purposes.

(c) The department may accept services performed by other agencies to accomplish the purposes of this chapter.

[Acts 1979, 66th Leg., p. 2416, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1981, 67th Leg., p. 2388, ch. 599, § 1, eff. Sept. 1, 1981.]

§ 101.005. Citizens Advisory Council

(a) The Citizens Advisory Council is composed of one member appointed by the chairman of the board, with the consent of the board, from each designated area agency on aging. Council members serve without compensation, but are entitled to reimbursement for actual travel expenses incurred in the performance of their duties as directed by the board.

(b) The council shall work under the board's direction. The council shall meet at least quarterly and may hold other meetings called by the chairman of the board.

(c) Council members serve for staggered terms of three years with the terms of one-third of the membership expiring on January 31 of each year.

[Acts 1979, 66th Leg., p. 2416, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1981, 67th Leg., p. 2388, ch. 599, § 1, eff. Sept. 1, 1981.]

Section 3 of the 1981 amendatory act provides:

"The first appointees to the Citizens Advisory Council shall draw lots for their initial terms of office. One appointed member shall serve a term expiring on January 31, 1983; one appointed member shall serve a term expiring on January 31, 1984; and one appointed member shall serve a term expiring on January 31, 1985."

§ 101.006. Divisions of the Department; Personnel

(a) The executive director may establish divisions within the department that he considers necessary for effective administration and the discharge of the department's functions.

(b) The executive director may allocate and reallocate functions among the divisions.

(c) The executive director may employ personnel necessary for the administration of the department's duties.

[Acts 1981, 67th Leg., p. 2388, ch. 599, § 1, eff. Sept. 1, 1981.]

§ 101.007. Merit System

The department may establish a merit system for its employees. The merit system may be maintained in conjunction with other state agencies that are required by federal law to operate under a merit system.

[Acts 1981, 67th Leg., p. 2388, ch. 599, § 1, eff. Sept. 1, 1981.]

§ 101.008. Budget

(a) The executive director shall prepare and submit to the board for approval a biennial budget and request for an appropriation by the legislature of funds necessary to carry out the duties of the department. The budget and request must include an estimate of all federal funds to be allocated to the state for the department's purposes.

(b) The board shall submit the budget and request to the Legislative Budget Board and the governor in the manner prescribed by law.

[Acts 1981, 67th Leg., p. 2388, ch. 599, § 1, eff. Sept. 1, 1981.]

[Sections 101.009 to 101.020 reserved for expansion]

SUBCHAPTER B. POWERS AND DUTIES OF BOARD**§ 101.021. Rules**

(a) The board shall adopt rules governing the functions of the department.

(b) The board by rule or order may delegate its rights, powers, and duties to the executive director.

[Acts 1979, 66th Leg., p. 2416, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1981, 67th Leg., p. 2388, ch. 599, § 1, eff. Sept. 1, 1981.]

§ 101.022. General Functions of Department

(a) The department shall develop and strengthen the services available for the aged in the state by coordinating services provided by governmental and private agencies and facilities.

(b) The department shall extend and expand services for the aged by coordinating the interest and efforts of local communities in studying the problems of the aged citizens of this state.

(c) The department shall encourage, promote, and aid in the establishment of area agencies on aging for the development of programs and services on a local level that improve the living conditions of the aged by enabling them to more fully enjoy and participate in family and community life.

(d) The department shall sponsor voluntary community rehabilitation and recreational facilities to improve the general welfare of the aged.

(e) The department, through the executive director of aging, shall cooperate with state and federal agencies and other organizations in conducting studies and surveys on the special problems of the aged in matters such as mental and physical health, housing, family relationships, employment, income, vocational rehabilitation, recreation, and education. The department shall make appropriate reports and recommendations to the governor and to state and federal agencies.

(f) The department shall conduct studies and make recommendations to the governor and the legislature of ways to enable aging persons to live productive and independent lives. The studies shall include:

- (1) the effects of premature, mandatory retirement on aging;
- (2) the need for training programs for aging persons to promote their employment in government and private enterprise; and
- (3) the need for additional services of the state or local government to promote independent living for the aged.

[Acts 1979, 66th Leg., p. 2416, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1981, 67th Leg., p. 2388, ch. 599, § 1, eff. Sept. 1, 1981.]

§ 101.023. Community Senior Citizens Employment Programs

(a) In this section, "suitable employment" means employment which is commensurate with the individual's skills and ability and for which compensation is paid equal to the federal minimum wage rate.

(b) The department may establish and administer a community program for persons 55 years of age or older who lack suitable employment and have family incomes under federal poverty guidelines.

(c) The department may contract with a public agency or a private, nonprofit organization with experience in managing similar programs to employ persons under this program in providing recreation, beautification, conservation, or restoration services, or public service employment positions for state, county, city, or regional governments or school districts. The department may not contract with an organization that is not a subscriber under the state workers' compensation law or that does not pay the federal minimum wage rate or the prevailing wage rate for the particular job, whichever is greater.

(d) The state shall finance 80 percent of the cost of the program, and the governments receiving the services shall finance 20 percent of the cost.

[Acts 1979, 66th Leg., p. 2417, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1981, 67th Leg., p. 2388, ch. 599, § 1, eff. Sept. 1, 1981.]

§ 101.024. Voluntary Community Services Programs

(a) The department shall disburse state funds appropriated for the purpose to local public agencies or private, nonprofit corporations that operate programs to recruit retired persons to perform voluntary community services or that operate Foster Grandparent Programs.

(b) A public agency or private, nonprofit corporation may not receive state money under this section if it is not able to qualify for federal matching money for the same purpose.

(c) The board by rules shall establish guidelines or formulas to determine the proportion of state money distributed to each public agency or private, nonprofit corporation. The board by rules may establish additional qualifications to receive the state money.

(d) State funds disbursed under this section may not be used to pay compensation to volunteer workers, except for participants in the Foster Grandparent Programs, or for purposes other than financing the operation or administration of the volunteer programs, but it may be used to defray expenses incurred by volunteers in the performance of volunteer work. The board by rules may further limit the purposes for which the state money may be spent.

[Acts 1979, 66th Leg., p. 2417, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1979, 66th Leg., p. 2430, ch. 842, art. 2, § 2, eff. Sept. 1, 1979; Acts 1981, 67th Leg., p. 2388, ch. 599, § 1, eff. Sept. 1, 1981.]

§ 101.025. Cooperation With Federal and State Agencies

(a) The department is the state agency designated to handle federal programs relating to the aging that require action within the state and that are not the specific responsibility of another state agency under federal or state law.

(b) The department is not intended to supplant or to take over from the counties and municipalities of this state or from other state agencies or facilities any of the specific responsibilities that they hold. The department shall cooperate with federal and state agencies, counties, and municipalities and private agencies or facilities in the state in accomplishing the purposes of this chapter.

[Acts 1979, 66th Leg., p. 2417, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1981, 67th Leg., p. 2388, ch. 599, § 1, eff. Sept. 1, 1981.]

§ 101.026. Donations

The department may accept and solicit gifts or grants of money or property from public or private sources. Donations of money must be placed in a special fund in the state treasury and expended on warrants drawn by the comptroller on order of the

department. Donations of real property and of personal property other than money may be used or sold as the board considers proper.

[Acts 1979, 66th Leg., p. 2417, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1981, 67th Leg., p. 2388, ch. 599, § 1, eff. Sept. 1, 1981.]

§ 101.027. Authority to Expend Funds

The department may accept, expend, and transfer federal and state funds appropriated for programs authorized by federal and state law. The department may accept, expend, and transfer funds received from any source, including a county, municipality, or public or private agency. The funds shall be deposited in the state treasury and may be used for the purposes of this chapter, subject to any conditions attached to the funds.

[Acts 1981, 67th Leg., p. 2388, ch. 599, § 1, eff. Sept. 1, 1981.]

§ 101.028. Contributions to Local Organizations: Certain Counties

(a) This section applies only to counties having a population of not less than 26,100 and not more than 26,350 and to cities and towns within those counties.

(b) Each county and each city or town to which this section applies may cooperate with the department in carrying out the department's purposes on a local level by contributing funds to any local organization the functions of which are to cooperate with the department. The organization must operate with the approval and sanction of the department.

(c) The operation of buildings, facilities, services, and programs by an organization for other community services or benefits does not prohibit the contribution of the funds under this section for the part of the organization's program for the aging if that part of the program is approved by the department.

[Acts 1983, 68th Leg., p. 1001, ch. 235, art. 4, § 1(a), eff. Sept. 1, 1983.]

CHAPTER 102. DISCLOSURE STATEMENTS BY RETIREMENT FACILITIES

Sec.

- 102.001. Definitions.
- 102.002. Offer or Sale: When Made in State.
- 102.003. Disclosure Statement.
- 102.004. Amendments and Revised Statements.
- 102.005. Statements to be Verified.
- 102.006. Requests for Statements.
- 102.007. Exempted Facilities.
- 102.008. Offenses.
- 102.009. Rules.

Acts 1981, 67th Leg., p. 2733, ch. 747, classified as Civil Statutes, art. 695r, was repealed by § 2(b) of Acts 1983, 68th Leg., p. 1008, ch. 235, art. 4, which by § 2(a)

thereof incorporated the provisions of the 1981 Act into the Human Resources Code by adding this Chapter 102, consisting of §§ 102.001 to 102.009.

For text of another Chapter 102, Rights of the Elderly, consisting of §§ 102.001 to 102.004, added by Acts 1983, 68th Leg., p. 5159, ch. 936, § 1, see Chapter 102, post.

§ 102.001. Definitions

In this chapter:

(1) "Care" means furnishing shelter, food, clothing, medical attention, nursing services, medical services, entertainment, or other personal advantage or attention, except to an individual related by consanguinity or affinity.

(2) "Department" means the Texas Department of Human Resources.

(3) "Entrance fee" means an initial or deferred payment of a sum of money or property that assures the member a place in a facility for one or more years or for life.

(4) "Facility" means a place that undertakes to provide care to an individual for more than one year and requires an entrance fee.

(5) "Life interest" means an agreement between a purchaser and a facility by which the purchaser pays a fee for the right to occupy a space in the facility for life and includes a life lease, life membership, or life estate.

(6) "Long-term lease" means an agreement between a purchaser and a facility in which the purchaser pays a fee for the right to occupy a space in the facility for at least one year, but for less than the life of the purchaser.

(7) "Member" means a purchaser of, a nominee of, or a subscriber to a life interest or long-term lease in a facility, but does not include a lease that gives that individual a part ownership of the facility or voting rights in the operation of the facility.

(8) "Offer" or "offer to sell" includes an attempt to offer to dispose of or solicitation of an offer to buy for value a life interest or long-term lease.

(9) "Person" means an individual, corporation, partnership, joint venture, association, joint-stock company, trust, or unincorporated organization.

(10) "Publish" means to disseminate to the public and includes a public issuance or circulation by newspaper, mail, radio, or television.

(11) "Sale" or "sell" includes a contract or agreement of sale of, contract to sell, or disposition of a life interest or long-term lease in a facility.

[Acts 1983, 68th Leg., p. 1002, ch. 235, art. 4, § 2(a), eff. Sept. 1, 1983.]

§ 102.002. Offer or Sale: When Made in State

(a) An offer or sale of a life interest or long-term lease is made in this state:

- (1) when an offer to sell is made in this state or an offer to buy is accepted in this state; or
- (2) if the purchase is made in this state or the facility is or will be operated in this state.

(b) An offer to sell is made in this state when the offer either originates from this state or is directed by the offeror to this state and received at the place to which it is directed. An offer to sell is accepted in this state when acceptance is communicated to the offeror in this state. An acceptance is communicated to the offeror in this state when the offeree directs it to the offeror in this state reasonably believing the offeror to be in this state and it is received at the place to which it is directed.

(c) An offer to sell is not made in this state merely because a publisher circulates or there is circulated on his behalf in this state a bona fide newspaper or other publication of general, regular, and paid circulation that has had more than two-thirds of its circulation outside this state during the past 12 months or a radio or television program originating outside this state and received in this state.

[Acts 1983, 68th Leg., p. 1002, ch. 235, art. 4, § 2(a), eff. Sept. 1, 1983.]

§ 102.003. Disclosure Statement

A person may not offer to sell or sell a life interest or long-term lease in this state unless the facility files with the department a disclosure statement that sets forth:

- (1) the name and address of the facility and the name and address of an affiliated parent or subsidiary corporation or partnership;
- (2) information concerning incorporation as prescribed by the department;
- (3) a statement of whether the facility or an affiliate, parent, or subsidiary is a religious, non-profit, or proprietary organization;
- (4) information concerning the identity and experience of persons affiliated with the facility as prescribed by the department;
- (5) a statement of whether a person identified in the disclosure statement:

(A) has been convicted of a felony or pleaded nolo contendere to a felony charge or been held liable or enjoined in a civil action by final judgment if the felony or civil action involved fraud, embezzlement, fraudulent conversion, or misappropriation of property; or

(B) is subject to a currently effective injunctive or restrictive order or federal or state administrative order relating to business activity or health care as a result of an action brought by a public agency or department, in-

cluding, without limitation, actions affecting a license to operate a foster care facility, nursing home, retirement home, or home for the aged;

(6) financial information of the facility, and financial information of a parent or subsidiary corporation or partnership affiliated with more than two facilities anywhere in the United States, updated at least semiannually, including:

- (A) a summary balance sheet for each entity;
 - (B) a narrative explaining material facts relating to the balance sheet;
 - (C) a statement of use of proceeds; and
 - (D) a pro forma balance sheet for each entity where the department considers it appropriate;
- (7) a feasibility study unless waived by the department;

(8) the level of participation in medicare or medicaid programs or both;

(9) a statement of all fees required of members, including a statement of the entrance fee charged, the monthly service charges, and the proposed application of the proceeds of the entrance fee by the facility, and the plan by which the amount of the initial fee is determined if the initial fee is not the same in all cases;

(10) changes or increases in fees;

(11) the location and description of all physical property essential for and proposed to be used or being used in connection with the facility's agreements to furnish care;

(12) a statement describing the services provided and the extent to which medical care is furnished;

(13) a statement describing the health and financial conditions required for a person to continue as a member;

(14) a statement setting forth the conditions on which the facility may relet a member's room;

(15) a statement of the terms under which a life interest or long-term lease may be canceled by the member or the facility during the first six months of residence and the basis for establishing the amount of refund of the entrance fee;

(16) a statement of the terms under which a life interest or long-term lease may be canceled by the member after the first six months of residency and the basis for establishing the amount of refund of the entrance fee;

(17) a statement describing the circumstances under which the member will be permitted to remain in the facility in the event of possible financial difficulties of the member;

(18) a statement of the fees that will be charged if the resident marries while at the facility and a statement of terms concerning the entry of a spouse to the facility and the consequences if the spouse does not meet the requirements for entry;

(19) a statement of the terms under which a life interest or long-term lease is canceled by the death of the member and the basis for establishing the amount of refund, if any, of the entrance fee;

(20) other material information required by the department;

(21) other material information the person wishes to include;

(22) a copy of the lease or membership agreement proposed to be used and all amendments to that agreement; and

(23) a statement in type of not less than 12-point that registration does not constitute approval, recommendation, or endorsement by the department.

[Acts 1983, 68th Leg., p. 1002, ch. 235, art. 4, § 2(a), eff. Sept. 1, 1983.]

§ 102.004. Amendments and Revised Statements

(a) A facility shall notify the department promptly in writing of a material change in the information contained in the application as originally submitted or amended. The department may further define by rule what is a material change for the purposes and circumstances under which a revised disclosure statement is required.

(b) A facility shall file with the department semi-annual financial statements and other financial information or reports that the department reasonably requires.

[Acts 1983, 68th Leg., p. 1002, ch. 235, art. 4, § 2(a), eff. Sept. 1, 1983.]

§ 102.005. Statements to be Verified

Each statement required by this chapter must be signed and verified by the chief operating officer of the facility.

[Acts 1983, 68th Leg., p. 1002, ch. 235, art. 4, § 2(a), eff. Sept. 1, 1983.]

§ 102.006. Requests for Statements

On receiving a request from an individual, the department or a facility shall furnish to the individual a copy of the disclosure statement that the facility most recently filed with the department in accordance with this chapter, including the amendments or revised statements.

[Acts 1983, 68th Leg., p. 1002, ch. 235, art. 4, § 2(a), eff. Sept. 1, 1983.]

§ 102.007. Exempted Facilities

This chapter does not apply to a facility or a part of a facility that the department determines is regulated by Chapter 413, Acts of the 53rd Legislature,

Regular Session, 1953, as amended (Article 4442c, Vernon's Texas Civil Statutes).

[Acts 1983, 68th Leg., p. 1002, ch. 235, art. 4, § 2(a), eff. Sept. 1, 1983.]

§ 102.008. Offenses

(a) A person commits an offense if the person:

(1) knowingly fails to file a disclosure statement as required by Section 102.003 of this chapter;

(2) knowingly makes an untrue statement of a material fact in a disclosure statement required by Section 102.003 of this chapter;

(3) knowingly omits a material fact required to be set forth in a disclosure statement by Section 102.003 of this chapter; or

(4) knowingly fails to furnish a disclosure statement in accordance with Section 102.006 of this chapter.

(b) An offense under this section is a Class A misdemeanor.

[Acts 1983, 68th Leg., p. 1002, ch. 235, art. 4, § 2(a), eff. Sept. 1, 1983.]

§ 102.009. Rules

The department shall adopt rules to implement this chapter.

[Acts 1983, 68th Leg., p. 1002, ch. 235, art. 4, § 2(a), eff. Sept. 1, 1983.]

CHAPTER 102. RIGHTS OF THE ELDERLY

Sec.

102.001. Definitions.

102.002. Prohibition.

102.003. Rights of the Elderly.

102.004. List of Rights.

Acts 1983, 68th Leg., p. 5159, ch. 936, § 1, added this Chapter 102, consisting of §§ 102.001 to 102.004.

For text of another Chapter 102, Disclosure Statements by Retirement Facilities, consisting of §§ 102.001 to 102.009, added by Acts 1983, 68th Leg., p. 1002, ch. 235, art. 4, § 2(a), see Chapter 102, ante.

§ 102.001. Definitions

In this chapter:

(1) "Convalescent and nursing home" means an institution licensed by the Texas Department of Health under Chapter 413, Acts of the 53rd Legislature, Regular Session, 1953 (Article 4442c, Vernon's Texas Civil Statutes).

(2) "Home health services" means the provision of health service for pay or other consideration in a patient's residence regulated under Chapter 642, Acts of the 66th Legislature, Regular Session, 1979 (Article 4447u, Vernon's Texas Civil Statutes).

(3) "Alternate care" means services for the elderly provided by the Texas Department of Human Resources within the elderly individual's own home, neighborhood, or community, including:

- (A) day care;
- (B) foster care;
- (C) alternative living plans; and
- (D) supportive living services.

(4) "Person providing services" means an individual, corporation, association, partnership, or other private or public entity providing convalescent and nursing home services, home health services, or alternate care services.

(5) "Elderly individual" means an individual 55 years of age or older.

[Acts 1983, 68th Leg., p. 5159, ch. 936, § 1, eff. Sept. 1, 1983.]

§ 102.002. Prohibition

(a) A person providing services to the elderly may not deny an elderly individual a right guaranteed by this chapter.

(b) If a person providing services receives funds from the Texas Department of Human Resources, the department shall require the person to implement and enforce this chapter.

[Acts 1983, 68th Leg., p. 5159, ch. 936, § 1, eff. Sept. 1, 1983.]

§ 102.003. Rights of the Elderly

(a) In addition to other rights an elderly individual has as a citizen, an elderly individual has the rights provided by this section.

(b) An elderly individual may not be physically or mentally abused or exploited.

(c) An elderly individual may not be physically or chemically restrained unless the restraint:

(1) is necessary in an emergency to protect the elderly individual or others from injury after the individual harms or threatens to harm himself or another; or

(2) is authorized in writing by a physician for a limited and specified period of time.

(d) A mentally retarded elderly individual may participate in a behavior modification program involving use of restraints or adverse stimuli only with the informed consent of a guardian.

(e) An elderly individual should be treated with respect, consideration, and recognition of the individual's dignity and individuality. An elderly individual receives personal care and private treatment.

(f) An elderly individual may not be denied appropriate care on the basis of the individual's race, religion, color, national origin, sex, age, handicap, marital status, or source of payment.

(g) An elderly individual may not be prohibited from communicating in the individual's native language with other individuals or employees for the purpose of acquiring or providing any type of treatment, care, or services.

(h) An elderly individual is encouraged and assisted in the exercise of an individual's rights. An elderly individual may voice grievances or recommend changes in policy or service without restraint, interference, coercion, discrimination, or reprisal. The person providing services shall develop procedures for submitting complaints and recommendations by elderly individuals and for assuring a response by the person providing services.

(i) An elderly individual may associate, communicate, and meet privately with other individuals unless to do so would infringe on the rights of other individuals. An elderly individual's mail may not be opened unless authorized in writing by a physician.

(j) An elderly individual may participate in activities of social, religious, or community groups unless a physician determines that participation would harm the individual. The physician must record the determination in the elderly individual's record.

(k) An elderly individual may manage his personal financial affairs. If the elderly individual authorizes in writing the person providing services to assist in managing the finances, the person providing services shall deposit the elderly individual's funds in a separate trust fund and provide the individual with a written receipt; provided, however, if federal regulations prescribe a different procedure, federal regulations prevail.

(l) An elderly individual's records are confidential and may not be released without the individual's written permission. An elderly individual may inspect the individual's personal records maintained by the person providing services.

(m) A person providing services shall answer an elderly individual's questions concerning the individual's health, treatment, and condition unless a physician determines that the knowledge would harm the individual. The physician must record the determination in the individual's record.

(n) An elderly individual may choose a personal physician.

(o) An elderly individual may participate in planning the individual's total care and medical treatment.

(p) An elderly individual shall be given the opportunity to refuse treatment after the possible consequences of refusing treatment are fully explained.

(q) If an area is available, a person providing services shall, on request, provide the elderly individual with a private area to receive visitors. If the elderly individual is married and the spouse is re-

ceiving similar services, the couple may share a room.

(r) An elderly individual's visitors may not be restricted unless a physician determines that a restriction is medically necessary.

(s) An elderly individual may retain personal clothing and possessions as space permits. The number of personal possessions may be limited for health and safety reasons which are documented in the patient's medical record. The number of personal possessions may be limited for the health and safety of other patients.

(t) An elderly individual may not be required to perform services for the person providing services.

(u) A person providing services shall inform an elderly individual in writing of available services and the applicable charges if the services are not covered by medicare, medicaid, or other form of health insurance.

(v) A person providing services may not transfer or discharge an elderly individual unless:

- (1) the elderly individual's medical needs require transfer;
- (2) the elderly individual's health and safety or the health and safety of another individual requires transfer or discharge; or
- (3) the elderly individual fails to pay for services, except as prohibited by federal law.

(w) Except in an emergency situation, if a person providing services intends to transfer or discharge an elderly person, the person providing services shall notify the individual, the responsible party of the patient, and attending physician not later than five days before the date on which the individual will be transferred or discharged.

[Acts 1983, 68th Leg., p. 5159, ch. 936, § 1, eff. Sept. 1, 1983.]

§ 102.004. List of Rights

(a) A person providing services shall provide each elderly individual with a written list of the individual's rights and responsibilities, including the rights prescribed by this chapter, before providing services or as soon after providing services as possible, and shall post the list in a conspicuous location.

(b) A person providing services must inform an elderly individual of changes or revisions in the list.

[Acts 1983, 68th Leg., p. 5159, ch. 936, § 1, eff. Sept. 1, 1983.]

CHAPTER 103. ADULT DAY CARE

Sec.

- 103.001. Purpose.
- 103.002. Short Title.
- 103.003. Definitions.
- 103.004. Department Duties.
- 103.005. Licensing Duties.

Sec.

- 103.006. License.
- 103.007. License Application.
- 103.008. Inspections.
- 103.009. License Denial, Suspension, or Revocation.
- 103.010. Disposition of Funds.

Acts 1979, 66th Leg., p. 1509, ch. 652, as amended, classified as Civil Statutes art. 4442a-1, was repealed by § 3(b) of Acts 1983, 68th Leg., p. 1012, ch. 235, art. 4, which by § 3(a) thereof incorporated the provisions of the 1979 Act into the Human Resources Code by adding this Chapter 103, consisting of §§ 103.001 to 103.010.

§ 103.001. Purpose

It is the purpose of this chapter to establish programs of quality adult day care and day health care that will enable elderly and handicapped persons with medical or functional impairments to maintain maximum independence and to prevent premature or inappropriate institutionalization. It is the purpose of this chapter to provide adequately regulated supervision for elderly and handicapped persons while enabling them to remain in a family environment and affording the family a measure of normality in its daily activities. The legislature intends to provide for the development of policies and programs that will:

- (1) provide alternatives to institutionalization;
- (2) establish facilities for adult day care and day health care throughout the state that offer services and are accessible to economically disadvantaged persons; and
- (3) prevent inappropriate institutionalization.

[Acts 1983, 68th Leg., p. 1008, ch. 235, art. 4, § 3(a), eff. Sept. 1, 1983.]

§ 103.002. Short Title

This chapter may be cited as the Adult Day Care Act.

[Acts 1983, 68th Leg., p. 1008, ch. 235, art. 4, § 3(a), eff. Sept. 1, 1983.]

§ 103.003. Definitions

In this chapter:

(1) "Adult day-care facility" means a facility that provides counseling, recreation, or food or any combination of these services on a daily or regular basis but not overnight to four or more elderly or handicapped persons who are not related by blood, marriage, or adoption to the owner of the facility.

(2) "Adult day health care facility" means a facility that provides health care or physical therapy or both and that may also provide adult day-care services on a daily or regular basis but not overnight to four or more elderly or handi-

capped persons who are not related by blood, marriage, or adoption to the owner of the facility.

(3) "Department" means the Texas Department of Human Resources.

(4) "Elderly person" means a person 65 years of age or older.

(5) "Handicapped person" means a person whose functioning is sufficiently impaired to require frequent medical attention, counseling, physical therapy, therapeutic or corrective equipment, or another person's attendance and supervision.

(6) "Person" means an individual, corporation, or association.

[Acts 1983, 68th Leg., p. 1008, ch. 235, art. 4, § 3(a), eff. Sept. 1, 1983.]

§ 103.004. Department Duties

(a) The department shall adopt rules for implementing this chapter.

(b) The department shall set standards for:

(1) the health and welfare of persons attending a facility;

(2) the eligibility of persons to attend a facility;

(3) the scope of services provided by a facility;

(4) adequate supervision for persons attending a facility;

(5) the professional staff and other personnel at a facility;

(6) adequate and healthful food service, where it may be offered;

(7) procedures for consultation with family members, case workers, or other persons responsible for the welfare of a person attending a facility; and

(8) prohibiting racial discrimination.

(c) The department may contract with a political subdivision or a person for transporting persons to a facility.

[Acts 1983, 68th Leg., p. 1008, ch. 235, art. 4, § 3(a), eff. Sept. 1, 1983.]

§ 103.005. Licensing Duties

The Texas Department of Health shall adopt rules for the licensing procedures and set standards for the safety and sanitation requirements for a licensed facility.

[Acts 1983, 68th Leg., p. 1008, ch. 235, art. 4, § 3(a), eff. Sept. 1, 1983.]

§ 103.006. License

(a) The Texas Department of Health shall issue a license to operate an adult day-care facility or an adult day health care facility to a person who has met the application requirements and received approval after an on-site inspection.

(b) The license expires one year from the date of its issuance.

(c) The department may contract with the Texas Department of Health for cooperative and efficient evaluation of an applicant for a license or license renewal.

(d) An applicant for a license under this chapter who has a health care provider license is entitled to have inspections and license renewal procedures coordinated so that one inspection may fulfill various licensing requirements.

[Acts 1983, 68th Leg., p. 1008, ch. 235, art. 4, § 3(a), eff. Sept. 1, 1983.]

§ 103.007. License Application

(a) An applicant for a license to operate an adult day-care or an adult day health care facility must file an application on a form prescribed by the Texas Department of Health together with a license fee of \$25.

(b) The applicant must provide evidence of:

(1) the ability to comply with the requirements of the Texas Department of Health and the department;

(2) responsible management; and

(3) qualified professional staff and personnel.

(c) A person who operates a facility that is licensed under this chapter must file an application for a renewal license before the expiration date of the current license on a form prescribed by the Texas Department of Health together with a renewal fee of \$25.

[Acts 1983, 68th Leg., p. 1008, ch. 235, art. 4, § 3(a), eff. Sept. 1, 1983.]

§ 103.008. Inspections

(a) The Texas Department of Health may enter the premises of a facility at reasonable times and make an inspection necessary to issue a license or renew a license.

(b) Any person may request an inspection of a facility by notifying the Texas Department of Health in writing of an alleged violation of a licensing requirement. The complaint shall be as detailed as possible and signed by the complainant. The Texas Department of Health shall perform an on-site inspection as soon as feasible but no later than 30 days after receiving the complaint unless after an investigation the complaint is found to be frivolous. The Texas Department of Health shall respond to a complainant in writing. The Texas Department of Health shall also receive and investigate anonymous complaints.

[Acts 1983, 68th Leg., p. 1008, ch. 235, art. 4, § 3(a), eff. Sept. 1, 1983.]

§ 103.009. License Denial, Suspension, or Revocation

(a) The Texas Department of Health may deny, suspend, or revoke the license of an applicant or holder of a license who fails to comply with the rules or standards for licensing required by this chapter.

(b) The Texas Department of Health may revoke or suspend a license to be effective immediately when the health and safety of persons attending a facility are threatened. A person whose license is suspended or revoked under this subsection is entitled to a hearing within seven days after the effective date of the suspension or revocation.

[Acts 1983, 68th Leg., p. 1008, ch. 235, art. 4, § 3(a), eff. Sept. 1, 1983.]

§ 103.010. Disposition of Funds

(a) All fees collected under this chapter shall be deposited to the credit of the General Revenue Fund.

(b) The legislature may appropriate the money received under this chapter for the sole purpose of administering this chapter.

[Acts 1983, 68th Leg., p. 1008, ch. 235, art. 4, § 3(a), eff. Sept. 1, 1983.]

TITLE 7. REHABILITATION OF HANDICAPPED AND DISABLED

CHAPTER 111. TEXAS REHABILITATION COMMISSION

SUBCHAPTER A. GENERAL PROVISIONS

Sec.

- 111.001. Purpose.
111.002. Definitions.

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

- 111.011. Texas Rehabilitation Commission.
111.012. Application of Sunset Act.
111.013. Composition of Board; Appointment; Terms.
111.014. Meetings.
111.015. Expenses.
111.016. Advisory Committees.
111.017. Commissioner.
111.018. Administrative Regulations.
111.019. Planning.
111.020. Administrative Units; Personnel.
111.021. Reports.
111.022. Disbursement of Funds.
111.023. Other Duties.
111.024. Delegation to Employees.

SUBCHAPTER C. POWERS AND DUTIES OF COMMISSION

- 111.051. Commission as Principal Authority.
111.052. General Functions.
111.053. Cooperation With the Federal Government.
111.054. Obtaining Federal Funds.
111.055. Finances.

Sec.

- 111.056. Gifts and Donations to the Commission.
111.057. Unlawful Use of Lists of Names.
111.058. Criminal History Record Information.
111.059. Subrogation.

SUBCHAPTER D. EXTENDED REHABILITATION SERVICES [REPEALED]

111.081 to 111.086. Repealed.

SUBCHAPTER A. GENERAL PROVISIONS

§ 111.001. Purpose

It is the policy of the State of Texas to provide rehabilitation and related services to eligible handicapped individuals so that they may prepare for and engage in a gainful occupation or achieve maximum personal independence.

[Acts 1979, 66th Leg., p. 2419, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 111.002. Definitions

In this chapter:

(1) "Commission" means the Texas Rehabilitation Commission.

(2) "Commissioner" means the chief administrative officer of the commission.

(3) "Handicapped individual" means any individual, except one whose disability is of a visual nature, who has a physical or mental disability which constitutes a substantial handicap to employment, or to achieving maximum personal independence, but which is of a nature that rehabilitation services may reasonably be expected to enable the individual to engage in a gainful occupation or enable the individual to achieve a greater level of self-care and independent living.

(4) "Substantial handicap to employment" means a physical or mental disability in light of attendant medical, psychological, vocational, educational, or other related factors that impedes an individual's occupational performance by preventing the individual from obtaining, retaining, or preparing for a gainful occupation consistent with the individual's capacities and abilities.

(5) "Rehabilitation services" means any equipment, supplies, goods, or services necessary to enable a handicapped individual to engage in a gainful occupation or to achieve maximum personal independence. To enable a handicapped individual to engage in a gainful occupation or achieve maximum personal independence the commission may engage in or contract for the following activities:

(A) evaluation of rehabilitation potential, including diagnostic and related services incidental to the determination of eligibility for services and the nature and scope of services to be provided;

- (B) counseling and guidance;
 - (C) physical and mental restoration services necessary to correct or substantially modify a physical or mental condition that is stable or slowly progressive;
 - (D) training;
 - (E) maintenance covering a handicapped individual's basic living expenses, including food, shelter, clothing, and other subsistence expenses necessary to support and derive the full benefit of the other rehabilitation services being provided;
 - (F) transportation;
 - (G) placement in a suitable employment;
 - (H) postemployment services necessary to maintain suitable employment;
 - (I) obtaining occupational licenses, including any license, permit, or other written authority required by a state, city, or other governmental unit to be obtained in order to enter an occupation or small business, and providing tools, equipment, initial stocks, goods, and supplies; and
 - (J) providing other equipment, supplies, services, or goods that can reasonably be expected to benefit a handicapped individual in terms of employment in a gainful occupation or achievement of maximum personal independence.
- (6) "Vocational rehabilitation program" means a program that provides rehabilitation services required to enable a handicapped individual to engage in a gainful occupation.
- (7) "Extended rehabilitation services program" means a program that provides rehabilitation services to a severely handicapped individual who is not capable of entering the competitive labor market but who may achieve maximum personal independence through the provision of rehabilitation services.

[Acts 1979, 66th Leg., p. 2419, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 338, ch. 77, § 1, eff. Jan. 1, 1984.]

[Sections 111.003 to 111.010 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

§ 111.011. Texas Rehabilitation Commission

The Texas Rehabilitation Commission is composed of the board of the Texas Rehabilitation Commission, a commissioner, and other officers and employees required to efficiently carry out the purposes of this chapter.

[Acts 1979, 66th Leg., p. 2420, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 111.012. Application of Sunset Act

The Texas Rehabilitation Commission is subject to the Texas Sunset Act (Art. 5429k, Vernon's Texas Civil Statutes); and unless continued in existence as provided by that Act the commission is abolished and this chapter expires effective September 1, 1985.

[Acts 1979, 66th Leg., p. 2421, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 111.013. Composition of Board; Appointment; Terms

(a) The board of the Texas Rehabilitation Commission is composed of six members appointed by the governor with the advice and consent of the senate. Members serve for staggered terms of six years with the terms of two members expiring every two years.

(b) Appointees must be outstanding citizens of the state who have demonstrated a constructive interest in rehabilitation services. No paid employee of an agency carrying on work for the commission is eligible for appointment, nor is a person who owns or is employed by an organization providing rehabilitation services or related services through the commission.

(c) The governor shall designate one board member as presiding officer.

[Acts 1979, 66th Leg., p. 2421, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 111.014. Meetings

The board shall meet quarterly in regular session and on call by the presiding officer when necessary for the transaction of agency business.

[Acts 1979, 66th Leg., p. 2421, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 111.015. Expenses

Board members serve without compensation but are entitled to reimbursement for actual and necessary expenses incurred in the discharge of their official duties.

[Acts 1979, 66th Leg., p. 2421, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 111.016. Advisory Committees

(a) The board may appoint an advisory committee to make recommendations for consideration by the board concerning any matter that the advisory committee believes to be pertinent to the purposes of this chapter.

(b) The advisory committee is composed of nine members appointed by the board. Committee members serve for staggered terms of three years with the terms of three members expiring each year.

(c) The advisory committee shall meet at least once in each calendar quarter and may meet on call of the board.

(d) The members of the advisory committee serve without compensation but are entitled to reimbursement for actual and necessary expenses incurred in attending the official meetings of the advisory committee.

(e) To be eligible for appointment to the advisory committee a person must have demonstrated an active and constructive interest in the rehabilitation of handicapped people.

(f) The board may also create from time to time additional technical advisory committees necessary to achieve the purposes of this chapter. The members of the committees serve without compensation unless compensation is specifically provided for by appropriation.

[Acts 1979, 66th Leg., p. 2421, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 111.017. Commissioner

This chapter is administered by the commissioner under operational policies established by the board. The commissioner is appointed by the board on the basis of education, training, experience, and demonstrated ability. The commissioner serves at the pleasure of the board and is secretary to the board, as well as chief administrative officer of the agency.

[Acts 1979, 66th Leg., p. 2421, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 111.018. Administrative Regulations

In carrying out his or her duties under this chapter, the commissioner shall, with the approval of the board, make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, investigation, and determination for rehabilitation and other services, procedures for hearings, and other regulations as necessary to carry out the purposes of this chapter.

[Acts 1979, 66th Leg., p. 2422, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 111.019. Planning

The commissioner shall, with the approval of the board, make long-range and intermediate plans for the scope and development of the program and make decisions regarding the allocation of resources in carrying out the plans.

[Acts 1979, 66th Leg., p. 2422, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 111.020. Administrative Units; Personnel

(a) The commissioner shall, with the approval of the board, establish appropriate subordinate administrative units.

(b) The commissioner shall, under personnel policies adopted by the board, appoint the personnel necessary for the efficient performance of the functions of the agency.

[Acts 1979, 66th Leg., p. 2422, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 111.021. Reports

The commissioner shall prepare and submit to the board annual reports of activities and expenditures and, prior to each regular session of the legislature, estimates of funds required for carrying out the purposes of this chapter, and, with the approval of the board, shall submit the reports to the governor and the legislature.

[Acts 1979, 66th Leg., p. 2422, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 111.022. Disbursement of Funds

The commissioner shall make certification for disbursement, in accordance with regulations, of funds available for carrying out the purposes of this chapter.

[Acts 1979, 66th Leg., p. 2422, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 111.023. Other Duties

The commissioner shall take other action as necessary or appropriate to carry out the purposes of this chapter.

[Acts 1979, 66th Leg., p. 2422, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 111.024. Delegation to Employees

The commissioner may, with the approval of the board, delegate to any officer or employee of the commission those powers and duties, except the making of regulations and the appointment of personnel, the commissioner finds necessary to carry out the purposes of this chapter.

[Acts 1979, 66th Leg., p. 2422, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

[Sections 111.025 to 111.050 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES OF COMMISSION

§ 111.051. Commission as Principal Authority

The Texas Rehabilitation Commission is the principal authority in the state on rehabilitation of handicapped and disabled individuals, except for those matters relating to individuals whose handicaps or disabilities are of a visual nature. All other state agencies engaged in rehabilitation activities and related services to individuals whose handicaps or disabilities are not of a visual nature shall coordi-

nate those activities and services with the commission.

[Acts 1979, 66th Leg., p. 2422, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 111.052. **General Functions**

(a) The commission shall, to the extent of resources available and priorities established by the board, provide rehabilitation services directly or through public or private resources to individuals determined by the commissioner to be eligible for the services under a vocational rehabilitation program, an extended rehabilitation services program, or other program established to provide rehabilitative services.

(b) In carrying out the purposes of this chapter, the commission may:

(1) cooperate with other departments, agencies, political subdivisions, and institutions, both public and private, in providing the services authorized by this chapter to eligible individuals, in studying the problems involved, and in planning, establishing, developing, and providing necessary or desirable programs, facilities, and services, including those jointly administered with state agencies;

(2) enter into reciprocal agreements with other states;

(3) establish or construct rehabilitation facilities and workshops, contract with or provide grants to agencies, organizations, or individuals as necessary to implement this chapter, make contracts or other arrangements with public and other nonprofit agencies, organizations, or institutions for the establishment of workshops and rehabilitation facilities, and operate facilities for carrying out the purposes of this chapter;

(4) conduct research and compile statistics relating to the provision of services to or the need for services by disabled individuals;

(5) provide for the establishment, supervision, management, and control of small business enterprises to be operated by severely handicapped individuals where their operation will be improved through the management and supervision of the commission;

(6) contract with schools, hospitals, private industrial firms, and other agencies and with doctors, nurses, technicians, and other persons for training, physical restoration, transportation, and other rehabilitation services; and

(7) contract with a public or private agency to provide and pay for rehabilitative services under the extended rehabilitation services program, including sheltered employment or community residence for a person participating in the program.

[Acts 1979, 66th Leg., p. 2422, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 342, ch. 77, § 2, eff. Jan. 1, 1984.]

§ 111.053. **Cooperation With the Federal Government**

(a) The commission shall make agreements, arrangements, or plans to cooperate with the federal government in carrying out the purposes of this chapter or of any federal statutes pertaining to rehabilitation, and to this end may adopt methods of administration that are found by the federal government to be necessary, and that are not contrary to existing state laws, for the proper and efficient operation of the agreements, arrangements, or plans for rehabilitation.

(b) To the extent resources are made available by the federal government, the commission may make agreements, arrangements, or plans to cooperate with the federal government in carrying out the purposes of any federal statute pertaining to the disability determination function under the Social Security Act¹ and to this end shall adopt methods of administration that are found by the federal government to be necessary to the disability determination function and that are not contrary to existing state laws.

[Acts 1979, 66th Leg., p. 2422, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 343, ch. 77, § 3, eff. Jan. 1, 1984.]

¹ 42 U.S.C.A. § 301 et seq.

§ 111.054. **Obtaining Federal Funds**

The commission may comply with any requirements necessary to obtain federal funds in the maximum amount and most advantageous proportion possible.

[Acts 1979, 66th Leg., p. 2423, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 111.055. **Finances**

The state treasurer may receive money appropriated by congress and allotted to Texas for carrying out the purposes of this chapter or authorized agreements, arrangements, or plans, and may make disbursements on the certification of the commissioner. All public money available to the commission must be deposited, administered, and disbursed in the same manner and under the same conditions and requirements required by law for other public funds in the state treasury. The state auditor shall regularly audit all accounts established by the commission in local depositories to assure that nonpublic funds made available to the commission through gift or bequest, by local organizations desiring to participate in projects for the handicapped authorized in Article XVI, Section 6, Subsection (b), of the Texas Constitution, or by endowment or other means, are expended in a manner consistent with the purposes of this chapter. The commission shall comply with the reporting procedures prescribed by

the state auditor for the commission's acceptance, holding, investment, and use of nonpublic funds.
[Acts 1979, 66th Leg., p. 2423, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 111.056. Gifts and Donations to the Commission

The commission may receive and use gifts and donations for carrying out the purposes of this chapter. No person may receive payment for solicitation of any funds.

[Acts 1979, 66th Leg., p. 2424, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 111.057. Unlawful Use of Lists of Names

Except for purposes directly connected with the administration of the rehabilitation program and in accordance with regulations, it is unlawful for a person to solicit, disclose, receive, or make use of, or authorize, knowingly permit, participate in, or acquiesce in the use of any list of, names of, or any information directly or indirectly derived from records concerning persons applying for or receiving rehabilitation.

[Acts 1979, 66th Leg., p. 2424, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 111.058. Criminal History Record Information

The commission may obtain criminal history record information from the Board of Pardons and Paroles, Texas Department of Corrections, and the Texas Department of Public Safety if the records relate to an applicant for rehabilitation services or to a client of the agency. The Board of Pardons and Paroles, Texas Department of Corrections, and the Texas Department of Public Safety upon request shall supply the commission criminal history record information applying to applicants for rehabilitation services or clients of the commission. The commission shall treat all criminal history record information as privileged and confidential and for commission use only.

[Acts 1979, 66th Leg., p. 2435, ch. 842, art. 2, § 1, eff. Sept. 1, 1979.]

Amendment by Acts 1979, 66th Leg., p. 1669, ch. 697, § 1

Acts 1979, 66th Leg., p. 2435, ch. 842, art. 2, § 7, which added this section, purported to do so in order to incorporate the amendment to Education Code, § 30.42, by the addition of subdivision (7) thereto by Acts 1979, 66th Leg., p. 1669, ch. 697, § 1, said § 30.42 being repealed by Acts 1979, 66th Leg., p. 2429, ch. 842, art. 1, § 2(2). However, as so added, subdivision (7) read:

"[T]he agency is authorized:

* * * * *

"(7) to obtain information from the Board of Pardons and Paroles and the Texas Department of Corrections, if such records relate to an applicant for rehabilitation services or to a client of the agency, who has been or is about to be released by the Texas Department of Corrections; the Board of Pardons and Paroles and the Texas Department of Corrections shall upon request supply the commission with information applying to applicants for rehabilitation services or clients of the commission if the person has been or is about to be released by the Texas Department of Corrections; the commission shall treat all information as privileged and confidential and for commission use only."

Section 3.11(c) of the Code Construction Act (Civil Statutes, art. 5429b-2) provides, in part, that the repeal of a statute by a code does not affect an amendment of the statute by the same legislature which enacted the code and that the amendment is preserved and given effect as part of the code provision.

§ 111.059. Subrogation

(a) In furnishing a person rehabilitation services, including medical care services, under this chapter, the commission is subrogated to the person's right of recovery from:

- (1) personal insurance;
- (2) another person for personal injury caused by the other person's negligence or wrongdoing; or
- (3) any other source.

(b) The commission's right of subrogation is limited to the cost of the services provided.

(c) The commissioner may totally or partially waive the commission's right of subrogation when the commissioner finds that enforcement would tend to defeat the purpose of rehabilitation.

(d) The commission may adopt rules for the enforcement of its right of subrogation.

[Acts 1983, 68th Leg., p. 344, ch. 77, § 4, eff. Jan. 1, 1984.]

[Sections 111.060 to 111.080 reserved for expansion]

SUBCHAPTER D. EXTENDED REHABILITATION SERVICES [REPEALED]

§§ 111.081 to 111.086. Repealed by Acts 1983, 68th Leg., p. 345, ch. 77, § 5, eff. Jan. 1, 1984

See, now, § 111.052.

**CHAPTER 112. DEVELOPMENTAL
DISABILITIES**

SUBCHAPTER A. GENERAL PROVISIONS

Sec.

- 112.001. Definitions.
- 112.002. Purpose.

**SUBCHAPTER B. TEXAS PLANNING COUNCIL
FOR DEVELOPMENTAL DISABILITIES**

- 112.011. Establishment.
- 112.012. Members.
- 112.013. Terms.
- 112.014. Vacancies.
- 112.015. Expenses.
- 112.016. Officers.
- 112.017. Bylaws.
- 112.018. Administering Agency
- 112.019. State Plan for Developmental Disabilities.
- 112.020. Additional Council Powers and Duties.

**SUBCHAPTER C. RIGHTS OF PERSONS WITH
DEVELOPMENTAL DISABILITIES**

- 112.031. Legislative Findings.
- 112.032. Rights of Developmentally Disabled Persons.

SUBCHAPTER A. GENERAL PROVISIONS

§ 112.001. Definitions

In this chapter:

(1) "Council" means the Texas Planning Council for Developmental Disabilities.

(2) "Administering agency" means the executive agency designated by the governor to administer appropriations under the developmental disabilities program established by this chapter and federal law.

(3) "Developmental disability" means a severe, chronic disability that:

(A) is attributable to a mental or physical impairment or combination of mental and physical impairments;

(B) is manifested before the person attains age 22;

(C) is likely to continue indefinitely;

(D) results in substantial functional limitations in three or more of the following areas of major life activity:

- (i) self-care;
- (ii) receptive and expressive language;
- (iii) learning;
- (iv) mobility;
- (v) self-direction;
- (vi) capacity for independent living; or
- (vii) economic sufficiency; and

(E) reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services

that are of lifelong or extended duration, and are individually planned and coordinated.

[Acts 1983, 68th Leg., p. 5272, ch. 970, § 1, eff. Aug. 29, 1983.]

§ 112.002. Purpose

The purpose of this chapter is to establish a developmental disabilities program that:

(1) promotes a system of effective and efficient services for persons with developmental disabilities that plans, coordinates, monitors, tests, and evaluates those services;

(2) assists the state in assuring that persons with developmental disabilities receive the care, treatment, and services necessary to enable them to achieve their maximum potential; and

(3) assures compliance with the Developmental Disabilities Services and Facilities Construction Act (Pub.L. No. 91-517),¹ the Developmentally Disabled Assistance and Bill of Rights Act (Pub.L. No. 94-103),² and the Developmental Disabilities Assistance and Bill of Rights Act (Pub.L. No. 97-35),³ and all amendments to those Acts, as long as those Acts are effective.

[Acts 1983, 68th Leg., p. 5272, ch. 970, § 1, eff. Aug. 29, 1983.]

¹ 42 U.S.C.A. § 2661 et seq.

² Generally, 42 U.S.C.A. § 6001 et seq.

³ 42 U.S.C.A. §§ 6009, 6012, 6033, 6061, 6081.

[Sections 112.003 to 112.010 reserved for expansion]

**SUBCHAPTER B. TEXAS PLANNING COUNCIL
FOR DEVELOPMENTAL DISABILITIES**

§ 112.011. Establishment

The Texas Planning Council for Developmental Disabilities is established.

[Acts 1983, 68th Leg., p. 5272, ch. 970, § 1, eff. Aug. 29, 1983.]

§ 112.012. Members

(a) The council is composed of 25 members, each of whom must be a Texas resident.

(b) The commissioner or executive director of each of the following agencies serves as a voting ex officio member of the council, and from time to time may designate an employee from the commissioner's or executive director's agency to represent him on the council:

- (1) the Texas Department of Mental Health and Mental Retardation;
- (2) the Texas Department of Human Resources;
- (3) the Texas Department of Health;
- (4) the Central Education Agency;
- (5) the Texas Rehabilitation Commission;
- (6) the State Commission for the Blind; and

(7) the Texas Commission for the Deaf.

(c) The governor shall appoint the following members to serve on the council:

(1) a representative from a higher education training facility;

(2) a representative from an agency of local government;

(3) a representative from a nongovernmental agency concerned with services to the handicapped; and

(4) a representative from a citizen group concerned with services to the handicapped.

(d) The governor shall appoint 14 consumer members to serve on the council. At least five of the consumer members must be persons with developmental disabilities, five must be parents or guardians of a person with a mentally impairing developmental disability, and one must be the parent or guardian of a person with developmental disabilities who is living in an institution. The remaining consumer members may be parents or guardians of persons with developmental disabilities, may be appointed from one of the above categories, or may be other interested persons.

(e) A consumer member may not be:

(1) an employee of a state agency that receives funds under the developmental disabilities program established by this chapter and federal law;

(2) a managing employee of any other entity that receives funds under the developmental disabilities program; or

(3) a person with an ownership or control interest in an entity that receives funds under the developmental disabilities program.

[Acts 1983, 68th Leg., p. 5272, ch. 970, § 1, eff. Aug. 29, 1983.]

§ 112.013. Terms

(a) Members of the council appointed by the governor serve for staggered terms of six years with the term of one-third of the members expiring on February 1 of each odd-numbered year.

(b) A person may not serve on the council more than two consecutive six-year terms.

[Acts 1983, 68th Leg., p. 5272, ch. 970, § 1, eff. Aug. 29, 1983.]

Section 2 of the 1983 Act provides:

"(a) Except as otherwise provided by this section, a person who is a member of the Texas Planning Council for Developmental Disabilities on the effective date of this Act is entitled to serve on the council until February 1 of the year in which that person's term expires.

"(b) In order to satisfy constitutional requirements concerning terms of office, the governor shall make the appointments to the council in accordance with this section.

"(c) To fill the positions of members whose terms expire in 1983, the governor shall appoint two persons for terms expiring February 1, 1989. Also, the governor shall appoint an additional person to serve on the council for a term expiring February 1, 1989, who is

the parent or guardian of a person with developmental disabilities who is living in an institution.

"(d) A member of the council on the effective date of this Act whose term is scheduled to expire in 1986 serves only until February 1, 1985. On February 1, 1985, the 12 positions on the council expiring on that date are reduced to 11 positions. To fill the positions of members whose terms expire on that date, the governor shall appoint two persons for terms expiring on February 1, 1987, three persons for terms expiring February 1, 1989, and six persons for terms expiring February 1, 1991.

"(e) To fill the positions of members whose terms expire in 1987, the governor shall appoint six persons for terms expiring February 1, 1993.

"(f) Successors to members whose terms expire in 1989, 1991, and 1993 are appointed to full six-year terms."

§ 112.014. Vacancies

(a) A position on the council becomes vacant if:

(1) a member resigns from the council by providing written notice to the chair;

(2) a member ceases to be a resident of this state; or

(3) a member misses three consecutive regular or special council meetings.

(b) If a position on the council becomes vacant, the chair shall provide written notice to the governor, agency commissioner, or executive director, as appropriate, requesting a new appointment to fill the remainder of the member's term.

[Acts 1983, 68th Leg., p. 5272, ch. 970, § 1, eff. Aug. 29, 1983.]

§ 112.015. Expenses

(a) Council members appointed under Section 112.012(c) or (d) of this code serve without salary but are entitled to reimbursement for actual expenses incurred in performing their duties, including travel, meals, lodging, and telephone long-distance charges.

(b) Members of the council who are disabled and who, because of the disability, require special aids or travel companions are entitled to reimbursement for those costs.

[Acts 1983, 68th Leg., p. 5272, ch. 970, § 1, eff. Aug. 29, 1983.]

§ 112.016. Officers

(a) At the regular meeting in March, members of the council shall elect a chair and a vice-chair to serve terms of one year beginning immediately on election.

(b) A council member may not serve in any one office more than two consecutive terms.

(c) A representative of a state agency may not serve as chair or vice-chair.

(d) The council shall meet quarterly in regular session and on call by the chair when necessary for the transaction of council business.

[Acts 1983, 68th Leg., p. 5272, ch. 970, § 1, eff. Aug. 29, 1983.]

§ 112.017. Bylaws

The council may adopt bylaws or policies consistent with this chapter and applicable state or federal law. The bylaws or policies may include duties of officers, process for nominations or vacancies for officers, duties of committees, quorum requirements for committees, provisions for special or ad hoc committees, and policies for council staff.

[Acts 1983, 68th Leg., p. 5272, ch. 970, § 1, eff. Aug. 29, 1983.]

§ 112.018. Administering Agency

(a) The governor shall designate, by executive order, a state agency to receive and administer federal and state funds appropriated for the developmental disabilities program established by this chapter and federal law.

(b) The administering agency shall receive, deposit, and disburse funds for the developmental disabilities program in accordance with this chapter, applicable federal law, and the purposes and priorities established by the council in the state plan developed under Section 112.019 of this code.

(c) The administering agency shall make the final decision regarding the award of grants under this chapter and shall provide for fiscal control and fund-accounting procedures necessary to assure the proper disbursement of and accounting for grant funds.

(d) The administering agency shall provide staff to be assigned to assist the council. The administering agency shall, within the limitations of appropriations, set aside funds necessary to adequately staff the council so that the council may perform its duties.

(e) The administering agency shall negotiate a written management agreement with the council that must be approved by the council and by the governing board of the administering agency. The council and the administering agency shall review the management agreement annually. The management agreement must:

- (1) identify the number and positions of staff to be assigned to the council;
- (2) specify that the executive director of the developmental disabilities program is responsible to the council and that the staff is responsible to the executive director; and
- (3) comply with this chapter.

[Acts 1983, 68th Leg., p. 5272, ch. 970, § 1, eff. Aug. 29, 1983.]

§ 112.019. State Plan for Developmental Disabilities

(a) The council shall develop the state plan for persons with developmental disabilities. The plan must:

- (1) specify programs, services, and resources available to assist developmentally disabled persons;
- (2) describe the allocation of funds available to assist developmentally disabled persons;
- (3) specify objectives relating to developmentally disabled persons to be attained under the state plan; and
- (4) include any other provision required by the council and applicable state or federal law.

(b) At least annually, the council shall review and evaluate the implementation of the state plan and submit modifications to the state plan as necessary.

(c) In reviewing and evaluating implementation of the state plan, the council shall:

- (1) analyze state services systems with respect to services for developmentally disabled persons and analyze public and private programs that are currently or potentially capable of providing services to developmentally disabled persons;
- (2) assess the needs and problems of developmentally disabled persons;
- (3) identify gaps and barriers within the service delivery system;
- (4) establish priorities, goals, and measurable objectives for formulating the state plan, for allocating developmental disabilities funds, and for operating the developmental disabilities program;
- (5) review and comment on all state plans in Texas that relate to programs affecting developmentally disabled persons; and
- (6) review and comment on laws, policies, procedures, and practices relating to the rights of and services to developmentally disabled persons.

[Acts 1983, 68th Leg., p. 5272, ch. 970, § 1, eff. Aug. 29, 1983.]

§ 112.020. Additional Council Powers and Duties

The council shall establish a developmental disabilities program. In administering that program, the council shall:

- (1) engage in and support activities that coordinate and strengthen services for developmentally disabled persons, and that safeguard the rights of persons who are faced with developmental disabilities;
- (2) foster cooperation and communication among state, county, municipal, voluntary, and private agencies providing services to developmentally disabled persons to assure that the services are delivered effectively, economically, and without duplication;
- (3) promote public awareness of the needs and problems of developmentally disabled persons;
- (4) cooperate with and support consumers and consumer organizations that advocate the rights of developmentally disabled persons and the deliv-

ery of effective services to developmentally disabled persons;

(5) promote the establishment of community-based programs, especially model service delivery and service coordination programs, that hold promise of expanding or otherwise improving services to developmentally disabled persons;

(6) encourage and support training programs to prepare professionals and paraprofessionals to work effectively with developmentally disabled persons;

(7) encourage and support pertinent research efforts and preventive measures relating to developmentally disabled persons;

(8) provide technical assistance where appropriate to achieve effective implementation of the state plan;

(9) develop, with the administering agency, applications for special project grants and submit comments on the applications to the governor, the United States Secretary of Health and Human Services, and appropriate state agencies;

(10) negotiate a management agreement with the administering agency to assure that the council is adequately staffed to perform its duties;

(11) undertake at the request of the governor and the legislature activities appropriate to the achievement of legislative and executive functions relating to persons with developmental disabilities or other handicapping conditions;

(12) submit to the governor, legislature, and other appropriate state and federal authorities periodic reports on the council's responsibilities and performance; and

(13) assure that the State of Texas is in compliance with the Developmental Disabilities Services and Facilities Construction Act (Pub.L. No. 91-517),¹ the Developmentally Disabled Assistance and Bill of Rights Act (Pub.L. No. 94-103),² and the Developmental Disabilities Assistance and Bill of Rights Act (Pub.L. No. 97-35),³ and all amendments to those Acts, as long as those Acts are effective.

[Acts 1983, 68th Leg., p. 5272, ch. 970, § 1, eff. Aug. 29, 1983.]

¹ 42 U.S.C.A. § 2661 et seq.

² Generally, 42 U.S.C.A. § 6001 et seq.

³ 42 U.S.C.A. §§ 6009, 6012, 6033, 6061, 6081.

[Sections 112.021 to 112.030 reserved for expansion]

SUBCHAPTER C. RIGHTS OF PERSONS WITH DEVELOPMENTAL DISABILITIES

§ 112.031. Legislative Findings

(a) The legislature finds that persons with developmental disabilities have a right to appropriate treatment, services, and habilitation for their disa-

WTSC Human Resources—5

bilities within the funds available for those purposes.

(b) The legislature further finds that the treatment, services, and habilitation for a person with developmental disabilities must be designed to maximize the developmental potential of the person and must be provided in the setting that is least restrictive of the person's personal liberty.

[Acts 1983, 68th Leg., p. 5272, ch. 970, § 1, eff. Aug. 29, 1983.]

§ 112.032. Rights of Developmentally Disabled Persons

(a) Public or private agencies serving developmentally disabled persons must have policies to assure that funds made available under this chapter are not provided to an institution or residential facility that does not comply with this section.

(b) An institution or residential facility for developmentally disabled persons must:

(1) provide treatment, services, and habilitation appropriate to the needs of developmentally disabled persons served by the institution or residential facility;

(2) provide a nourishing, well-balanced, daily diet to developmentally disabled persons being served by the institution or residential facility;

(3) provide developmentally disabled persons with appropriate and sufficient medical and dental services;

(4) prohibit the use of physical restraint on developmentally disabled persons unless absolutely necessary and prohibit the use of physical restraint as a punishment or as a substitute for a habilitation program;

(5) prohibit the excessive use of chemical restraints on developmentally disabled persons and prohibit the use of chemical restraints as punishment, as a substitute for a habilitation program, or in quantities that interfere with services, treatment, or habilitation for developmentally disabled persons;

(6) permit close relatives and friends of developmentally disabled persons to visit them at reasonable hours without prior notice; and

(7) comply with applicable fire and safety standards.

(c) The rights provided by this section for persons with developmental disabilities are in addition to any constitutional or other rights afforded to all persons.

[Acts 1983, 68th Leg., p. 5272, ch. 970, § 1, eff. Aug. 29, 1983.]

TITLE 8. RIGHTS AND RESPONSIBILITIES OF THE HANDICAPPED

CHAPTER 121. PARTICIPATION IN SOCIAL AND ECONOMIC ACTIVITIES

Sec.

121.001. State Policy.

- Sec.
 121.002. Definitions.
 121.003. Discrimination Prohibited.
 121.004. Penalties for and Damages Resulting from Discrimination.
 121.005. Responsibilities of Handicapped Persons.
 121.006. Penalties for Improper Use of Dog Guides.
 121.007. Blind and Incapacitated Pedestrians.
 121.008. Dissemination of Information Relating to the Handicapped.
 121.009. Construction of Chapter.
 121.010. Testing Handicapped Adults.

§ 121.001. State Policy

The policy of the state is to encourage and enable physically handicapped persons to participate fully in the social and economic life of the state, to achieve maximum personal independence, to become gainfully employed, and to otherwise fully enjoy and use all public facilities available within the state.

[Acts 1979, 66th Leg., p. 2425, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 121.002. Definitions

In this chapter:

(1) "White cane" means a cane or walking stick which is metallic or white in color or white tipped with some contrasting color, and which is carried by a blind person to assist the blind person in traveling from place to place.

(2) "Dog guide" or "hearing ear dog" means a dog that:

(A) is fitted with a special harness so as to be suitable as an aid to the mobility of a blind person or is specially trained in sensory cues to aid the auditory awareness of a deaf person;

(B) is used by a blind person who has satisfactorily completed a specific course of training in the use of a dog as an aid to personal travel or is used by a deaf person who has satisfactorily completed a specific course of training in the use of a dog as a communication aid; and

(C) has been trained by an organization generally recognized by agencies involved in the rehabilitation of the blind or deaf as reputable and competent to provide dogs with training of this type.

(3) "Public facilities" includes streets, highways, sidewalks, walkways, all common carriers, airplanes, motor vehicles, railroad trains, motor buses, streetcars, boats, or any other public conveyances or modes of transportation, hotels, motels, or other places of lodging, public buildings maintained by any unit or subdivision of government, buildings to which the general public is invited, college dormitories and other educational facilities, restaurants or other places where food is offered for sale to the public, and all other places of public accommodation, amusement, convenience, or resort to which the

general public or any classification of persons from the general public is regularly, normally, or customarily invited.

(4) "Handicapped person" means a person who has a mental or physical handicap, including mental retardation, hardness of hearing, deafness, speech impairment, visual handicap, being crippled, or any other health impairment which requires special ambulatory devices or services.

(5) "Housing accommodations" means all or part of real property which is used or occupied or is intended, arranged, or designed to be used or occupied as the home, residence, or sleeping place of one or more human beings, except a single family residence whose occupants rent, lease, or furnish for compensation only one room.

[Acts 1979, 66th Leg., p. 2425, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1981, 67th Leg., p. 3310, ch. 865, § 1, eff. Aug. 31, 1981.]

§ 121.003. Discrimination Prohibited

(a) Subject only to limitations and conditions established by law and applicable alike to all persons, persons who are physically handicapped have the same right as the able-bodied to the full use and enjoyment of any public facility in the state.

(b) No common carrier, airplane, railroad train, motor bus, streetcar, boat, or other public conveyance or mode of transportation operating within the state may refuse to accept as a passenger a person who is physically handicapped solely because of the person's handicap, nor may a handicapped person be required to pay an additional fare because of his or her use of a dog guide, wheelchair, crutches, or other device used to assist the handicapped person in travel.

(c) No person who is physically handicapped may be denied admittance to any public facility in the state because of the handicapped person's use of a white cane, dog guide, wheelchair, crutches, or other device of assistance in mobility, or because the person is handicapped.

(d) The discrimination prohibited by this section includes discrimination through an open and obvious refusal to allow a handicapped person to use or be admitted to any public facility, as well as discrimination based on a ruse or subterfuge calculated to prevent or discourage a handicapped person from using or being admitted to a public facility. Regulations relating to the use of public facilities by any designated class of persons from the general public may not prohibit the use of particular public facilities by handicapped persons who, except for their handicaps or use of dog guides or other devices for assistance in travel, would fall within the designated class. Lists containing the names of persons who desire to use particular public facilities may not be composed or manipulated so as to deny a handi-

capped person a fair and equal opportunity to use or be admitted to any public facility.

(e) This section does not limit the right of the owner or manager of a public facility to refuse to admit, to refuse to serve, or to evict from a public facility a person who is so unkempt as to be clearly offensive to others using the public facility, who is obviously intoxicated, or who conducts himself in a belligerent, boisterous, profane, or other offensive manner which unreasonably interferes with the right of other persons to use and enjoy the public facility.

(f) Repealed by Acts 1983, 68th Leg., 1st C.S., p. 57, ch. 7, § 10.03(c), eff. Sept. 23, 1983.

(g) It is the policy of the state that the blind, the visually handicapped and the otherwise physically disabled be employed by the state, by political subdivisions of the state, in the public schools, and in all other employment supported in whole or in part by public funds on the same terms and conditions as the able-bodied, unless it is shown that the particular disability prevents the performance of the work involved.

(h) The blind, the visually handicapped, and the otherwise physically disabled shall be entitled to full and equal access, as other members of the general public, to all housing accommodations offered for rent, lease, or compensation in this state, subject to the conditions and limitations established by law and applicable alike to all persons.

(i) Nothing in this section shall require any person renting, leasing, or providing for compensation real property to modify his or her property in any way or provide a higher degree of care for a blind person, visually handicapped person, or otherwise physically disabled person than for a person who is not physically disabled.

(j) A totally or partially blind person who has or obtains a dog guide or a deaf person who has or obtains a hearing ear dog is entitled to full and equal access to all housing accommodations provided for in this section, and may not be required to pay extra compensation for the dog but is liable for damages done to the premises by the dog.

[Acts 1979, 66th Leg., p. 2426, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1981, 67th Leg., p. 3310, ch. 865, § 2, eff. Aug. 31, 1981; Acts 1983, 68th Leg., 1st C.S., p. 57, ch. 7, § 10.03(c), eff. Sept. 23, 1983.]

For subject matter of former subsec. (f), see, now, Civil Statutes, art. 5221k.

§ 121.004. Penalties for and Damages Resulting from Discrimination

(a) A person, firm, association, corporation, or other organization, or the agent of a person, firm, association, corporation, or other organization who violates Section 121.003 of this chapter is guilty of a

misdemeanor and on conviction shall be punished by a fine of not less than \$100 nor more than \$300.

(b) In addition to the penalty provided in Subsection (a) of this section, a person, firm, association, corporation, or other organization, or the agent of a person, firm, association, corporation, or other organization who violates the provisions of Section 121.003 of this chapter is deemed to have deprived a handicapped person of his or her civil liberties. The handicapped person deprived of his or her civil liberties may maintain a cause of action for damages in a court of competent jurisdiction, and there is a conclusive presumption of damages in the amount of at least \$100 to the handicapped person.

[Acts 1979, 66th Leg., p. 2427, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 121.005. Responsibilities of Handicapped Persons

(a) A blind or deaf person who uses a dog guide or a hearing ear dog for assistance in travel is liable for any damages done to the premises or facilities by the dog.

(b) A blind or deaf person who uses a dog guide or hearing ear dog for assistance in travel or auditory awareness shall keep the dog properly harnessed or leashed, and a person who is injured by the dog because of a blind or deaf person's failure to properly harness or leash the dog is entitled to maintain a cause of action for damages in a court of competent jurisdiction under the same law applicable to other causes brought for the redress of injuries caused by animals.

(c) A physically handicapped person who, after being duly warned of a danger unique to a handicapped person's use of a particular public facility, is injured in using the facility because of a danger of the type about which warning was given, is deemed to have assumed the risk of using the public facility.

[Acts 1979, 66th Leg., p. 2427, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1981, 67th Leg., p. 3310, ch. 865, § 3, eff. Aug. 31, 1981.]

§ 121.006. Penalties for Improper Use of Dog Guides

(a) A person who fits a dog with a harness or leash of the type commonly used by blind or deaf persons who use trained dogs for purposes of travel or auditory awareness, in order to represent that his or her dog is a specially trained dog guide when training of the type described in Section 121.002(2)(C) of this chapter has not in fact been provided, is guilty of a misdemeanor and on conviction shall be punished by a fine of not more than \$200.

(b) A person who habitually abuses or neglects to feed or otherwise neglects to properly care for his or her dog guide is not entitled to the benefits of this chapter available to those who use dog guides,

and must surrender the dog guide on demand to the person or organization furnishing the dog or to other competent authorities.

[Acts 1979, 66th Leg., p. 2427, ch. 842, art. 1, § 1, eff. Sept. 1, 1979. Amended by Acts 1981, 67th Leg., p. 3311, ch. 865, § 4, eff. Aug. 31, 1981.]

§ 121.007. Blind and Incapacitated Pedestrians

(a) No person may carry a white cane on a public street or highway unless the person is totally or partially blind or otherwise incapacitated.

(b) The driver of a vehicle approaching an intersection or crosswalk where a pedestrian guided by a guide dog or carrying a white cane is crossing or attempting to cross shall take necessary precautions to avoid injuring or endangering the pedestrian. The driver shall bring the vehicle to a full stop if injury or danger can be avoided only by that action.

(c) The failure of a totally or partially blind or otherwise incapacitated person to carry a white cane or be guided by a guide dog does not deprive the person of the rights and privileges conferred by law on pedestrians crossing streets or highways and does not constitute evidence of contributory negligence.

(d) A person who violates this section commits a Class C misdemeanor.

[Acts 1979, 66th Leg., p. 2428, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 121.008. Dissemination of Information Relating to the Handicapped

(a) To ensure maximum public awareness of the policies set forth in this chapter, the governor may issue a proclamation each year taking suitable public notice of October 15 as White Cane Safety Day. The proclamation must contain appropriate comment about the significance of various devices used by handicapped persons to assist them in traveling, and must call to the attention of the public the provisions of this chapter and of other laws relating to the safety and well-being of this state's handicapped citizens.

(b) State agencies regularly mailing forms or information to significant numbers of public facilities operating within the state shall cooperate with state agencies responsible for the rehabilitation of the handicapped by sending information about this chapter to those to whom regular mailings are sent. The information, which must be sent only on the request of state agencies responsible for the rehabilitation of the handicapped and not more than once each year, may be included in regular mailings or sent separately. If sent separately, the cost of mailing is borne by the state rehabilitation agency or agencies requesting the mailing and, regardless of whether sent separately or as part of a regular mailing, the cost of preparing information about

this chapter is borne by the state rehabilitation agency or agencies requesting distribution of this information.

[Acts 1979, 66th Leg., p. 2428, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 121.009. Construction of Chapter

The provisions of this chapter must be construed in a manner compatible with other state laws relating to the handicapped.

[Acts 1979, 66th Leg., p. 2428, ch. 842, art. 1, § 1, eff. Sept. 1, 1979.]

§ 121.010. Testing Handicapped Adults

(a) A test that evaluates a handicapped adult for a job position in business, government, or industry, or a test to determine that person's educational level, may measure individual abilities and not specific disabilities.

(b) If an examiner knows that an adult examinee has a handicap, the examiner may use an alternate form of testing. The alternate form of testing may assess the aptitude of the examinee by using that person's primary learning mode.

(c) The examiner may use as an alternate form of testing any procedure or adaption that will help ensure the best performance possible by a handicapped adult, including oral or visual administration of the test, oral or manual response to the test, the use of readers, the use of tape recorders, the removal of time constraints, and multiple testing sessions.

(d) An examiner shall select and administer a test to an examinee who has a handicap that impairs sensory, manual, or speaking skills so that the test accurately reflects the factor the test is intended to measure and does not reflect the examinee's impaired sensory, manual, or speaking skills.

(e) An examiner may not use a test that has a disproportionate, adverse effect on a handicapped adult or class of handicapped adults unless:

(1) the test has been validated as a predictor of success in the program or activity for which the handicapped adult is applying; and

(2) alternate tests that have a less disproportionate, adverse effect do not exist or are not available.

[Acts 1981, 67th Leg., p. 2482, ch. 645, § 1, eff. Aug. 31, 1981.]

CHAPTER 122. COMMITTEE ON PURCHASES OF PRODUCTS AND SERVICES OF BLIND AND SEVERELY DISABLED PERSONS

- Sec. 122.001. Purpose.
- 122.002. Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons.
- 122.003. Application of Sunset Act.

Sec.	
122.004.	Fair Market Price; Purchasing Procedures.
122.005.	Procurement at Determined Price.
122.006.	Records.
122.007.	Cooperation With Department of Corrections.
122.008.	Correlation With Related Federal Programs.
122.009.	Interagency Cooperation.
122.010.	Rules.
122.011.	Product Specifications.
122.012.	Determinations of Fair Market Value.
122.013.	Exceptions.
122.014.	Procurement for Political Subdivisions.
122.015.	Political Subdivisions Excluded.
122.016.	Budget Request.
122.017.	Consumer Information; Complaints.
122.018.	Reports.
122.019.	Open Meetings; Administrative Procedure.

§ 122.001. Purpose

The purpose of this chapter is to further the state's policy of encouraging and assisting disabled persons to achieve maximum personal independence by engaging in useful and productive activities and, in addition, to provide state agencies, departments, and institutions and political subdivisions of the state with a method for achieving conformity with requirements of nondiscrimination and affirmative action in employment matters related to disabled persons.

[Acts 1981, 67th Leg., p. 2280, ch. 556, § 1, eff. Sept. 1, 1981.]

§ 122.002. Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons

Text of section effective until January 1, 1985

(a) The Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons is composed of the following members who are appointed by the governor with the advice and consent of the senate:

- (1) a private citizen conversant with the problems incidental to the employment of blind persons;
- (2) a private citizen conversant with the problems incidental to the employment of persons severely disabled by conditions other than blindness;
- (3) a representative of a sheltered workshop for blind persons organized under state law;
- (4) a representative of a sheltered workshop organized under state law to serve persons disabled by conditions other than blindness;
- (5) a representative of a volunteer organization operated primarily to serve persons disabled by conditions other than blindness;
- (6) a representative of the department of a Texas institution of higher education offering an advanced degree in vocational rehabilitation counseling;

(7) a representative of the Texas Rehabilitation Commission;

(8) a representative of the State Purchasing and General Services Commission;

(9) a representative of the State Commission for the Blind;

(10) a representative of the Texas Department of Mental Health and Mental Retardation;

(11) a representative of private business who is knowledgeable in the activities and processes involved in the sale of goods or services to governmental entities; and

(12) a representative of a state agency or department purchasing goods or services under this section but not involved in the daily operation of the program authorized by this chapter.

(b) Members of the committee serve for terms of two years expiring on January 31 of odd-numbered years. Members may not receive compensation for their service on the committee, but they are entitled to reimbursement for actual and necessary expenses incurred in performing their duties as members. Members who are not representatives of state agencies shall be reimbursed by the committee. Members who are representatives of state agencies shall be reimbursed by the agencies they represent.

(c) The governor shall select one of the committee members to serve as chairman.

(d) A member who is unable to attend a meeting of the committee may designate a person from his office, department, or other organization to represent him at the meeting.

[Acts 1981, 67th Leg., p. 2280, ch. 556, § 1, eff. Sept. 1, 1981.]

For text of section effective January 1, 1985, see § 122.002, post

§ 122.002. Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons

Text of section effective January 1, 1985

(a) The Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons is composed of the following members who are appointed by the governor with the advice and consent of the senate:

- (1) a private citizen conversant with the problems incidental to the employment of blind persons;
- (2) a private citizen conversant with the problems incidental to the employment of persons severely disabled by conditions other than blindness;

- (3) a representative of a sheltered workshop for blind persons organized under state law;
- (4) a representative of a sheltered workshop organized under state law to serve persons disabled by conditions other than blindness;
- (5) a representative of the Texas Rehabilitation Commission;
- (6) a representative of the State Purchasing and General Services Commission;
- (7) a representative of the State Commission for the Blind;
- (8) a representative of the Texas Department of Mental Health and Mental Retardation; and
- (9) a representative of private business who is knowledgeable in the activities and processes involved in the sale of goods or services to governmental entities.

(b) Members of the committee serve for terms of two years expiring on January 31 of odd-numbered years. Members may not receive compensation for their service on the committee, but they are entitled to reimbursement for actual and necessary expenses incurred in performing their duties as members. The Texas Rehabilitation Commission, the Texas Department of Mental Health and Mental Retardation, and the Texas Commission for the Blind shall share equally in the cost of reimbursing members who are not representatives of state agencies, and the Texas Commission for the Blind is the paying agent for those reimbursements. Members who are representatives of state agencies shall be reimbursed by the agencies they represent.

(c) The governor shall select one of the committee members to serve as chairman.

(d) A member who is unable to attend a meeting of the committee may designate a person from his agency, department, or other organization to represent him at the meeting.

(e) Appointments to the committee shall be made without regard to the race, creed, sex, religion, or national origin of the appointees.

(f) It is a ground for removal from the committee if a member:

- (1) does not have at the time of appointment the qualifications required by Subsection (a) of this section for appointment to the committee; or
- (2) does not maintain during the service on the committee the qualifications required by Subsection (a) of this section for appointment to the committee.

(g) The validity of an action of the committee is not affected by the fact that it was taken when a ground for removal of a member of the committee existed.

[Acts 1981, 67th Leg., p. 2280, Ch. 556, § 1, eff. Sept. 1, 1981. Amended by Acts 1983, 68th Leg., p. 2948, ch. 504, § 1, eff. Jan. 1, 1985.]

For text of section effective until January 1, 1985, see § 122.002, ante

Section 2 of the 1981 Act provides:

"(a) The governor shall appoint to the Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons a private citizen conversant with the problems incidental to the employment of persons severely disabled by conditions other than blindness.

"(b) The members appointed to the Texas Committee on Purchases of Blind-Made Products and Services before the effective date of this Act serve for the duration of the terms for which they were appointed as members of the Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons.

"(c) Any reference in law to the Texas Committee on Purchases of Blind-Made Products and Services means the Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons.

"(d) Any legal obligations incurred by the Texas Committee on Purchases of Blind-Made Products and Services before the effective date of this Act are transferred to the Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons.

"(e) The records and other property in the custody of the Texas Committee on Purchases of Blind-Made Products and Services are transferred to the Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons. The employees of the Texas Committee on Purchases of Blind-Made Products and Services are employees of the Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons."

§ 122.003. Application of Sunset Act

The Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons is subject to the Texas Sunset Act, as amended (Article 5429k, Vernon's Texas Civil Statutes). Unless continued in existence as provided by that Act, the committee is abolished and this chapter expires effective September 1, 1995.

[Acts 1981, 67th Leg., p. 2280, ch. 556, § 1, eff. Sept. 1, 1981. Amended by Acts 1983, 68th Leg., p. 2951, ch. 504, § 2, eff. Sept. 1, 1983.]

§ 122.004. Fair Market Price; Purchasing Procedures

(a) The committee shall determine the fair market price of all products and services manufactured or provided by blind or other severely disabled persons and offered for sale to the various agencies and departments of the state and its political subdivisions by a nonprofit agency for blind or other severely disabled persons organized under state law and recognized by the State Commission for the Blind or the Texas Rehabilitation Commission as capable of contributing to the purposes of this chapter.

(b) A subcommittee composed of three committee members appointed by the chairman shall review the data used to determine fair market price and shall make recommendations to the committee concerning fair market price for the products and services.

(c) The committee shall revise the prices periodically to reflect changing market conditions.

(d) The committee shall make rules regarding designation of a central nonprofit agency to facilitate the distribution of orders among agencies serving blind or other severely disabled persons and regarding other matters related to the state's use of the products and services of blind and severely disabled persons.

(e) Requisitions for products and services required by state agencies are processed by the State Purchasing and General Services Commission according to rules established by the commission.

[Acts 1981, 67th Leg., p. 2280, ch. 556, § 1, eff. Sept. 1, 1981. Amended by Acts 1983, 68th Leg., p. 2951, ch. 504, § 3, eff. Sept. 1, 1983.]

§ 122.005. Procurement at Determined Price

A suitable product or service that meets applicable specifications established by the state or its political subdivisions and that is available within the time specified must be procured from a nonprofit agency for blind or other severely disabled persons at the price determined by the committee to be the fair market price.

[Acts 1981, 67th Leg., p. 2280, ch. 556, § 1, eff. Sept. 1, 1981.]

§ 122.006. Records

(a) The records of the committee and of any nonprofit agency participating in this program shall, to the extent that the records pertain to state purchases of the products and services of blind or other severely disabled persons, be made available upon request to the inspection of representatives of the state auditor, the governor's budget office, or the Legislative Budget Board. The inspection of the records shall be conducted with due regard to the privacy rights of blind or other severely disabled persons.

(b) The Texas Commission for the Blind is the depository for all records concerning the committee's operations.

[Acts 1981, 67th Leg., p. 2280, ch. 556, § 1, eff. Sept. 1, 1981. Amended by Acts 1983, 68th Leg., p. 2952, ch. 504, § 4, eff. Sept. 1, 1983.]

§ 122.007. Cooperation With Department of Corrections

The committee may cooperate with the Texas Department of Corrections to accomplish the purposes of this chapter and to contribute to the economy of state government. The committee and the department may enter into contractual agreements, cooperative working relationships, or other arrangements necessary for effective coordination and the realization of the objectives of both entities.

[Acts 1981, 67th Leg., p. 2280, ch. 556, § 1, eff. Sept. 1, 1981.]

§ 122.008. Correlation With Related Federal Programs

The committee may adopt procedures, practices, and standards used for federal programs similar to the state program established in this chapter.

[Acts 1981, 67th Leg., p. 2280, ch. 556, § 1, eff. Sept. 1, 1981.]

§ 122.009. Interagency Cooperation

State agencies responsible for the provision of rehabilitation and related services to blind or other severely disabled persons shall cooperate with the committee in the operation of this program. The State Commission for the Blind, the Texas Rehabilitation Commission, and other state human services agencies responsible for assisting disabled persons may, through written agreements or interagency contracts, provide space, storage, logistical support, consultation, expert services, communications services, or financial assistance with respect to any function or responsibility of the committee. However, a state agency may not assume permanent fiscal responsibility for the expense of marketing the products and services of blind or other severely disabled persons under this program.

[Acts 1981, 67th Leg., p. 2280, ch. 556, § 1, eff. Sept. 1, 1981.]

§ 122.010. Rules

The committee may adopt rules for the implementation, extension, administration, or improvement of the program authorized by this chapter. Rules adopted under this section do not take effect unless approved by the State Commission for the Blind and the Texas Rehabilitation Commission.

[Acts 1981, 67th Leg., p. 2280, ch. 556, § 1, eff. Sept. 1, 1981.]

§ 122.011. Product Specifications

Except as otherwise provided by this section, a product manufactured for sale through the State Purchasing and General Services Commission to any office, department, institution, or agency of the state under this chapter shall be manufactured or produced according to specifications developed by the State Purchasing and General Services Commission. If the State Purchasing and General Services Commission has not adopted specifications for a particular product, the production shall be based on commercial or federal specifications in current use by industry for the manufacture of the product for sale to the state.

[Acts 1981, 67th Leg., p. 2280, ch. 556, § 1, eff. Sept. 1, 1981.]

§ 122.012. Determinations of Fair Market Value

(a) In determining the fair market value of products or services offered for sale under this chapter, the subcommittee established by Subsection (b) of

Section 122.004 of this code and the committee shall give due consideration to the following type of factors:

(1) to the extent applicable, the amounts being paid for similar articles in similar quantities by federal agencies purchasing the products or services under the authorized federal program of like effect to the state program authorized by this chapter;

(2) the amounts which private business would pay for similar products or services in similar quantities if purchasing from a reputable corporation engaged in the business of selling similar products or services;

(3) to the extent applicable, the amount paid by the state in any recent purchases of similar products or services in similar quantities, making due allowance for general inflationary or deflationary trends;

(4) the actual cost of manufacturing the product or service at a sheltered workshop offering employment services on or off premises to blind or other severely disabled persons, with adequate weight to be given to legal and moral imperatives to pay blind or other severely disabled workers equitable wages; and

(5) the usual, customary, and reasonable costs of manufacturing, marketing, and distribution.

(b) The fair market value of a product or service, determined after consideration of relevant factors of the foregoing type, may not be excessive or unreasonable.

[Acts 1981, 67th Leg., p. 2280, ch. 556, § 1, eff. Sept. 1, 1981. Amended by Acts 1983, 68th Leg., p. 2952, ch. 504, § 5, eff. Sept. 1, 1983.]

§ 122.013. Exceptions

(a) Exceptions from the operation of the mandatory provisions of Section 122.011 of this code may be made in any case where:

(1) under the rules of the State Purchasing and General Services Commission, the product or service so produced or provided does not meet the reasonable requirements of the office, department, institution, or agency; or

(2) the requisitions made cannot be reasonably complied with through provision of products or services produced by blind or other severely disabled persons.

(b) Each month, the State Purchasing and General Services Commission shall provide the committee with a list of all items purchased under the exception provided by Subsection (a) of this section. The committee shall adopt the form in which the list is to be provided and may require the list to include the date of requisition, the type of product or service requested, the reason for purchase under the exception, and any other information that the com-

mittee considers relevant to a determination of why the product or service was not purchased in accordance with Section 122.011 of this code.

(c) No office, department, institution, or agency may evade the intent of this section by slight variations from standards adopted by the State Purchasing and General Services Commission, when the products or services produced or provided by blind or other severely disabled persons, in accordance with established standards, are reasonably adapted to the actual needs of the office, department, institution, or agency.

[Acts 1981, 67th Leg., p. 2280, ch. 556, § 1, eff. Sept. 1, 1981.]

§ 122.014. Procurement for Political Subdivisions

A product manufactured for sale to a political subdivision of this state or an office or department thereof shall be manufactured or produced according to specifications developed by the purchaser. A political subdivision of this state may purchase products or services for its use from private businesses through its authorized purchasing procedures, but may substitute equivalent products or services produced by blind or other severely disabled persons under the provisions of this chapter. Nothing in this chapter shall be construed to require a nonprofit agency for blind or other severely disabled persons to engage in competitive bidding.

[Acts 1981, 67th Leg., p. 2280, ch. 556, § 1, eff. Sept. 1, 1981.]

§ 122.015. Political Subdivisions Excluded

There are excluded from the application of this chapter the political subdivisions of the state that are not covered by Title V of the Federal Rehabilitation Act of 1973, as amended (29 U.S. Code Sections 790 through 794). Nothing in this chapter shall be construed as limiting blind or other severely disabled persons in their capacity to sell their products to any willing buyer.

[Acts 1981, 67th Leg., p. 2280, ch. 556, § 1, eff. Sept. 1, 1981.]

§ 122.016. Budget Request

(a) Annually, any nonprofit agency for the blind or other severely disabled persons that desires funds shall submit to the committee a budget request based on its participation in the program established under this chapter.

(b) The agency shall base its budget request on the amount of funds necessary to accomplish certain objectives developed by the agency's director.

(c) The agency shall develop the budget request in conjunction with the management of workshops in which blind or other severely disabled persons work.

(d) The committee shall review budget requests and may allow, disallow, or modify them.

[Acts 1983, 68th Leg., p. 2953, ch. 504, § 6, eff. Sept. 1, 1983.]

§ 122.017. Consumer Information; Complaints

(a) The committee shall prepare information of consumer interest describing the activities of the committee and describing the committee's procedures by which consumer complaints are filed with and resolved by the committee. The committee shall make the information available to the general public and appropriate state agencies.

(b) The committee shall keep an information file about each complaint filed with the committee relating to a product or service offered by the workshops.

(c) If a written complaint is filed with the committee relating to a product or service offered by a workshop, the committee, at least as frequently as quarterly and until final disposition of the complaint, shall notify the parties to the complaint of the status of the complaint unless the notice would jeopardize an undercover investigation.

[Acts 1983, 68th Leg., p. 2953, ch. 504, § 6, eff. Sept. 1, 1983.]

§ 122.018. Reports

(a) On or before January 1 of each year, the committee shall file with the governor and the presiding officer of each house of the legislature a complete and detailed written report accounting for all funds received and disbursed by the committee during the preceding year.

(b) The report submitted under this section shall include:

- (1) the number of disabled persons, according to their type of disability, who are employed in workshops participating in the programs established by this chapter;
- (2) the amount of annual wages paid to a person participating in the program;
- (3) a summary of the sale of products offered by a workshop;
- (4) a list of products and services offered by a workshop; and
- (5) the geographic distribution of the workshops.

[Acts 1983, 68th Leg., p. 2953, ch. 504, § 6, eff. Sept. 1, 1983.]

§ 122.019. Open Meetings; Administrative Procedure

The committee is subject to the open meetings law, Chapter 271, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 6252-17, Vernon's Texas Civil Statutes), and the Administra-

tive Procedure and Texas Register Act, as amended (Article 6252-13a, Vernon's Texas Civil Statutes).

[Acts 1983, 68th Leg., p. 2953, ch. 504, § 6, eff. Sept. 1, 1983.]

TITLE 9. HEALTH AND HUMAN SERVICES

CHAPTER 131. TEXAS HEALTH AND HUMAN SERVICES COORDINATING COUNCIL

Sec.

- 131.001. Creation of Council.
- 131.002. Management; Work Plan; Meetings.
- 131.003. Divisions.
- 131.004. Functions of Council.
- 131.005. Advisory Committees.
- 131.0051. Medical Care Advisory Committee.
- 131.006. Gifts and Grants.
- 131.007. Annual Audit.
- 131.008. Application of Other Laws.

§ 131.001. Creation of Council

(a) The Texas Health and Human Services Coordinating Council is established.

(b) The council consists of:

- (1) the governor;
- (2) the lieutenant governor;
- (3) the speaker of the house of representatives;
- (4) the chairman of the Texas Board of Human Resources;
- (5) the chairman of the Texas Board of Health;
- (6) the chairman of the Texas Board of Mental Health and Mental Retardation;
- (7) the chairman of the State Board of Education;
- (8) two additional board chairmen of state agencies delivering health and human services, to be appointed by the governor;
- (9) two senators appointed by the lieutenant governor;
- (10) two members of the house of representatives appointed by the speaker of the house;
- (11) two members of the general public appointed by the governor;
- (12) two members of the general public appointed by the lieutenant governor; and
- (13) two members of the general public appointed by the speaker of the house.

(c) A public member of the council and a state agency representative appointed pursuant to Subdivision (8) of Subsection (b) of Section 131.001 of this Act serve two-year terms. A person who has served four terms is not eligible for reappointment as a public member.

(d) The governor is the chairman of the council and shall preside at council meetings at which he is present. The lieutenant governor is the vice-chair-

man of the council and shall preside at council meetings at which he is present and at which the governor is absent. The speaker shall preside at council meetings at which he is present and at which the governor and lieutenant governor are absent.

(e) A majority of the council constitutes a quorum.

(f) A member of the council is entitled to reimbursement for actual and necessary expenses incurred in performing functions as a member of the council. The lieutenant governor, speaker of the house, and members from the senate and house of representatives shall be reimbursed from the appropriate fund of the council member's respective house of the legislature. Other members shall be reimbursed from the funds of the office or agency in which the member serves. The public members shall be reimbursed from the council's funds appropriated for that purpose.

(g) It is the intent of the legislature that the membership of the board reflect the historical and cultural diversity of the inhabitants of this state; therefore, appointments to the council should be made without discrimination based on race, creed, sex, religion, national origin, or geographical distribution of the appointments.

[Acts 1983, 68th Leg., p. 1630, ch. 308, § 1, eff. Sept. 1, 1983.]

§ 131.002. Management; Work Plan; Meetings

(a) The governor may appoint an executive director to perform duties as the council may direct.

(b) To be eligible for appointment as executive director, a person must:

(1) have experience, knowledge, or education in the areas of:

- (A) health and human services;
- (B) management;
- (C) research and evaluation; and
- (D) management information systems; and

(2) have experience in working with:

- (A) the legislature and the office of the governor;
- (B) federal, state, and local governments;
- (C) state agencies; and
- (D) public and private community-based organizations such as churches, child welfare boards, community action agencies, and the United Way.

(c) The council shall develop and implement a work plan for each biennium.

(d) The council may receive and spend grants and donations from public and private entities and may contract with public or private entities in the performance of its responsibilities.

(e) The council shall meet at least quarterly and at the call of the governor.

[Acts 1983, 68th Leg., p. 1630, ch. 308, § 1, eff. Sept. 1, 1983.]

§ 131.003. Divisions

The council may create administrative divisions to address problems of specified population groups and other health and human services issues and policies.

[Acts 1983, 68th Leg., p. 1630, ch. 308, § 1, eff. Sept. 1, 1983.]

Section 2 of the 1983 Act provides:

"Until August 31, 1985, the Texas Health and Human Services Coordinating Council shall focus on: (1) services for children 18 years of age or younger; and (2) the issue of health care needs and costs in Texas and may appoint or designate advisory committees and create divisions regarding these issue areas. After that date, the council may create divisions and appoint or designate advisory committees to address problems of other population groups as provided by Sections 131.003 and 131.005, Human Resources Code, as added by this Act."

§ 131.004. Functions of Council

(a) The council may:

(1) establish and maintain a comprehensive central data base covering public and private sector health and human services that assures that:

(A) health and mental health communications and records privileged under Chapter 239, Acts of the 66th Legislature, Regular Session, 1979 (Article 5561h, Vernon's Texas Civil Statutes), the Medical Practice Act (Article 4495b, Vernon's Texas Civil Statutes), and the Texas Rules of Evidence remain confidential and privileged;

(B) personally identifiable health and mental health communications and records of persons involved in the receipt or delivery of health or human services are confidential and privileged; and

(C) a private source is not required to provide confidential health and mental health communications or records unless a law specifically requires disclosure;

(2) conduct and contract for studies of significant health and human services that may include needs assessments, monitoring and tracking services among agencies, cost analyses, forecasting, consideration of current problems of target populations, long-term results of services, and issues of multilevel or multiagency service delivery;

(3) serve as the primary state resource in coordinating and planning for health and human services;

(4) analyze federal, state, county, municipal, agency, and public/private sector relationships to coordinate efforts to plan and deliver health and human services;

(5) provide a central information and referral source concerning health and human services;

(6) review existing and proposed actions and policies of federal agencies to determine the health and human services impact on Texas and recommend to the governor and the legislature alternative actions and policies consistent with state health and human services policy;

(7) provide advice to agencies, organizations, and governmental entities concerning the analysis of needs and the development, evaluation, and coordination of health and human services;

(8) conduct regular and comprehensive reviews and analyses of health and human services policy and make such recommendations as deemed necessary to the governor and to the legislature; and

(9) before December 1 of each even-numbered year, file a report with the governor and the legislature concerning the activities of the council.

(b) In the area of health services, the scope of the council's duties and responsibilities is limited to the federal, state, and local government, to other political subdivisions, and to private sector services provided by voluntary health agencies.

[Acts 1983, 68th Leg., p. 1630, ch. 308, § 1, eff. Sept. 1, 1983.]

Section 2 of the 1983 Act provides:

"Until August 31, 1985, the Texas Health and Human Services Coordinating Council shall focus on: (1) services for children 18 years of age or younger; and (2) the issue of health care needs and costs in Texas and may appoint or designate advisory committees and create divisions regarding these issue areas. After that date, the council may create divisions and appoint or designate advisory committees to address problems of other population groups as provided by Sections 131.003 and 131.005, Human Resources Code, as added by this Act."

§ 131.005. Advisory Committees

(a) The council may appoint or designate advisory committees which may be composed of agency representatives, public officials, and private citizens to advise the council. Appointments to the committees shall be made without regard to the race, creed, sex, religion, or national origin of the appointees.

(b) A member of an advisory committee is not entitled to compensation for services performed as a member of the committee. A member is entitled to reimbursement from council funds for actual and necessary expenses incurred in attending meetings of the advisory committee.

(c) The council shall prescribe the operating procedures for the advisory committees.

[Acts 1983, 68th Leg., p. 1630, ch. 308, § 1, eff. Sept. 1, 1983.]

Section 2 of the 1983 Act provides:

"Until August 31, 1985, the Texas Health and Human Services Coordinating Council shall focus on: (1) services for children 18 years of age or younger; and (2) the issue of health care needs and costs in Texas and may appoint or designate advisory committees and create divisions regarding these issue areas. After that date, the council may create divisions and appoint or designate advisory committees to address problems of other population groups as provided by Sections 131.003 and 131.005, Human Resources Code, as added by this Act."

§ 131.0051. Medical Care Advisory Committee

(a) The Medical Care Advisory Committee is established to advise the council on health and medical care services. The council shall consult with the committee any time the council considers health and medical care services.

(b) The governor shall appoint the committee. The governor shall appoint representatives of the health professions who are familiar with the medical needs of low-income population groups and with the resources available and required for the care of low-income groups. The governor shall appoint:

(1) physicians;

(2) hospital administrators;

(3) representatives of other groups that provide health and human services; and

(4) representatives of consumer groups.

(c) Members of the committee receive no compensation but are entitled to reimbursement for actual and necessary expenses incurred in performing their duties.

[Acts 1983, 68th Leg., p. 1630, ch. 308, § 1, eff. Sept. 1, 1983.]

§ 131.006. Gifts and Grants

(a) The council may accept on behalf of the state a gift, grant, or donation from any source to be used to administer the council's functions.

(b) The executive director shall deposit any money received under Subsection (a) of this section in the State Treasury to the credit of a special fund known as the health and human services coordinating council fund. The money may be used only to administer the council's functions.

[Acts 1983, 68th Leg., p. 1630, ch. 308, § 1, eff. Sept. 1, 1983.]

§ 131.007. Annual Audit

The State Auditor shall audit the financial transactions of the council during each fiscal year.

[Acts 1983, 68th Leg., p. 1630, ch. 308, § 1, eff. Sept. 1, 1983.]

§ 131.008. Application of Other Laws

(a) The council is subject to the Texas Sunset Act, as amended (Article 5429k, Vernon's Texas Civil Statutes). Unless continued in existence as provided by that Act, the council is abolished and this Act expires effective September 1, 1989.

(b) The council is subject to the open meetings law, Chapter 271, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 6252-17, Vernon's Texas Civil Statutes), and the Administrative Procedure and Texas Register Act, as amended (Article 6252-13a, Vernon's Texas Civil Statutes).

[Acts 1983, 68th Leg., p. 1630, ch. 308, § 1, eff. Sept. 1, 1983.]

CHAPTER 132. COUNCIL ON DISABILITIES

Sec.

- 132.001. Definition.
- 132.002. Council on Disabilities.
- 132.003. Terms; Compensation.
- 132.004. Meetings.
- 132.005. Powers and Duties.
- 132.006. Application of Other Laws.

§ 132.001. Definition

In this chapter, "provider" means a representative of a public or private agency that provides direct services to disabled persons, but does not include an official or employee of an agency listed in Subsection (e) of Section 132.002 of this code.

[Acts 1983, 68th Leg., p. 1630, ch. 308, § 1, eff. Sept. 1, 1983.]

§ 132.002. Council on Disabilities

(a) The council on disabilities is established and is composed of 21 members.

(b) The governor shall appoint a person to serve as chairperson of the council. In addition, the governor shall appoint one provider, one private citizen, and one disabled person or parent or guardian of a disabled person to serve on the council.

(c) The lieutenant governor shall appoint one senator, one provider, one private citizen, and one disabled person or parent or guardian of a disabled person to serve on the council.

(d) The speaker of the house shall appoint one member of the house of representatives, one provider, one private citizen, and one disabled person or parent or guardian of a disabled person to serve on the council.

(e) The governing board of each of the following agencies shall appoint one person to represent that agency on the council:

- (1) the Texas Department of Human Resources;
- (2) the Texas Department of Mental Health and Mental Retardation;
- (3) the Texas Department of Health;
- (4) the Central Education Agency;
- (5) the Texas Rehabilitation Commission;
- (6) the Texas Commission for the Deaf;
- (7) the State Commission for the Blind;
- (8) the Texas Department on Aging; and
- (9) the Texas Commission on Alcoholism.

(f) A private citizen appointed to serve on the council may not be a provider, a disabled person, or the parent or guardian of a disabled person.

(g) The governor may designate other agencies to appoint representatives to serve on the council.

[Acts 1983, 68th Leg., p. 1630, ch. 308, § 1, eff. Sept. 1, 1983.]

Section 3 of the 1983 Act provides:

"Not later than 30 days after the effective date of this Act, each official and agency listed in Sections 132.002 and 133.002, Human Resources Code, as added by this Act, shall make the appointment to the council on disabilities or the long-term care coordinating council for the elderly as required by those sections. An agency designated by the governor under Subsection (g) of Section 132.002, Human Resources Code, as added by this Act, shall appoint a person to the council on disabilities to represent that agency not later than 30 days after the date on which the governor designates that agency. An agency designated by the governor under Subsection (f) of Section 133.002, Human Resources Code, as added by this Act, shall appoint a person to the long-term care coordinating council for the elderly to represent that agency not later than 30 days after the date on which the governor designates that agency."

§ 132.003. Terms; Compensation

(a) A member of the council serves for a two-year term expiring on January 31 of each odd-numbered year. A member may be reappointed to the council.

(b) Members of the council receive no compensation but are entitled to reimbursement for actual and necessary expenses incurred in performing their duties under this chapter.

[Acts 1983, 68th Leg., p. 1630, ch. 308, § 1, eff. Sept. 1, 1983.]

§ 132.004. Meetings

The council shall meet at the call of the chairperson. A majority of the members of the council constitutes a quorum.

[Acts 1983, 68th Leg., p. 1630, ch. 308, § 1, eff. Sept. 1, 1983.]

§ 132.005. Powers and Duties

(a) The council shall:

(1) continually monitor the implementation of the long-range state plan for Texans with disabilities and prepare a biennial review and revision of the plan for official submission in January of each odd-numbered year to the governor, the legislature, the Legislative Budget Board, appropriate legislative committees, and the participating state agencies;

(2) promote the development and coordination of effective and efficient statewide public and private policies, programs, and services for persons with disabilities;

(3) promote the compilation and publication of all laws relating to the disabled and make recommendations to the legislature regarding appropriate modification of laws relating to the disabled; and

(4) promote a demographic survey for accurate identification of the disability population and promote the effective use of valid data in planning service priorities.

(b) At such time as the Texas Health and Human Services Coordinating Council expands its focus beyond services for children 18 years of age or younger and health care needs and costs as specified in this Act, the council on disabilities shall add to its

duties as outlined in Subsection (a) of this section the role of advisory committee to the Texas Health and Human Services Coordinating Council, as authorized in Section 131.005, Human Resources Code, as added by this Act.

(c) The council may use the existing staff of an appointing official or agency to assist the council in performing its duties under this chapter.

(d) The duties of a member of the council are in addition to those of any other employment or office of that member.

(e) The council may receive and spend grants and donations from public and private entities and may contract with public or private entities in the performance of its responsibilities.

[Acts 1983, 68th Leg., p. 1630, ch. 308, § 1, eff. Sept. 1, 1983.]

§ 132.006. Application of Other Laws

(a) The council is subject to the Texas Sunset Act, as amended (Article 5429k, Vernon's Texas Civil Statutes). Unless continued in existence as provided by that Act, the council is abolished and this Act expires effective September 1, 1989.

[Acts 1983, 68th Leg., p. 1630, ch. 308, § 1, eff. Sept. 1, 1983.]

¹ So in enrolled bill; there is no (b).

CHAPTER 133. LONG-TERM CARE COORDINATING COUNCIL FOR THE ELDERLY

Sec.

133.001. Definitions

133.002. Long-Term Care Coordinating Council for the Elderly.

133.003. Terms; Compensation.

133.004. Meetings; Quorum.

133.005. Functions.

133.006. Application of Other Laws.

§ 133.001. Definitions

In this chapter:

(1) "Long-term care" means the broad range of medical, social, and supportive services for elderly persons who have lost some capacity for self-care and who are expected to need care for an extended period of time.

(2) "Consumer" means:

(A) an elderly person; or

(B) a relative of an elderly person receiving long-term care services.

[Acts 1983, 68th Leg., p. 1630, ch. 308, § 1, eff. Sept. 1, 1983.]

§ 133.002. Long-Term Care Coordinating Council for the Elderly

(a) The long-term care coordinating council for the elderly is established and is composed of not more than 17 members.

(b) The governor shall appoint a person to serve as chairperson of the council. In addition, the governor shall appoint one provider of long-term care services for the elderly, one private citizen, and one consumer to serve on the council.

(c) The lieutenant governor shall appoint one senator, one provider of long-term care services for the elderly, one private citizen, and one consumer to serve on the council.

(d) The speaker of the house shall appoint one member of the house of representatives, one provider of long-term care services for the elderly, one private citizen, and one consumer to serve on the council.

(e) The governing board of each of the following agencies shall appoint one person to represent that agency on the council:

(1) the Texas Department on Aging;

(2) the Texas Department of Human Resources;

(3) the Texas Department of Health; and

(4) the Texas Department of Mental Health and Mental Retardation.

(f) The governor may designate other agencies to appoint representatives to serve on the council.

[Acts 1983, 68th Leg., p. 1630, ch. 308, § 1, eff. Sept. 1, 1983.]

Section 3 of the 1983 Act provides:

"Not later than 30 days after the effective date of this Act, each official and agency listed in Sections 132.002 and 133.002, Human Resources Code, as added by this Act, shall make the appointment to the council on disabilities or the long-term care coordinating council for the elderly as required by those sections. An agency designated by the governor under Subsection (g) of Section 132.002, Human Resources Code, as added by this Act, shall appoint a person to the council on disabilities to represent that agency not later than 30 days after the date on which the governor designates that agency. An agency designated by the governor under Subsection (f) of Section 133.002, Human Resources Code, as added by this Act, shall appoint a person to the long-term care coordinating council for the elderly to represent that agency not later than 30 days after the date on which the governor designates that agency."

§ 133.003. Terms; Compensation

(a) A member of the council serves for a two-year term expiring on January 31 of each odd-numbered year. A member may be reappointed to the council.

(b) Members of the council receive no compensation but are entitled to reimbursement for actual and necessary expenses incurred in performing their duties under this chapter.

[Acts 1983, 68th Leg., p. 1630, ch. 308, § 1, eff. Sept. 1, 1983.]

§ 133.004. Meetings; Quorum¹

The Council shall meet at the call of the chairperson. A majority of the members of the council constitutes a quorum.

[Acts 1983, 68th Leg., p. 1630, ch. 308, § 1, eff. Sept. 1, 1983.]

¹ Section heading editorially supplied.

§ 133.005. Functions

(a) The council shall:

(1) revise, update, and review the implementation of the Texas long-term care state plan and submit biennial reports to the governor and the legislature;

(2) review issues concerning long-term care for the elderly and develop appropriate policy recommendations for the state of Texas; and

(3) encourage cooperative, comprehensive, and complementary planning among the public, private, and volunteer sectors for the provision of long-term care services.

(b) At such time as the Texas Health and Human Services Coordinating Council expands its focus beyond services for children 18 years of age or younger and health care needs and costs as specified in this Act, the long-term care coordinating council for the elderly shall add to its duties as outlined in Subsection (a) of this section the role of advisory committee to the Texas Health and Human Services Coordinating Council, as authorized in Section 131.005, Human Resources Code, as added by this Act.

(c) The council may use the existing staff of an appointing official or agency to assist the council in performing its duties under this chapter. The Texas Department on Aging shall assume the role of lead agency for the council.

(d) The duties of a member of the council are in addition to those of any other employment or office of that member.

(e) The council may receive and spend grants and donations from public and private entities and may contract with public or private entities in the performance of its responsibilities.

[Acts 1983, 68th Leg., p. 1630, ch. 308, § 1, eff. Sept. 1, 1983.]

§ 133.006. Application of Other Laws

(a)¹ The council is subject to the Texas Sunset Act, as amended (Article 5429k, Vernon's Texas Civil Statutes). Unless continued in existence as provided by that Act, the council is abolished and this Act expires effective September 1, 1989.

[Acts 1983, 68th Leg., p. 1630, ch. 308, § 1, eff. Sept. 1, 1983.]

¹So in enrolled bill; there is no (b).

INDEX TO HUMAN RESOURCES CODE

References are to Sections

ABUSE

Aged persons, protective services, 48.001 et seq.
Defined, aged persons, 48.002.

ACKNOWLEDGMENTS

Human resources, department of, 21.013.

ACTIONS AND PROCEEDINGS

Blind persons, civil liberties, deprivation of, actions for damages, 121.004.
Child-care administrators, appeals, license denial or revocation, 43.011.
Child-care facilities and agencies, Appeals, license denial or revocation, 42.072.
Injunctions, 42.074.
Civil liberties, handicapped persons, deprivation of, actions for damages, 121.004.
Deaf and mute persons, civil liberties, deprivation of, actions for damages, 121.004.
Interstate placement of children, failure of sending agency to provide support or maintenance, 45.003.
Medical assistance program, payments, exemption from legal process, 32.036.

ADDRESSES

Social work practitioners, certification, 50.008.

ADMINISTERING AGENCY

Defined, developmentally disabled persons, 112.001.

ADMINISTRATIVE LAW AND PROCEDURE

Purchases of products and services of blind and severely disabled persons, committee on, applicability of law, 122.019.

ADMINISTRATORS

Child-Care Administrators, generally, this index.

ADOPTION OF CHILDREN

Child placing agency, termination of operations, disposition of records, 42.045.
Hard-to-place children, 47.001 et seq.
Adoption fees, waiver, 47.004.
Adoption services program, 47.002.
Assistance, financial assistance, 47.004.
Definitions, 47.001.
Dissemination of information, 47.003.
Financial assistance, 47.004.
Funds, use, 47.005.
Subsidies, 47.004.
Interstate Placement of Children, generally, this index.
Mutual consent, voluntary adoption registries. Registry, generally, post.
Placement agencies. Child-Care Facilities and Agencies, generally, this index.
Records, termination of child placing agency, disposition, 42.045.
Registry,
Administrator, 49.004.
Adoptee, disclosure, 49.017.
Application for registration, 49.007.
Refusal, 49.010.
Biological siblings, disclosure, 49.018.
Birth parents, disclosure, 49.017.
Conditions precedent to registration, 49.009.
Confidential or privileged information, 49.020.
Crimes and offenses, 49.022.
Counseling services, 49.013.
Crimes and offenses, 49.022.
Definitions, 49.002.
Disclosure, 49.017 et seq.
Eligibility for registration, 49.006.
Establishment, 49.003.
Fees, 49.011.
Identification, 49.008.
Index, 49.005.
Impossibility of disclosure, 49.019.
Matching children to parents, 49.014 et seq.
Notice of match, 49.016.

ADOPTION OF CHILDREN—Cont'd Registry—Cont'd

Partial match, 49.015.
Powers and duties, 49.004.
Privileges and immunities, 49.023.
Proof of identity, 49.008.
Purpose of act, 49.001.
Reports, contents, 49.003.
Rules and regulations, 49.021.
Supplemental information, recording, 49.012.
Voluntary adoption registries. Registry, generally, ante.

ADULT DAY CARE

Generally, 103.001 et seq.

ADULT DAY CARE FACILITY

Defined, 103.003.

ADULT DAY HEALTH CARE FACILITY

Defined, 103.003.

ADVERSE OR PECUNIARY INTEREST

Medical assistance program, board members, 32.0211.
State commission for the blind, ineligibility for membership, 91.011.

ADVERTISEMENTS

Social services, freedom from regulation, 50.0061.

ADVISORY BOARDS, COMMITTEES AND COUNCILS

Aged persons, citizens advisory council, 101.005.
Child-care administrators, advisory council, 43.002.
Child-care facilities and agencies, state advisory committee, 42.022.
Deaf and mute persons, Advisory committee, 81.006.
Technical advisory council for planning and operations, 81.010.

INDEX

126

References are to Sections

ADVISORY BOARDS, COMMITTEES AND COUNCILS—Cont'd

Defined,
Juvenile probation, 75.002.
Social work practitioners, 50.001.
Early childhood intervention services, 73.004.
Handicapped persons, rehabilitation, advisory committee, 111.016.
Health and human services coordinated council, 131.005.
Juvenile services, 75.027.
Medical care advisory committee, 131.0051.
Nutritional assistance programs, advisory board, 33.004.
Social work certification, 50.004.

ADVISORY OPINIONS

Child-care facilities and agencies, 42.048.

AFDC

Aid to Families With Dependent Children, generally, this index.

AFFIDAVITS

Child-care facilities and agencies, immunization exemption, 42.043.

AGE

State homes, admission, 61.061.

AGED PERSONS

Abuse,
Protective services, 48.001 et seq.
Right to be free from, 102.003.
Adult day care, 103.001 et seq.
Advisory councils, citizens advisory council, 101.005.
Attorneys, protective services, 48.001 et seq.
Attorneys fees, protective services, 48.040.
Boards and commissions, 101.001 et seq.
Budget, aging department, 101.008.
Chemical restraint, right to be free from, 102.003.
Citizens advisory council, 101.005.
Community groups, right of participation, 102.003.
Community programs,
Employment programs, 101.023.
Rehabilitation and recreational facilities, sponsorship, 101.022.
Voluntary service programs, 101.024.
Compensation and salaries, aging department, 101.004.
Confidential or privileged information,
Care facility records, 102.003.
Protective services, 48.083.
Consent, protective services, 48.056, 48.059.
Contracts, protective services, 48.021.
Coordinating governmental and private services, 101.022.
Costs, protective services, 48.058.
Council, citizens advisory council, 101.005.

AGED PERSONS—Cont'd

Day care, 103.001 et seq.
Protective services, 48.001 et seq.
Deaf and mute persons, services, 81.006.
Definitions, protective services, 48.002.
Department on aging, 101.001 et seq.
Deposits, aging department, 101.027.
Discharge, care facility, patient rights, 102.003.
Disclosure, protective services, 48.083.
Divisions, aging department, 101.006.
Donations, authorization to accept, 101.026.
Emergencies, protective services, 48.061.
Employment, community employment programs, 101.023.
Executive director, aging board, 101.004.
Expenses and expenditures, community employment programs, 101.023.
Exploitation, protective services, 48.001 et seq.
Federal and state agencies, cooperation with, 101.025.
Foster grandparent programs, 101.024.
Funds, aging department, 101.027.
Home care, protective services, 48.001 et seq.
Interference, voluntary services, injunctions, 48.060.
Investigations and investigators, abuse and exploitation, 48.001 et seq.
Labor and employment, community employment programs, 101.023.
Lists, rights,
Care facilities, 102.004.
Retirement facilities, 102.004.
Long-term care coordinating council for the elderly, 133.001 et seq.
Mail, right to communicate, care facility patients, 102.003.
Medical assistance programs, protective services, 48.001 et seq.
Merit system, aging department, 101.007.
Neglect, protective services, 48.001 et seq.
Objections and exceptions, medical care and treatment, religious grounds, 48.084.
Orders, protective services, emergencies, 48.061.
Petitions, protective services, emergency orders, 48.061.
Privileges and immunities, abuse reports, 48.039.
Protective services, 48.001 et seq.
Psychiatrists and psychiatry, protective services, 48.001 et seq.
Records and recordations,
Care facility, confidentiality, 102.003.
Protective services, 48.083.
Refusal, treatment, 102.003.
Rehabilitation and recreational facilities, voluntary community programs, sponsorship, 101.022.
Religious groups, right of participation, 102.003.

AGED PERSONS—Cont'd

Religious objections, medical treatment, 48.084.
Reports, abuse, exploitation, or neglect, 48.036 et seq., 48.057.
Restraint, right to be free from, 102.003.
Rights, medical attendance and treatment, 102.001 et seq.
Services and programs, coordinating governmental and private services, 101.022.
Social groups, right of participation, 102.003.
State aid,
Community employment programs, 101.023.
Contributions to local organizations, counties of 26,100 to 26,350 persons, 101.028.
Voluntary community services programs, 101.024.
State and federal agencies, cooperation with, 101.025.
Studies, productive and independent lives, 101.022.
Sunset Act, aging department, 101.002.
Terms of office,
Aging board, 101.001.
Citizens advisory council, 101.005.
Training, 101.022.
Transfer, care facility, patient rights, 102.003.
Traveling expenses,
Aging board, 101.001.
Citizens advisory council, 101.005.
Visitors, care facility, right to receive, 102.003.
Voluntary community services programs, 101.024.
Volunteers, interference, injunction, 48.060.

AGENCY HOMES

Defined, child-care facilities and agencies, 42.002.
Licenses and permits, 42.053.

AGENTS AND AGENCIES

Child-placing agencies. Child-Care Facilities and Agencies, generally, this index.
Defined, blind persons, vending facilities operated by, 94.001.
Interstate placement of children, private charitable agencies, 45.005.
Nutritional assistance programs, distributing agents, 33.003.
Placement agencies. Child-Care Facilities and Agencies, generally, this index.
Sending agency, generally. Interstate Placement of Children, this index.
State Agencies, generally, this index.

AGREEMENTS

Contracts, generally, this index.

INDEX

References are to Sections

AID

State Aid, generally, this index.

AID TO FAMILIES WITH DEPENDENT CHILDREN

Generally, 31.001 et seq.
 Administration, 31.031 et seq.
 Amount, 31.003.
 Appeals, decision of local administrative units, 31.034.
 Application, 31.031.
 Assignment, 31.040.
 Job training or work experience programs, 31.064.
 Cancellation, warrants not cashed, 31.038.
 Change in recipients economic condition, notice, 31.033.
 Child Support Collection, generally, this index.
 Collection. Child Support Collection, generally, this index.
 Compensation and salaries, work experience program, 31.064.
 Contracts, job training and work experience programs, 31.063.
 Coordination with other programs, job training or work experience program, 31.068.
 Cost, job training and work experience program, 31.067.
 Counseling and guidance services, 31.008.
 Day care, job training or work experience program, payments, 31.067.
 Death of recipient, 31.037.
 Definitions, 31.002.
 Dependent child, defined, 31.002.
 Determination, eligibility of recipient, 31.033.
 Duplicate warrants, 31.039.
 Eligibility,
 Appeals, decisions of local administrative units, 31.034.
 Investigation and determination, 31.032.
 Job training and work experience program, 31.061 et seq.
 Leaving state, 31.036.
 Periodic reconsideration, continued eligibility, 31.033.
 Employment Incentive Act, registration, 31.009.
 Exemptions, job training work experience, 31.062.
 Expiration, job training or work experience program, 31.072.
 Failure to accept job assignment, training or work experience programs, sanctions, 31.065.
 Federal matching funds, state programs, development of, 31.010.
 Financial assistance, limitation, 31.051 et seq.
 Foster care, 31.004.
 Funding, job training or work experience program, 31.069.

AID TO FAMILIES WITH DEPENDENT CHILDREN—Cont'd

Funds, federal matching funds, state programs, development of, 31.010.
 Guidance and counseling services, 31.008.
 Health insurance, work experience program, 31.063.
 Hearings,
 Appeals from local administrative units, 31.034.
 Job training or work experience program, failure to accept, 31.066.
 Information, request for, prior to hearing, 31.034.
 Institutionalized children, continued assistance, 31.007.
 Insurance, work experience program, 31.063.
 Investigations, determination of eligibility, 31.032.
 Periodic reconsideration, continued eligibility, 31.033.
 Job training, 31.061 et seq.
 Labor and employment, employment incentives, registration, 31.009.
 Life, health and accident insurance, work experience program, 31.063.
 Limitations, financial assistance, 31.051 et seq.
 Lost warrants, issuance of duplicate warrants, 31.039.
 Notice,
 Change or withdrawal of assistance, 31.033.
 Recipient, change in economic condition, 31.033.
 Payment, 31.035.
 Cancellation of uncashed warrants, 31.038.
 Programs, development of individual programs, 31.006.
 Proration, 31.042.
 Recipients,
 Change in economic condition, notice, 31.033.
 Death of recipient, 31.037.
 Reduction of assistance, job training or work experience program, failure to accept, 31.065.
 Reimbursements, job training and work experience programs, contractors, 31.063.
 Reinvestigation and redetermination, eligibility, 31.033.
 Relatives, dependent child residing with, 31.005.
 Rules and regulations, job training and work experience program, 31.071.
 Sanctions, job training or work experience programs, failure to accept, 31.065.
 Selection of areas, job training or work experience programs, 31.070.
 Services, development of individual programs, 31.006.

AID TO FAMILIES WITH DEPENDENT CHILDREN—Cont'd

Support. Child Support Collection, generally, this index.
 Termination, job training or work experience program, failure to accept, 31.064, 31.066.
 Transfer, 31.040.
 Transportation, job training or work experience program, payment, 31.067.
 Vested rights, 31.041.
 Volunteers, job training work experience program, 31.062.
 Warrants,
 Cancellation of uncashed warrants, 31.038.
 Duplicate warrants, issuance of, 31.039.
 Withdrawal, ineligibility of recipient, 31.033.
 Work experience program, 31.061 et seq.

ALTERNATE CARE

Defined, rights of aged persons, 102.001.

AMENDMENTS

Retirement facilities, disclosure statements, 102.004.

APPEAL AND REVIEW

Aid to families with dependent children, decisions of local administrative units, 31.034.
 Child-care administrators, denial or revocation of license, 43.011.
 Child-care facilities and agencies,
 Denial or revocation of licenses, 42.072.
 Rules and standards, periodic review, 42.042.
 Medical assistance program, 32.035.
 Social work practitioners, 50.006.
 Disciplinary proceedings, 50.022.

APPOINTMENTS

Developmental disabilities planning council, 112.012.
 Interagency council on early childhood intervention services, 73.001, 73.002.

ASSIGNMENT

Child support collection, recipients right to support, 46.003.
 Medical assistance program, payments, 32.036.

ASSISTANCE

Defined, human resources, department of, 11.001.

ATTACHMENT

Medical assistance payments, 32.036.

ATTORNEY GENERAL

Child support collection, authority to represent state, 46.007.
 Child-care facilities and agencies, injunctions, 42.073.

INDEX

128

References are to Sections

ATTORNEYS

Aged persons, protective services, 48.001 et seq.
 Child support collection, authority to represent department of human resources, 46.007.
 Crimes and offenses, unlicensed attorneys, representation of clients before department of human resources, 12.001.
 Handicapped persons, protective services, 48.001 et seq.
 Human resources, department of, legal services, provision of, 22.004.
 Unlicensed attorneys, representation of clients before department of human resources, 12.001.

ATTORNEYS FEES

Aged persons, protective services, 48.040.
 Handicapped persons, protective services, 48.040.

AUDITS AND AUDITORS

Child-care facilities and agencies, 42.045.
 Health and human services coordinating council, 131.007.
 Juvenile boards, 75.047.
 Nutritional assistance programs, distributing agents records, 33.003.

BIDS AND BIDDING

Family violence shelters, contracts, 51.004.
 Social services, provision of services, freedom from regulation, 50.0061.

BIG BROTHERS AND BIG SISTERS OF AMERICA

Delinquent children, contracts with, 61.047.

BLIND PERSONS

Actions and proceedings, civil liberties, deprivation of, actions for damages, 121.004.
 Ancillary services, central media depository, 91.083.
 Boards and commissions,
 State commission for the blind, generally, post.
 Braille, central media depository, 91.081 et seq.
 Bureau of information, 91.022.
 Canes. White canes, generally, post.
 Central media depository, 91.081 et seq.
 Children and minors, services, 91.028.
 Civil liberties, deprivation of, actions for damages, 121.004.
 Committees, purchases of products and services of blind and severely disabled persons, 122.001 et seq.
 Communicative media, central depository, 91.081 et seq.
 Compensation and salaries,
 State commission for the blind, 91.011.
 Vending facilities, 94.010.

BLIND PERSONS—Cont'd

Confidential or privileged information, vocational rehabilitation program, 91.059.
 Conservation of eyesight, 91.027.
 Contracts, self-sufficiency and independent living programs, 81.012.
 Council on disabilities, 132.001 et seq.
 Counseling, parental counseling, 81.012.
 Crimes and offenses,
 Discrimination, 121.004.
 Dog guides, improper use, 121.006.
 Damages,
 Civil liberties, deprivation of, 121.004.
 Dog guides, liability, 121.005.
 Defined, state commission for the blind, 91.002.
 Discrimination,
 Crimes and offenses, 121.004.
 Fines and penalties, 121.004.
 Dog guides,
 Crimes and offenses, improper use, 121.006.
 Defined, 121.002.
 Fines and penalties, improper use, 121.006.
 Harness requirement, 121.005.
 Liability for damages, 121.005.
 Education,
 Central media depository, 91.081 et seq.
 In-home instruction, 91.025.
 Eligibility,
 Vending facility licenses, 94.005.
 Vocational rehabilitation, 91.055.
 Employment. Labor and employment, generally, post.
 Exemptions, products and services, purchases, 122.013.
 Fines and penalties,
 Discrimination, 121.004.
 Dog guides, improper use, 121.006.
 Grants, authorization to accept, 91.030.
 Hearings, vocational rehabilitation services, 91.058.
 Home instruction, 91.025.
 Independent living programs, 81.012.
 Industrial schools, operation of, 91.024.
 Information,
 Bureau of information, 91.022.
 Central media depository, 91.081 et seq.
 Inspection and inspectors, purchases of products and services of blind and severely disabled persons committee, 122.006.
 Instruction, in-home instruction, 91.025.
 Interagency agreements, 91.021, 91.023.
 Labor and employment,
 Bureau of information, 91.022.
 Vending facilities, generally, post.
 Licenses and permits. Vending facilities, post.
 Loans, visual aids, 91.0301.
 Manufacturers and manufacturing, products, 122.001 et seq.
 Media depository, 91.081 et seq.

BLIND PERSONS—Cont'd

Outdoor training program, 81.012.
 Parents, counseling, 81.012.
 Pedestrians, traffic rules and regulations, 121.007.
 Plans and specifications, products, 122.011.
 Political subdivisions, products and services, purchases, 122.014, 122.015.
 Prevention of blindness and conservation of eyesight, 91.027.
 Price, products and services, 122.005.
 Purchasing, 122.004.
 Proclamation, white cane safety day, 121.008.
 Products, purchases, 122.001 et seq.
 Public facilities,
 Warnings, unique danger, assumption of risk, 121.005.
 Purchases, products and services, 122.001 et seq.
 Recorded materials, central media depository, 91.081 et seq.
 Records and recordation, products and services, purchases, 122.006.
 Rehabilitation, 91.023.
 Vending facilities, generally, post.
 Vocational rehabilitation, generally, post.
 Respite care, 81.012.
 Salaries. Compensation and salaries, generally, ante.
 Sales, products and services, 122.001 et seq.
 Salesrooms and workshops, 91.024.
 Self-sufficiency programs, 81.012.
 Services, purchases, 122.001 et seq.
 State commission for the blind, 91.001 et seq.
 Administration, 91.011.
 Adverse or pecuniary interest, ineligibility for membership, 91.011.
 Appointment, 91.011.
 Definitions, 91.002.
 Director, executive director, 91.012.
 Duration, Sunset Act, application of, 91.001.
 Executive director, 91.012.
 Expenses and expenditures, reimbursement, 91.011, 91.013.
 Membership, 91.011.
 Officers and employees, 91.012.
 Powers and duties, 11.004, 91.021 et seq.
 Vocational rehabilitation programs, 91.052.
 Presiding officer, election of, 91.011.
 Qualifications, membership, 91.011.
 Quorum, 91.011.
 Reports, 91.031.
 Sunset Act, application of, 91.001.
 Terms of office, 91.011.
 State property, defined, vending facilities, 94.001.
 Summer outdoor training program, 81.012.

INDEX

References are to Sections

BLIND PERSONS—Cont'd

Sunset Act, purchases of products and services of blind and severely disabled persons committee, 122.003.
 Surveys and surveyors, self-sufficiency and independent living programs, 81.012.
 Technological aid, loans, 91.0301.
 Traffic rules and regulations, pedestrians, 121.007.
 Training programs, vending facility operation, 94.013.
 Vending facilities, 94.001 et seq.
 Application of law, 94.015.
 Assistants, employment of, 94.009.
 Closing, 94.008.
 Compensation, 94.010.
 Competing vending facilities, 94.010.
 Conformity of state provisions with federal statutes, 94.014.
 Definitions, 94.001.
 Duties and privileges of parties, 94.012.
 Eligibility, licenses, 94.005.
 Equipment and stock, payment, 94.011.
 Licenses and permits, 94.002 et seq.
 Competing vending facilities, 94.010.
 Eligibility, 94.005.
 Expiration, 94.006.
 Issuance, 94.005.
 Procedure, 94.003.
 Renewal, 94.006.
 Required, 94.002.
 Revocation, 94.006.
 Location, 94.004.
 Proceeds, 94.010, 94.011.
 Rehabilitation commission, defined, 94.001.
 Operation under, 94.007.
 State property, defined, 94.001.
 Stock and equipment, payment, 94.011.
 Training programs, 94.013.
 Vocational rehabilitation, 91.051 et seq.
 Confidential or privileged information, 91.059.
 Cooperation with federal government, 91.053.
 Counseling and guidance, 91.029.
 Definitions, 91.051.
 Director, 91.054.
 Eligibility, 91.055.
 Federal government, cooperation with, 91.053.
 Financial assistance, 91.055.
 Funds, receipt and disbursement, 91.056.
 Gifts, authorization to accept, 91.057.
 Hearings, 91.058.
 Officers and employees of program, political activity, 91.060.
 Warning, unique danger in use of public facility, assumption of risk, 121.005.
 White canes,
 Defined, 121.002.
 Proclamation, white cane safety day, 121.008.

BLIND PERSONS—Cont'd

White canes—Cont'd
 Use, 121.007.
 Workshops and salesrooms, 91.024.

BOARDS AND COMMISSIONS
 Advisory Boards, Committees and Councils, generally, this index.
 Aged persons, 101.001 et seq.
 Child welfare and protective services, county child welfare boards, 41.002.
 Child-care facilities and agencies, advisory review boards, appeals, license denial or revocation, 42.072.
 Counties, this index.
 Deaf and Mute Persons, this index.
 Defined,
 Blind persons, vending facilities operated by, 94.001.
 Handicapped persons, rehabilitation, 111.002.
 Human resources, department of, 11.001.
 Juvenile probation, 75.002.
 Social work practitioners, 50.001.
 Disabilities, 132.001 et seq.
 Handicapped Persons, this index.
 Health and human services coordinating council, 131.001 et seq.
 Human resources, board of, 21.003.
 Juvenile boards, standards, 75.041 et seq.
 Juvenile probation, 75.001 et seq.
 Long-term care coordinating council for the elderly, 133.001 et seq.
 Probation, juveniles, 75.001 et seq.
 State commission for the blind, generally. Blind Persons, this index.
 Texas rehabilitation commission, generally. Handicapped Persons, this index.
 Youth Commission, generally, this index.

BONDS (OFFICERS AND FIDUCIARIES)

Nutritional assistance programs, distributing agents, 33.003.
 Social work practitioners, appeals, 50.006.
 Youth commission, superintendents, 61.018.

BRAILLE

Blind persons, central media depository, 91.081 et seq.

BUDGET

Aging department, 101.008.
 Human resources, department of, 21.010.
 Nonprofit organizations, blind or severely disabled persons, budget requests, 122.016.
 Youth commission, 61.044.

BUREAUS

Blind persons, bureau of information, 91.022.

BYLAWS

Developmental disabilities planning council, 112.017.

CANES

Blind Persons, this index.

CARE

Defined, retirement facility disclosure statements, 102.001.

CENTRAL MEDIA DEPOSITORY

Blind persons, 91.081 et seq.

CERTIFICATES AND CERTIFICATION

Child-care facilities and agencies, state operated, 42.052.
 Denial or revocation, 42.072.
 Deaf and mute persons, certification of interpreters, 81.007.
 Delinquent children, order of commitment, certified copy, 61.065.
 Interpreters, deaf and dumb persons, 81.007.
 Medical assistance program, certification of eligibility and need, 32.026.
 Social work practitioners, 50.001 et seq.
 Provisional certificates, 50.019.

CERTIFIED SOCIAL WORK

Defined, 50.001.

CHAIRMAN

Defined, youth commission, 61.001.

CHARGES

Medical assistance program, restrictions, 32.028.
 Nutritional assistance programs, handling charges, 33.006.

CHARITIES

Interstate placement of children, private charitable agencies, 45.005.

CHEMICALS AND CHEMISTRY

Aged persons, chemical restraints, right to be free of, 102.003.
 Developmentally disabled persons, chemical restraints, rights of institutional or residential patients, 112.032.

CHILD CARE FACILITIES AND AGENCIES

Exemptions, 42.041.
 Probation, 42.071.
 Religious organizations, exemptions, 42.041.

CHILD SUPPORT COLLECTION

Generally, 46.001 et seq.
 Administration, state-wide plan, 46.001.
 Assignment, recipients right to support, 46.003.
 Disposition of funds, 46.005.
 Attorney general, authorization to represent state, 46.007.
 Attorneys, authority to represent department of human resources, 46.007.

INDEX

130

References are to Sections

CHILD SUPPORT COLLECTION

—Cont'd

Confidential or privileged information, 46.006.
Disposition of funds, 46.005.
Fees, 46.004.
Funds, disposition of money received, 46.005.
Illegitimate children, paternity determinations, 46.002.
Locating absent parents, 46.002.
Notice, assignment of recipients right to support, 46.003.
Paternity determinations, 46.002.
Powers and duties, human resources, department of, 46.002.
Privileged information, 46.006.
Records, confidential or privileged information, 46.006.
State-wide plan, administration, 46.001.

CHILD WELFARE AND PROTECTIVE SERVICES

Generally, 41.001.
Adoption of Children, generally, this index.
Boards and commissions, county child welfare boards, 41.002.
Care facilities. Child-Care Facilities and Agencies, generally, this index.
Charters, filed with secretary of state, notification of, 41.005.
Child welfare service fund, 41.006.
Childrens bureau, cooperation with, 41.004.
Collection. Child Support Collection, generally, this index.
Counties,
Child welfare boards, 41.002.
Funds, 41.003.
Day care programs, federally established programs, 44.001 et seq.
Delinquent Children, generally, this index.
Foster Care, generally, this index.
Funds,
Child welfare service fund, 41.006.
County funds, 41.003.
Juvenile delinquents. Delinquent Children, generally, this index.
Notice, charters filed with secretary of state, 41.005.
Placement agencies. Child-Care Facilities and Agencies, generally, this index.
Support. Child Support Collection, generally, this index.
United States department of health, education, and welfare, childrens bureau, cooperation with, 41.004.

CHILD-CARE ADMINISTRATORS

Generally, 43.001 et seq.
Actions and proceedings, appeals, license denial or revocation, 43.011.
Advisory council, 43.002.
Appeal, denial or revocation of license, 43.011.

CHILD-CARE ADMINISTRATORS

—Cont'd

Application, licenses, 43.007.
Appointment, advisory council, 43.002.
Definitions, 43.001.
Expenses and expenditures, advisory council, 43.002.
Fees. Licenses and permits, post.
Fines and penalties, 43.012.
Hearings, appeals, denial or revocation of license, 43.011.
Licenses and permits, 43.003 et seq.
Appeal, denial or revocation of license, 43.011.
Application, 43.007.
Duration, 43.008.
Fees, 43.007.
Examination fee, 43.006.
Renewal, 43.009.
Fines and penalties, unlicensed administrative employment, 43.012.
Issuance, 43.008.
Qualifications, 43.004.
Renewal, 43.009.
Required, 43.003.
Revocation, 43.010.
Appeals, 43.011.
Qualifications, licenses, 43.004.
Renewal, licenses, 43.009.
Revocation, licenses, 43.010.
Rules and regulations, 43.005.
Terms of office, advisory council, 43.002.
Time,
Appeals, license denial or revocation, 43.011.
License, 43.008.

CHILD-CARE FACILITIES AND AGENCIES

Generally, 42.001 et seq.
Actions and proceedings,
Appeals, license denial or revocation, 42.072.
Injunctions, 42.074.
Administrative procedure, 42.024.
Advisory committee, 42.022.
Advisory opinions, 42.048.
Advisory review boards, appeals, license denial or revocation, 42.072.
Affidavits, immunization exemption, 42.043.
Agency homes, licenses, 42.053.
Appeal and review,
License denial or revocation, 42.072.
Rules and standards, periodic review, 42.042.
Application, license, 42.046.
Attorney general, injunctions, 42.073.
Audits, 42.045.
Boards and commissions, advisory review boards, appeals, license denial or revocation, 42.072.
Certificates and certification, state operated, 42.052.
Denial or revocation, 42.072.
Closing facilities, 42.073.

CHILD-CARE FACILITIES AND AGENCIES—Cont'd

Committees state advisory committee, 42.022.
Complaints, investigations, 42.044.
Consultations, 42.047.
Crimes and offenses, 42.076.
Definitions, 42.002.
Interstate placement of children, 45.001.
Denial, licenses, 42.072.
Director, designated division, 42.021.
Advisory opinions, 42.048.
Diseases, immunizations, 42.043.
Display, license, 42.049.
Division, designation, 42.021.
Emergency measures, closing facilities, 42.073.
Exemptions, 42.041.
Licensing requirements, 42.041.
Family homes, registration, 42.052.
Fines and penalties, 42.075.
Forms, standard forms, applications and inspection reports, 42.042.
Health, immunizations, 42.043.
Hearings, license denials or revocation, appeals, 42.072.
Immediate dangers for children, closing facilities, 42.073.
Immunizations, 42.043.
Injunctions, 42.074.
Inspections, 42.044.
Investigations, 42.044.
License application, 42.046.
Jurisdiction, appeals, license denial or revocation, 42.072.
Licenses and permits, 42.041.
Agency homes, 42.053.
Application, 42.046.
Audit, copy to accompany application for license, 42.045.
Change in location or ownership, 42.049.
Denial or revocation, 42.072.
Exemptions, 42.041.
Investigations, 42.046.
Issuance, 42.049.
Provisional licenses, 42.051.
Renewal, 42.050.
Revocation, 42.072.
Suspension, 42.071.
Transfer, 42.049.
Medical care and treatment, immunizations, 42.043.
Minimum standards, 42.042.
Notice, appeals, license denial or revocation, 42.072.
Permits. Licenses and permits, generally, ante.
Provisional license, 42.051.
Records and recordation, 42.045.
Appeals, license denial or revocation, 42.072.
Immunizations, 42.043.
Registered family homes, 42.052.
Registration, state operated, 42.052.

INDEX

References are to Sections

CHILD-CARE FACILITIES AND AGENCIES—Cont'd

Religious organizations, exemptions, 42.041.
 Renewal, licenses, 42.050.
 Reports,
 Division annual reports, 42.023.
 State operated facilities, violations, 42.073.
 Review, rules and standards, periodic review, 42.042.
 Revocation, licenses, 42.072.
 Rules and regulations, 42.042.
 Standards, 42.042.
 State advisory committee, 42.022.
 State operated,
 Certification and registration, 42.052.
 Denial or revocation, 42.072.
 Violations, reports, 42.073.
 Suspension, licenses, 42.071.
 Terms of office, state advisory committee, 42.022.
 Time, appeals, license denials or revocation, 42.072.
 Transfer, licenses, 42.049.
 Traveling expenses, state advisory committee, 42.022.
 Tuberculosis, test, 42.043.
 Violations,
 Immediate dangers for children, closing facilities, 42.073.
 Injunctions, 42.074.
 Waiver, minimum standards, 42.042.

CHILD-PLACING AGENCY

Defined, child-care facilities and agencies, 42.002.

CHILDREN AND MINORS

Adoption of Children, generally, this index.
 Age, state homes, admission, 61.061.
 Aid to Families With Dependent Children, generally, this index.
 Blind persons, services, 91.028.
 Care facilities. Child-Care Facilities and Agencies, generally, this index.
 Case management, developmentally delayed children, 73.011.
 Child Welfare and Protective Services, generally, this index.
 Community programs, 72.001 et seq.
 Compact, interstate placement of children, 45.021.
 Comprehensive developmental evaluation, program standards, developmentally delayed children, 73.019.
 Counseling, developmentally delayed children, 73.011.
 Day care programs, federally established programs, 44.001 et seq.
 Defined,
 Child-care facilities and agencies, 42.002.
 Community programs, 72.002.
 Interstate placement of children, 45.001.

CHILDREN AND MINORS—Cont'd

Delinquent Children, generally, this index.
 Development programs, 72.001 et seq.
 Discharge, approval, interstate compact, 45.024.
 Early identification, developmentally delayed children, 73.008.
 Eligibility for services, developmentally disabled children, 73.010.
 Foster Care, generally, this index.
 Illegitimate children, paternity determinations, child support collections, 46.002.
 Interagency councils, community programs, 72.005.
 Interstate Placement of Children, generally, this index.
 Intervention services,
 Developmentally delayed children, 73.013.
 Interagency council on early childhood intervention services, 73.001 et seq.
 Juvenile delinquents. Delinquent Children, generally, this index.
 Kidnapping, parent, parent locator services, 46.004.
 Monitoring, developmentally delayed children, 73.012.
 Orphans, generally, this index.
 Parent locator services, kidnapping child from parent entitled to custody, 46.004.
 Placement of Children, generally, this index.
 Plans and specifications, development, 72.004.
 Political subdivisions, community programs, 72.001 et seq.
 Protective services. Child Welfare and Protective Services, generally, this index.
 Public awareness strategy, developmentally delayed children, 73.007.
 Referral services, early childhood intervention, 73.009.
 Shelters, family violence, 51.001 et seq.
 State aid, community programs, 72.004.
 State homes, admission, 61.061.
 Support. Child Support Collection, generally, this index.
 Victims, family violence shelters, 51.001 et seq.
 Violence, shelters, 51.001 et seq.
 Visually handicapped children, services, 91.028.

CHILDRENS ASSISTANCE FUND
 Generally, 22.005.

CHILDRENS BUREAU
 Human resources, department of, cooperation with, 41.004.

CITIES AND TOWNS

Aged persons, state contributions to local organizations, counties of 26,100 to 26,350 persons, 101.028.
 Deaf and mute persons, telecommunication devices, 81.011.
 Emergencies, deaf and mute persons, telecommunication devices, 81.011.
 Telecommunication devices, deaf and mute persons, emergencies, 81.011.

CIVIL LIBERTIES

Handicapped persons, deprivation of, actions for damages, 121.004.
 Social work practitioners, 50.003.

CLASSIFICATION

Delinquent children, treatment and training facilities, establishment, 61.040.

COLLECTION

Child Support Collection, generally, this index.

COLLEGES AND UNIVERSITIES

Social work practitioners, 50.015 et seq.

COMMISSIONER

Defined, handicapped persons, rehabilitation, 111.002.

COMMISSIONS

Boards and Commissions, generally, this index.

COMMITMENT

Delinquent Children, this index.

COMMITTEES

Advisory Boards, Committees and Councils, generally, this index.
 Blind persons, purchases of products and services, 122.001 et seq.
 Handicapped persons, purchases of products and services, 122.001 et seq.
 Purchases of products and services of blind and severely disabled persons, 122.001 et seq.
 Temporary emergency relief programs, legislative study committee, continuation of programs, 34.009.

COMMODITIES

Nutritional Assistance Programs, this index.

COMMODITY DISTRIBUTION FUND

Nutritional assistance programs, 33.007.

COMMON CARRIERS

Handicapped persons, discrimination, 121.003.

COMMUNICATIVE MEDIA

Blind persons, central media depository, 91.081 et seq.

COMMUNITY BASED PROGRAMS

Developmentally disabled persons, 112.020.

INDEX

132

References are to Sections

COMMUNITY PROGRAMS

Aged Persons, this index.
Children and minors, 72.001 et seq.

COMPACTS

Interstate compact on the placement of children, 45.021.

COMPENSATION AND SALARIES

Aging department, 101.004.
Blind Persons, this index.
Child-care administrators, advisory council, 43.002.
Council on disabilities, 132.003.
County child welfare boards, 41.002.
Human resources, board of, 21.003.
Long term care coordinating council for the elderly, 133.003.
Medical care advisory committee, 32.022.
State commission for the blind, members, 91.011.
Texas rehabilitation commission, 111.015.
Youth commission, 61.015.

COMPLAINTS

Blind and severely handicapped persons, products and services, 122.017.
Social work practitioners, disciplinary proceedings, 50.022.

CONFIDENTIAL OR PRIVILEGED INFORMATION

Adoption of children, mutual consent voluntary adoption registries, 49.020.
Aged persons,
Protective services, 48.083.
Records and recordations, right to confidentiality, 102.003.
Blind persons, vocational rehabilitation program, 91.059.
Child support collection, 46.006.
Delinquent children, commitment records, 61.066.
Family violence shelters, 51.007.
Handicapped persons,
Protective services, 48.083.
Rehabilitation services, 111.057.
Criminal history record information, 111.058.
Human resources, department of, 21.012.
Disclosure, crimes and offenses, 12.003.
Support, child support collection, 46.006.

CONFLICT OF INTEREST

Medical assistance program, board members, 32.0211.
Social work certification council, 50.004.

CONSENT

Aged persons, protective services, 48.056, 48.059.
Handicapped persons, protective services, 48.056, 48.059.

CONSTRUCTION

Statutory Construction, generally, this index.

CONSULTATIONS

Child-care facilities and agencies, 42.047.
Family violence shelters, 51.008.

CONSUMER PROTECTION

Blind and severally disabled persons, products and services, consumer information and complaints, 122.017.

CONTAINERS

Nutritional assistance programs, used commodity containers, sales, 33.008.

CONTINUING EDUCATION

Social workers, 50.034.

CONTRACTS

Adult day care, transportation of elderly or handicapped, 103.004.
Aged persons, protective services, 48.021.
Bids and bidding, family violence shelters, 51.004.
Blind persons, self-sufficiency and independent living programs, 81.012.
Deaf and Mute Persons, this index.
Delinquent children, public and private institution and agency facilities, 61.037.
Developmentally disabled persons, management agreements, 112.018.
Family violence shelters, 51.001 et seq.
Foster care, county contracts, 41.022.
Handicapped Persons, this index.
Medical assistance program,
Authorization, 32.023.
Contract cancellation, notice and hearing, 32.034.
Outdoor recreational programs, deaf students, 81.013.

CONVALESCENT HOMES

Defined, rights of aged persons, 102.001.
Medical assistance programs, 32.037.

CORRECTIONAL INSTITUTIONS

Delinquent Children, this index.

CORSICANA STATE HOME

Admission, 61.061.

COSTS

Aged persons, protective services, 48.058.
Handicapped persons, protective services, 48.058.

COUNCILS

Advisory Boards, Committees and Councils, generally, this index.
Defined,
Developmentally disabled persons, 112.001.
Interagency council on early childhood intervention services, 73.001.
Developmental disabilities, planning council for, 112.011 et seq.
Disabilities, 132.001 et seq.
Early childhood intervention services, interagency council on, 73.001 et seq.

COUNCILS—Cont'd

Interagency council on early childhood intervention services, 73.001 et seq.

COUNSELING

Adoption of children, registry, 49.013.
Aid to families with dependent children, 31.008.
Deaf and mute persons, 81.006.
Early childhood intervention services, interagency council on, 73.001 et seq.

COUNTIES

Boards and commissions,
Child welfare boards, 41.002.
Juvenile boards, generally, post.
Child welfare and protective services,
Child welfare boards, 41.002.
Funds, 41.003.
Contracts, foster care, 41.022.
Deaf and mute persons, telecommunication devices, 81.011.
Delinquent children, juvenile boards, powers and duties, 11.004.
Detention homes and parental schools, delinquent children, 62.001, 62.002.
Emergencies, deaf and mute persons, telecommunication devices, 81.011.
Foster care, county contracts, 41.022.
Joint child welfare boards, 41.002.
Juvenile boards, 11.004.
Standards, 75.041 et seq.
State aid, 75.061 et seq.
Multi-county facilities, detention homes and parental schools, delinquent children, 62.002.
Nutritional Assistance Programs, generally, this index.
Parental schools and detention homes, delinquent children, 62.001, 62.002.
Probation services, delinquent children, contracts with counties, 61.083.
Reports, juvenile boards, state aid, 75.066.
Responsibilities, social services, 11.003.
State aid, juvenile boards, 75.061 et seq.
Telecommunication devices, deaf and mute persons, emergencies, 81.011.

COUNTIES OF 26,100 TO 26,350 PERSONS

Aged persons, state aid, contributions to local organizations, 101.028.

COUPONS

Food Stamps, generally, this index.

COURTS

Defined, youth commission, 61.001.

CRIMES AND OFFENSES

Adoption of children, mutual consent voluntary adoption registries, 49.022.
Attorneys, unlicensed attorneys, representation of clients before department of human resources, 12.001.
Blind persons,
Discrimination, 121.004.

INDEX

References are to Sections

CRIMES AND OFFENSES—Cont'd

Blind persons—Cont'd
 Dog guides, improper use, 121.006.
 Child-care facilities and agencies, 42.076.
 Confidential or privileged information, human resources, department of, disclosure, 12.003.
 Deaf and mute persons, discrimination, 121.004.
 Discrimination, handicapped persons, 121.004.
 Dog guides, improper use, 121.006.
 Food stamps, 33.011.
 Fraud, generally, this index.
 Handicapped persons, discrimination, 121.004.
 Human Resources, Department of, this index.
 Nutritional assistance programs, 33.011.
 Retirement facilities, disclosure statements, 102.008.
 Solicitation, assistance, human resources, department of, 12.001.

CRIMINAL HISTORY RECORD INFORMATION

Handicapped persons, rehabilitation services, 111.058.

CRUELTY

Aged persons, rights, freedom from abuse, 102.003.
 Handicapped persons, protective services, 48.001 et seq.

DAMAGES

Handicapped persons, civil liberties, deprivation of, 121.004.

DAY CARE

Adult day care, 103.001 et seq.
 Aged or handicapped persons, 48.001 et seq., 103.001 et seq.
 Protective services, 48.001 et seq.
 Rights, 102.001 et seq.
 Aid to families with dependent children, job training or work experience program, 31.067.
 Handicapped or aged persons, Adult day care, 103.001 et seq.
 Protective services, 48.001 et seq.

DAY CARE CENTER

Defined, child-care facilities and agencies, 42.002.

DAY CARE PROGRAMS

Federally established programs, 44.001 et seq.

DEAF AND MUTE PERSONS

Actions and proceedings, civil liberties, deprivation of, actions for damages, 121.004.
 Aged persons, services, 81.006.
 Boards and commissions. Texas commission for the deaf, generally, post.
 Certification, interpreters, 81.007.

DEAF AND MUTE PERSONS—Cont'd

Civil liberties, deprivation of, actions for damages, 121.004.
 Contracts,
 Outdoor recreational programs, 81.013.
 Self-sufficiency and independent living programs, 81.012.
 Services, 81.006.
 Counseling, 81.006.
 Parental counseling, 81.012.
 Crimes and offenses, discrimination, 121.004.
 Damages, civil liberties, deprivation of, 121.004.
 Disabilities council, 132.001 et seq.
 Discrimination,
 Crimes and offenses, 121.004.
 Fines and penalties, 121.004.
 Dog guides, 121.002 et seq.
 Emergencies, telecommunication devices, 81.011.
 Fees, interpreters, 81.006.
 Fines and penalties, discrimination, 121.004.
 Grants, authorization to accept, 81.006.
 Guides, dog guides, 121.002 et seq.
 Independent living programs, 81.012.
 Interagency planning council, technical advisory council for planning and operations, establishment, 81.010.
 Interpreters,
 Board for evaluation, 81.007.
 Registry, 81.006.
 Training programs, 81.006.
 Inventory, telecommunication devices, 81.011.
 Local governments, telecommunication devices, 81.011.
 Message relay services, 81.006.
 Outdoor training program, 81.012.
 Parents, counseling, 81.012.
 Public facilities,
 Warning, unique danger, assumption of risk, 121.005.
 Recreation and recreational facilities, 81.013.
 Referral services, 81.006.
 Registry, interpreters, 81.007.
 Repairs, telecommunication devices, 81.011.
 Respite care, 81.012.
 Schedule, interpreters, fees, 81.006.
 Schools and school districts, training and recreation, 81.013.
 Self-sufficiency programs, 81.012.
 State agencies, telecommunication devices, 81.011.
 State-wide program, establishment, 81.006.
 Summer outdoor training program, 81.012.
 Surveys and surveyors, self-sufficiency and independent living programs, 81.012.
 Technical advisory council for planning and operations, establishment, 81.010.

DEAF AND MUTE PERSONS—Cont'd

Telecommunication devices, state agencies, 81.011.
 Texas commission for the deaf, 81.001 et seq.
 Advisory committees, appointment, 81.006.
 Appointment, members, 81.002.
 Chairman, 81.005.
 Composition, 81.002.
 Definitions, 81.001.
 Director, 81.008.
 Duration, Sunset Act, application of, 81.004.
 Expenses and expenditures, members, reimbursement, 81.005.
 Meetings, 81.005.
 Officers and employees, 81.009.
 Powers and duties, 81.006.
 Qualifications, membership, 81.002.
 Quorum, 81.005.
 Sunset Act, application of, 81.004.
 Terms of office, 81.003.
 Training,
 Interpreters, 81.006.
 Outdoor programs, 81.013.
 Telecommunication devices, state agencies, 81.011.
 Warning, unique risk in use of public facility, assumption of risk, 121.005.

DEATH

Aid to families with dependent children, death of recipient, 31.037.

DECEIT

Fraud, generally, this index.

DEFINITIONS

Words and Phrases, generally, this index.

DELINQUENT CHILDREN

Administration, 61.032.
 Advisory council, 75.027.
 Arrest, without warrant, 61.093.
 Audits and auditors, juvenile board, 75.047.
 Probation commission, 75.001 et seq.
 Big brothers and big sisters of America, contracts with, 61.047.
 Boards and commissions,
 Juvenile boards, generally. Counties, this index.
 Probation commission, 75.001 et seq.
 Classification, treatment and training facilities, establishment, 61.040.
 Commitment. Institutions and facilities, post.
 Correctional institutions. Institutions and facilities, generally, post.
 Cost, transporting of child to institution or facility, 61.064.
 Council, advisory council on juvenile services, 75.027.
 County juvenile boards, powers and duties, 11.004.
 Definitions,
 Probation commission, 75.002.

INDEX

134

References are to Sections

DELINQUENT CHILDREN—Cont'd

Definitions—Cont'd
Youth commission, 61.001.
Deposits, juvenile probation commission, 75.051.
Detention homes and parental schools, 62.001, 62.002.
Diagnostic facilities, establishment, 61.040.
Director, juvenile probation commission, 75.028.
Discharge, notice, 61.078.
Expenses and expenditures, juvenile probation commission, 75.025.
Facilities. Institutions and facilities, generally, post.
Federal courts, referrals, 61.042.
Forestry or park-maintenance camps and ranches, establishment, 61.040.
Gifts, juvenile probation, 75.045.
Grants, juvenile probation commission, 75.045.
Inspection and inspectors, juvenile boards, 75.047.
Institutions and facilities, Additional facilities, establishment, 61.040.
Administration, 61.032.
Care and treatment, 61.071 et seq.
Determination of treatment, 61.075.
Permissible treatments, 61.076.
Civil rights, forfeiture, 61.092.
Commitment, 61.062.
Certified copy, order of commitment, 61.065.
Civil rights, forfeiture of, 61.092.
Order conveying child, 61.063.
Contracts, public or private agencies, separate care and treatment, 61.037.
Cost, transporting of child, 61.064.
Court orders, 61.063.
Detention homes and parental schools, 62.001, 62.002.
Determination of treatment, 61.075.
Diagnostic facilities, establishment, 61.040.
Discharge, 61.084.
Petitions, 61.074.
Epileptic children, 61.077.
Escape, 61.093.
Examinations, Failure to examine or reexamine, 61.074.
Initial examination, 61.071.
Records, 61.073.
Reexamination, 61.072.
Existing institutions and agencies, use of, 61.037.
Forestry camps and ranches, establishment, 61.040.
Information, furnishing to, 61.065.
Inspections, public and private institution and agency facilities, 61.037.
Investigations, prior history and behavior of child, 61.071 et seq.

DELINQUENT CHILDREN—Cont'd

Institutions and facilities—Cont'd
Mentally deficient and mentally ill children, 61.077.
Orders of court, 61.063.
Parental schools and detention homes, 62.001, 62.002.
Park-maintenance camps and ranches, establishment, 61.040.
Parole and probation, parole supervision, 61.081.
Contracts with counties, 61.083.
Permissible treatment, 61.076.
Petitions, discharge, 61.074.
Records, examinations and treatments, 61.073.
Referrals, federal courts, 61.042.
Release, 61.081 et seq.
Conditions, breaking, arrest without warrant, 61.093.
Religious and spiritual training, 61.046.
Supervision, release under supervision, 61.081.
Transporting, 61.064.
Interstate placement of children, 45.004.
Juvenile boards, generally. Counties, this index.
Meetings, juvenile probation, 75.026, 75.046.
Notice, release, 61.081.
Parental schools and detention homes, 62.001, 62.002.
Park-maintenance camps, treatment and training facilities, establishment, 61.040.
Parole and probation, Juvenile probation commission, 75.001 et seq.
Parole supervision, 61.040.
Contracts with counties, 61.083.
Placement, interstate placement of children, 45.004.
Privileged information, commitment records, 61.066.
Probation commission, 75.001 et seq.
Juvenile boards, 75.044.
Ranches, treatment and training facilities, establishment, 61.040.
Records and recordation, Commitment records, confidential or privileged information, 61.066.
Juvenile boards, 75.044.
Referrals, federal courts, 61.042.
Release, 61.081 et seq.
Reports, Juvenile boards, 75.044.
State aid, 75.066.
Parole and probation, 75.049.
Segregation, classification needs, treatment and training facilities, establishment, 61.040.
Standards, probation service, 75.041 et seq.
State aid, juvenile boards, 75.061 et seq.
Studies, parole and probation, 75.048.
Terms of office, juvenile probation commission, 75.023.

DELINQUENT CHILDREN—Cont'd

Training institutions, 61.040.
Transporting, institutions or facilities, 61.064.
Treatment. Institutions and facilities, generally, ante.

DEMONSTRATION AND RESEARCH PROJECTS

Human resources, department of, 22.003.

DENTISTS AND DENTISTRY

Developmentally disabled persons, institutional or residential care, right to appropriate services, 112.032.

DEPARTMENT

Defined,
Adult day care, 103.003.
Aged persons, 48.002.
Children and minors, 72.002.
Human resources, department of, 11.001.
Retirement facility disclosure statements, 102.001.
Social work practitioners, 50.001.

DEPENDENT AND NEGLECTED CHILDREN

Aid to Families With Dependent Children, generally, this index.
Child Welfare and Protective Services, generally, this index.

DEPOSITORIES

Blind persons, central media depository, 91.081 et seq.

DETENTION HOMES AND PARENTAL SCHOOLS

Delinquent children, 62.001, 62.002.

DEVELOPMENTAL DISABILITIES, PLANNING COUNCIL FOR

Generally, 112.011 et seq.

DEVELOPMENTAL DISABILITY

Defined, 112.001.

DEVELOPMENTALLY DELAYED CHILD

Defined, interagency council on early childhood intervention services, 73.001.
Intervention services, interagency council on early childhood intervention services, 73.001 et seq.

DEVELOPMENTALLY DISABLED PERSONS

Generally, 112.001 et seq.

DIRECTORS

Blind persons, vocational rehabilitation program, 91.054.
Child-care facilities and agencies, designated division, 42.021.
Defined,
Children and minors, 72.002.
Juvenile probation, 75.002.

INDEX

References are to Sections

DIRECTORS—Cont'd

Juvenile probation commission, 75.028.
 State commission for the blind, executive director, 91.012.
 Texas commission for the deaf, 81.008.
 Youth commission, executive director, 61.017.

DISABLED PERSONS

Handicapped Persons, generally, this index.

DISCHARGE

Aged persons, care facilities, 102.003.
 Delinquent children, state institutions or facilities, 61.084.

DISCIPLINARY PROCEEDINGS

Social work practitioners, 50.022.

DISCLOSURE

Aged persons, protective services, 48.083.
 Confidential or privileged information, human resources, department of, crimes and offenses, 12.003.
 Family violence shelters, 51.007.
 Handicapped persons, protective services, 48.083.
 Retirement villages, disclosure statements, 102.001 et seq.

DISCRIMINATION

Adult day care, rules and regulations, 103.004.
 Aged persons, medical attendance and treatment, rights of patients, 102.003.
 Blind Persons, this index.
 Deaf and Mute Persons, this index.
 Handicapped Persons, this index.
 Purchases of products and services of blind and severely disabled persons, committee on, 122.002.
 Social work practitioners, 50.003.

DISEASES

Child-care facilities and agencies, immunizations, 42.043.

DISTRIBUTION

Nutritional Assistance Programs, this index.

DISTRIBUTION DISTRICTS

Nutritional assistance programs, 33.003.

DIVISION

Aging department, 101.006.
 Defined, child-care facilities and agencies, 42.002.

DOG GUIDES

Blind Persons, this index.

DOMICILE AND RESIDENCE

Blind persons, vocational rehabilitation services, residency requirements, 91.055.
 County child welfare boards, residency requirements, 41.002.

DOMICILE AND RESIDENCE—Cont'd

Social work certification council, 50.004.

DRUNKARDS AND DRUNKENNESS

Disabilities council, 132.001 et seq.

EDUCATION

Blind persons,
 Central media depository, 91.081 et seq.
 In-home instruction, 91.025.
 Early childhood intervention services, interagency council on, 73.001 et seq.
 Intervention services, early childhood, interagency council on, 73.001 et seq.
 Schools and School Districts, generally, this index.
 Social work practitioners, 50.015 et seq.

ELDERLY INDIVIDUAL

Defined, rights of aged persons, 102.001.

ELDERLY PERSONS

Aged Persons, generally, this index.

ELECTRICITY

Emergency relief program, 34.001 et seq.

ELEMENTARY SCHOOLS

Schools and School Districts, generally, this index.

ELIGIBILITY

Aid to Families With Dependent Children, this index.
 Blind persons,
 Vending facility licenses, 94.005.
 Vocational rehabilitation services, 91.055.
 Medical Assistance Program, this index.

EMBEZZLEMENT

Retirement facilities, disclosure statements, felony convictions, 102.003.

EMERGENCIES

Aged persons, protective services, 48.061.
 Deaf and mute persons, telecommunication devices, 81.011.
 Handicapped persons, protective services, 48.061.
 Temporary emergency relief program, 34.001 et seq.

EMPLOYMENT HANDICAP

Defined, blind persons vocational rehabilitation, 91.051.

EMPLOYMENT INCENTIVE ACT

Aid to families with dependent children, financial assistance, registration, 31.009.

ENTRANCE FEE

Defined, retirement facility disclosure statements, 102.001.

EPILEPTIC CHILDREN

Delinquent children, committed to state institutions or facilities, 61.077.

ESCAPE

Delinquent children, state institutions or facilities, 61.093.

EVIDENCE

Adoption of children, registry, proof of identity, 49.008.
 Social work practitioners, certification, 50.015, 50.016, 50.017.

EXAMINATIONS

Child-care administrators, licenses, examination fee, 43.006.
 Social work practitioners, certification, 50.001 et seq.

EXECUTION

Medical assistance payments, 32.036.

EXECUTIVE DIRECTOR

Aging board, 101.004.

EXEMPTIONS

Blind persons, products and services, exemptions, 122.013.
 Child-care facilities and agencies, permits, 42.041.
 Handicapped persons, products and services, purchases, 122.013.
 Interstate placement of children, 45.006.
 Retirement facility disclosure statements, 102.007.
 Social work practitioners, certification, 50.002.

EXPENSES AND EXPENDITURES

Child-care administrators, advisory council, 43.002.
 Contracts, prepayment, 22.002.
 Developmental disabilities planning council, 112.015.
 Early childhood intervention services, interagency council and advisory committee, reimbursement, 73.006 et seq.
 Foster care, parent or guardian liability, 41.024.
 Human resources board, reimbursement, 21.003.
 Human resources department, prepayment contract, 22.002.
 Juvenile probation commission, 75.025.
 Medical assistance program, 32.031.
 Prepayment, contracts, 22.002.
 State commission for the blind, reimbursement, 91.011, 91.013.
 Texas commission for the deaf, members, reimbursement, 81.005.
 Texas rehabilitation commission, reimbursement, 111.015.
 Traveling Expenses, generally, this index.
 Youth commission, reimbursement, 61.015.

EXPLOITATION

Aged persons, protective services, 48.001 et seq.
 Defined, aged persons, 48.002.

INDEX

136

References are to Sections

- EXPLOITATION—Cont'd**
Handicapped persons, protective services, 48.001 et seq.
- EXTENDED COMMUNITY RESIDENCE**
Defined, handicapped persons, rehabilitation, 111.002.
- EXTENDED SHELTERED WORKSHOP EMPLOYMENT**
Defined, handicapped persons, rehabilitation, 111.002.
- FACILITIES**
Defined,
Child-care facilities and agencies, 42.002.
Retirement facility disclosure statements, 102.001.
- FAMILY**
Violence shelters, 51.001 et seq.
- FAMILY DAY HOME**
Defined, child-care facilities and agencies, 42.002.
- FEDERAL AID**
Developmentally disabled persons, administering agency, 112.018.
Emergency relief programs, 34.001 et seq.
- FEDERAL MATCHING FUNDS**
Aid to families with dependent children, state programs, development of, 31.010.
Day care programs, administration, 44.003.
Human resources, department of, estimate, inclusion in budget and appropriation request, 21.010.
Medical assistance program, 32.024.
State programs, extension of scope to insure, 22.002.
- FEDERAL SURPLUS COMMODITIES**
Nutritional assistance programs, distribution, 33.001.
- FEDERAL WELFARE PROGRAMS**
Human resources, department of, administration, 22.002.
- FEDERALLY ESTABLISHED DAY CARE PROGRAMS**
Administration, 44.001.
- FEES**
Adult day care facilities, disposition, 103.010.
Child support collection, 46.004.
Child-Care Administrators, this index.
Deaf and mute persons,
Certification of interpreters, 81.007.
Interpreters, 81.006.
Human resources, department of, 22.002.
Legal services, 22.004.
- FEES—Cont'd**
Medical assistance program, restrictions, 32.028.
Social work practitioners, certification, 50.009.
- FINANCIAL ASSISTANCE**
Defined, human resources, department of, 11.001.
- FINES AND PENALTIES**
Blind persons,
Discrimination, 121.004.
Dog guides, improper use, 121.006.
Child-care administrators, 43.012.
Child-care facilities and agencies, 42.075.
Deaf and mute persons, discrimination, 121.004.
Discrimination, handicapped persons, 121.004.
Dog guides, improper use, 121.006.
Handicapped persons, discrimination, 121.004.
Interstate placement of children, 45.007, 45.021.
Placement of children, interstate placement of children, 45.007.
Social work practitioners, certification, 50.028.
- FIRES AND FIRE PREVENTION**
Developmentally disabled persons, institutional and residential care, fire standard compliance, rights of patients, 112.032.
- FOOD**
Developmentally disabled persons, institutional or residential care, right to nourishing diet, 112.032.
Emergency relief programs, 34.001 et seq.
- FOOD STAMPS**
Generally, 33.002 et seq.
Crimes and offenses, 33.011.
Distribution, 33.002.
Termination of program, sale of equipment and property, 33.010.
- FORCE AND VIOLENCE**
Family shelters, 51.001 et seq.
- FOREIGN STATES**
Compacts, interstate placement of children, 45.021.
Interstate Placement of Children, generally, this index.
Placement of children. Interstate Placement of Children, generally, this index.
- FORESTRY CAMPS AND RANCHES**
Delinquent children, treatment and training facilities, establishment, 61.040.
- FOSTER CARE**
Generally, 41.021 et seq.
- FOSTER CARE—Cont'd**
Aged persons, rights of patients, 102.001 et seq.
Aid to families with dependent children, 31.004.
Contracts, county contracts, 41.022.
County contracts, 41.022.
Direct payments, 41.023.
Expenses and expenditures, parent or guardian liability, 41.024.
Liability, parent or guardian, 41.024.
Medical services, 41.025.
Parent or guardian liability, 41.024.
Payments, 41.021.
Direct payments, 41.023.
- FOSTER FAMILY HOME**
Defined, child-care facilities and agencies, 42.002.
- FOSTER GRANDPARENT PROGRAMS**
Aged persons, voluntary community services, 101.024.
- FOSTER GROUP HOME**
Defined, child-care facilities and agencies, 42.002.
- FRAUD**
Human resources, department of, funds, wrongful distribution, 12.002.
Medical assistance program, prevention and detection, 32.032.
Retirement facilities, disclosure statements, 102.003, 102.008.
Social work practitioners, certification revocation, 50.021.
- FUNDS**
Adoption of children, hard-to-place children, use of funds, 47.005.
Aging department, 101.027.
Blind persons, vocational rehabilitation services, receipt and disbursement, 91.056.
Child welfare service fund, 41.006.
Commodity distribution fund, nutritional assistance programs, 33.007.
Family violence shelters, 51.009, 51.011.
Federal Matching Funds, generally, this index.
Handicapped persons,
Rehabilitation services, dispersement funds, 111.022.
Human Resources, Department of, this index.
Medical assistance fund, 32.030.
Nutritional Assistance Programs, this index.
Revolving funds, nutritional assistance programs, 33.009.
Social worker fund, 50.005.
Temporary emergency relief fund, 34.003.
Youth commission fund, 61.043.

INDEX

References are to Sections

GARNISHMENT

Medical assistance payments, 32.036.

GERIATRIC CENTER

Medical assistance program, 32.037.

GIFTS

Blind, state commission for, interest on deposits, 91.014.

Health and human services coordinating council, acceptance, 131.006.

Juvenile probation commission, 75.045.

GOVERNOR

Appointments,

Aging board, 101.001.

Human resources, board of, 21.003.

Interstate compact on the placement of children, administrator, 45.026.

Juvenile probation commission, 75.022.

Purchases of products and services of blind and severely disabled persons, 122.002.

State commission for the blind, 91.011.

Texas commission for the deaf, 81.002.

Texas rehabilitation commission, 111.013.

Youth commission, 61.012.

Proclamations, white cane safety day, 121.008.

GRANTS

Aged persons, authorization to accept, 101.026.

Blind, state commission for, interest on deposits, 91.014.

Blind persons, authorization to accept, 91.030.

Early childhood intervention services, 73.016 et seq.

Family violence shelters, 51.009, 51.011.

Health and human services coordinating council, acceptance, 131.006.

Human resources, department of, misappropriation, 12.002.

Juvenile probation commission, 75.045.

Social work practitioners, certification, 50.031.

Temporary emergency relief fund, application, 34.004.

Texas commission for the deaf, authorization to accept, 81.006.

Youth commission, authorization to accept, 61.043.

GROUP DAY CARE HOME

Defined, child-care facilities and agencies, 42.002.

GUIDANCE SERVICES

Aid to families with dependent children, 31.008.

GUIDE DOGS

Handicapped persons, access to public facilities, 121.003.

HANDICAPPED PERSONS

Abuse, protective services, 48.001 et seq.

HANDICAPPED PERSONS—Cont'd

Actions and proceedings, civil liberties, deprivation of, actions for damages, 121.004.

Adult day care, 103.001 et seq.

Advisory committees, rehabilitation, 111.016.

Attorneys,

Fees, protective services, 48.040.

Protective services, 48.001 et seq.

Blind Persons, generally, this index.

Boards and commissions. Texas rehabilitation commission, generally, post. Civil liberties, deprivation of, actions for damages, 121.004.

Committees,

Advisory committees, rehabilitation, 111.016.

Purchases of products and services of blind and severely disabled persons, 122.001 et seq.

Confidential and privileged information,

Protective services, 48.083.

Rehabilitation services, 111.057.

Criminal history record information, 111.058.

Consent, protective services, 48.056, 48.059.

Construction, statutory construction, 121.009.

Contracts,

Protective services, 48.021.

Rehabilitation services, 111.052.

Self-sufficiency and independent living programs, 81.012.

Cost, protective services, 48.058.

Counseling, parental counseling, 81.012.

Crimes and offenses, discrimination, 121.004.

Criminal history record information, rehabilitation services, 111.058.

Damages, civil liberties, deprivation of, 121.004.

Day care, 103.001 et seq.

Protective services, 48.001 et seq.

Deaf and Mute Persons, generally, this index.

Definitions, 121.002.

Adult day care, 103.003.

Blind persons, vending facilities operated by, 94.001.

Protective services, 48.002.

Rehabilitation, 111.002.

Developmentally Disabled Persons, generally, this index.

Disabilities council, 132.001 et seq.

Disclosure, protective services, 48.083.

Discrimination,

Crimes and offenses, 121.004.

Fines and penalties, 121.004.

Dissemination of information, 121.008.

Donations, rehabilitation services, authorization to accept, 111.056.

Economic and social activities, participation in, 121.001 et seq.

Educational level, testing, 121.010.

Emergencies, protective services, 48.061.

HANDICAPPED PERSONS—Cont'd

Exemptions, products and services, purchases, 122.013.

Exploitation, protective services, 48.001 et seq.

Extended community residence facilities, defined, 111.002.

Federal government, cooperation with, rehabilitation services, 111.053.

Fines and penalties, discrimination, 121.004.

Funds,

Federal funds, rehabilitation services, obtaining, 111.054.

Grants, rehabilitation services, authorization to accept, 111.056.

Home care, protective services, 48.001 et seq.

Housing accommodations,

Defined, 121.002.

Independent living programs, 81.012.

Information, dissemination, 121.008.

Injunction, voluntary services, interferences, 48.060.

Inspection and inspectors, purchases of products and services of blind and severely disabled persons committee, 122.006.

Interference, voluntary services, injunction, 48.060.

Investigations and investigators, abuse and exploitations, 48.001 et seq.

Job positions, testing, 121.010.

Testing, 121.010.

Labor and employment,

Testing, 121.010.

Manufacturers and manufacturing, products, 122.001 et seq.

Medical assistance programs, protective services, 48.001 et seq.

Medical attendance and treatment, religious objections, 48.084.

Neglect, protective services, 48.001 et seq.

Objections and exceptions, medical care and treatment, religious grounds, 48.084.

Orders, protective services, emergencies, 48.061.

Outdoor training program, 81.012.

Parents, counseling, 81.012.

Petitions, protective services, emergency orders, 48.061.

Plans and specifications, products, 122.011.

Political subdivisions, products and services, purchases, 122.014, 122.015.

Price, products and services, 122.005.

Purchasing, 122.004.

Privileged information, rehabilitation services, 111.057.

Criminal history record information, 111.058.

Privileges and immunities, abuse reports, 48.039.

Products, purchases, 122.001 et seq.

INDEX

138

References are to Sections

HANDICAPPED PERSONS—Cont'd

Protective services, 48.001 et seq., 48.021.
 Psychiatrists and psychiatry, protective services, 48.001 et seq.
 Public facilities,
 Defined, 121.002.
 Warning, unique danger, assumption of risk, 121.005.
 Purchases, products and services, 122.001 et seq.
 Products and services, purchases, 122.006.
 Reciprocal agreements with other states, rehabilitation services, 111.052.
 Records and recordation,
 Criminal history record information, rehabilitation services, 111.058.
 Products and services, purchases, 122.006.
 Protective services, 48.083.
 Rehabilitation,
 Advisory committees, 111.016.
 Confidential or privileged information, 111.057.
 Criminal history record information, 111.058.
 Contracts, rehabilitation services, 111.052.
 Cost of services, subrogation of injured parties rights, 111.059.
 Criminal history record information, 111.058.
 Definitions, 111.002.
 Donations, authorization to accept, 111.056.
 Extended rehabilitation services, Defined, 111.002.
 Facilities, establishment of, 111.052.
 Federal government, cooperation with, 111.053.
 Funds,
 Disbursement of, 111.022.
 Federal funds, obtaining, 111.054.
 Grants, authorization to accept, 111.056.
 Planning, program development and allocation of resources, 111.019.
 Privileged information, 111.057.
 Criminal history record information, 111.058.
 Reciprocal agreements with other states, 111.052.
 Reports, 111.021.
 Research and statistical studies, 111.052.
 Small business enterprises, establishment and management, 111.052.
 State aid, 111.055.
 Subrogation, injured persons right of recovery, 111.059.
 Texas rehabilitation commission, generally, post.
 Religion, medical treatment, objection, 48.084.
 Reports, abuse or exploitation, 48.036 et seq., 48.057.

HANDICAPPED PERSONS—Cont'd

Research and statistical studies, 111.052.
 Respite care, 81.012.
 Rights and responsibilities, 121.001 et seq.
 Sales, products and services, 122.001 et seq.
 Self-sufficiency programs, 81.012.
 Services, purchases, 122.001 et seq.
 Sheltered workshops, defined, 111.002.
 Small business enterprises, establishment and management, rehabilitation services, 111.052.
 Social and economic activities, participation in, 121.001 et seq.
 State aid, rehabilitation services, 111.055.
 State policy, 121.001.
 Statutory construction, 121.009.
 Summer outdoor training program, 81.012.
 Sunset Act, purchases of products and services of blind and severely disabled persons committee, 122.003.
 Surveys and surveyors, self-sufficiency and independent living programs, 81.012.
 Tests and testing, job positions or educational level, 121.010.
 Texas rehabilitation commission, 111.001 et seq.
 Administration, 111.011.
 Administrative units, establishment, 111.020.
 Advisory committees, 111.016.
 Appointments, 111.013.
 Commissioner, 111.016.
 Authority, 111.051.
 Commissioner, 111.017.
 Committees, advisory committees, 111.016.
 Compensation and salaries, 111.015.
 Composition, 111.013.
 Definitions, 111.002.
 Delegation of authority, 111.024.
 Duration, Sunset Act, application of, 111.012.
 Expenses and expenditures, reimbursement, 111.015.
 Funds, disbursement of, 111.022.
 Meetings, 111.014.
 Members, 111.013.
 Officers and employees, 111.020.
 Planning, 111.019.
 Powers and duties, 111.051 et seq.
 Commissioner, 111.023.
 Presiding officer, 111.013.
 Purpose, 111.001.
 Qualifications, 111.013.
 Reports, 111.021.
 Rules and regulations, adoption, 111.018.
 Sunset Act, application of, 111.012.
 Terms of office, 111.013.
 Vending facilities, state property, 94.007.
 Vocational Rehabilitation. Rehabilitation, generally, ante.

HANDICAPPED PERSONS—Cont'd

Volunteers, interference, injunction, 48.060.
 Warning, unique danger in use of public facility, assumption of risk, 121.005.

HARD-TO-PLACE CHILD

Adoption of Children, this index.

HEALTH, DEPARTMENT OF

Maternal and child health, division of, powers and duties, 11.004.

HEARINGS

Aid to families with dependent children appeals from local administrative units, 31.034.
 Blind persons, vocational rehabilitation, 91.058.
 Child-care administrators, appeals, license revocation or denial, 43.011.
 Child-care facilities and agencies, license denials or revocation, appeals, 42.072.
 Medical assistance program, contract cancellation, 32.034.

HEAT AND HEATING

Emergency relief programs, 34.001 et seq.

HOME CARE

Aged persons, protective services, 48.001 et seq.
 Handicapped persons, protective services, 48.001 et seq.

HOME HEALTH SERVICES

Defined, rights of aged persons, 102.001.
 Rights of aged persons, 102.001 et seq.

HOUSING ACCOMMODATIONS

Defined, handicapped persons, 121.002.
 Emergency relief program, 34.001 et seq.
 Handicapped persons, discrimination, 121.003.

HUMAN RESOURCES, DEPARTMENT OF

Generally, 11.001 et seq., 21.001 et seq.
 Accounts and accounting, internal accounting system, 22.005.
 Acknowledgments, 21.013.
 Administration,
 Federal welfare programs, 22.002.
 Local administration, 21.006.
 Administrative officer, 21.004.
 Adoption of Children, generally, this index.
 Advisory boards, appointment, 21.006.
 Aid to Families with Dependent Children, generally, this index.
 Appointment,
 Board of human resources, 21.003.
 Commissioner, 21.004.
 Local advisory boards, 21.006.
 Appropriations, budget submission, request for necessary funds, 21.010.

INDEX

References are to Sections

HUMAN RESOURCES, DEPARTMENT OF—Cont'd

Attorneys,
 Legal services, provision of, 22.004.
 Unlicensed attorneys, representation of client before department, 12.001.
 Board of human resources, 21.003.
 Budget, 21.010.
 Certificates and certification, social work practitioners, 50.001 et seq.
 Prepayment contract, 22.002.
 Children and Minors, generally, this index.
 Commissioner, 21.004.
 Reports, 21.011.
 Compensation and salaries, board of human resources, 21.003.
 Composition, 21.001.
 Board of human resources, 21.003.
 Confidential or privileged information, 21.012.
 Disclosure, crimes and offenses, 12.003.
 Construction, statutory construction, 11.002.
 Contracts, authorization, 22.002.
 Cooperation, federal welfare programs, 22.002.
 Crimes and offenses,
 Confidential or privileged information, disclosure, 12.003.
 Disclosure, confidential or privileged information, 12.003.
 Funds, misappropriation, 12.002.
 Day care programs, federally established programs, administration, 44.001 et seq.
 Definitions, 11.001.
 Delegation of authority, divisions, establishment, 21.005.
 Delinquent Children, generally, this index.
 Demonstration and research projects, 22.003.
 Disabilities council, 132.001 et seq.
 Disclosure, confidential or privileged information, 21.012.
 Divisions,
 Child-care facilities and child-placing agencies, designation, 42.021.
 Establishment, 21.005.
 Duration, Sunset Act, application, 21.002.
 Education, staff development plans, 21.008.
 Establishment, 21.001.
 Executive officer, 21.004.
 Expenses and expenditures,
 Board of human resources, reimbursement, 21.003.
 Prepayment contract, 22.002.
 Federal funds, estimate, inclusion in budget and appropriation request, 21.010.
 Federal welfare programs, administration, 22.002.

HUMAN RESOURCES, DEPARTMENT OF—Cont'd

Fees,
 Legal services, 22.004.
 Social service programs, 22.002.
 Financial reports, 22.005.
 Foster Care, generally, this index.
 Fraud, wrongful distribution of funds, 12.002.
 Funds, 22.005.
 Childrens assistance fund, 22.005.
 Distribution, wrongful distribution, 12.002.
 Federal matching funds, extension of state programs to insure, 22.002.
 Medical assistance fund, 22.005.
 Misappropriation, 12.002.
 State treasury, 22.005.
 Grants, misappropriation, 12.002.
 Handicapped Persons, generally, this index.
 Health and human services coordinating council, 131.001 et seq.
 Juvenile delinquents. Delinquent Children, generally, this index.
 Legal services, 22.004.
 Local administration, 21.006.
 Long-term care coordinating council for the elderly, 133.001 et seq.
 Medical Assistance Program, generally, this index.
 Nutritional Assistance Programs, generally, this index.
 Oaths and affirmations, 21.013.
 Officers and employees,
 Education, paid educational leaves of absence, 21.008.
 Employment, 21.005.
 Merit system, 21.007.
 Political activities, 21.009.
 Staff development plans, 21.008.
 Per diem, board, 21.003.
 Powers and duties, 22.001.
 Child support collection, 46.002.
 Commissioner, 21.004.
 Practitioners, social services, certification, 50.001 et seq.
 Prepayment, contracts, 22.002.
 Privileged information, 21.012.
 Disclosure, crimes and offenses, 12.003.
 Purpose, 11.002.
 Qualifications,
 Board of human resources, 21.003.
 Commissioner, 21.004.
 Reports,
 Commissioner, 21.011.
 Financial reports, 22.005.
 Research and demonstration projects, 22.003.
 Social Security Act, administration, 22.002.
 Social work practitioners, certification, 50.001 et seq.
 Staff development plans, 21.008.
 Statutory construction, 11.002.
 Sunset Act, application, 21.002.

HUMAN RESOURCES, DEPARTMENT OF—Cont'd

Support. Child Support Collection, generally, this index.
 Termination, Sunset Act, application, 21.002.
 Terms of office, board of human resources, 21.003.
 Transfer, funds, 22.005.
 Travel expenses, board of human resources, 21.003.
 United States department of health, education, and welfare, childrens bureau, cooperation with, 41.004.

IDENTIFICATION

Social work practitioners, professional identification, 50.011.

ILLEGITIMATE CHILDREN

Child support collection, paternity determinations, 46.002.

IMMUNITIES

Privileges and Immunities, generally, this index.

IMMUNIZATIONS

Child-care facilities and agencies, 42.043.

INDEPENDENT LIVING PROGRAMS

Handicapped persons, 81.012.

INDIGENT PERSONS

Emergency relief programs, 34.001 et seq.

Fees, social service programs, 22.002.

INDUSTRIAL SCHOOLS

Blind persons, 91.024.

INFANTS

Children and Minors, generally, this index.

INFORMATION, BUREAU OF

Blind persons, 91.022.

INJUNCTIONS

Child-care facilities and agencies, 42.074.
 Handicapped persons, voluntary services, interference, 48.060.

Retirement facilities, disclosure statements, offer subject to current injunction, 102.003.

Social work practitioners, certification violations, 50.029.

INSPECTIONS

Adult day care, elderly and handicapped, license issuance or renewal, 103.008.

Child-care facilities and agencies, 42.044.

Delinquent children, institutions and facilities, public and private institution and agency facilities, 61.037.

Juvenile boards, 75.047.

Purchases of products and services of blind and severely disabled persons, records, 122.006.

INDEX

140

References are to Sections

INSTITUTIONS

Blind persons, products and services, purchases, 122.001 et seq.
Child-care institution, defined, administrators, 43.001.
Delinquent Children, this index.
Dependent children, financial assistance to children in institutions, 31.007.
Handicapped persons, products and services, purchases, 122.001 et seq.

INSTRUCTION

Blind persons, in-home instruction, 91.025.

INSURANCE

Medical assistance program, subrogation of recipients claim, 32.033.

INTERAGENCY COUNCIL ON EARLY CHILDHOOD INTERVENTION SERVICES

Generally, 73.001 et seq.

INTEREST

State commission for the blind, deposits of funds, 91.014.

INTERPRETERS

Deaf and Mute Persons, this index.

INTERSTATE COMPACTS

Placement of children, 45.021.
Definitions, 45.022.

INTERSTATE PLACEMENT OF CHILDREN

Generally, 45.001.
Actions and proceedings, failure of sending agency to provide support or maintenance, 45.003.
Charities, private charitable agencies, 45.005.
Child-care facility, defined, 45.001.
Compact, 45.021.
Definitions, 45.001, 45.022.
Delinquent children, 45.004.
Exemptions, 45.006.
Financial responsibility for child, Interstate compact, 45.023.
Sending agency, 45.003.
Fines and penalties, 45.007.
Hearings, delinquent children, 45.004.
Institutional care, delinquent children, 45.004.
Interstate compact, 45.021.
Jurisdiction, sending agency, 45.003.
Juvenile delinquents, 45.004.
Notice, placement of children from another state, 45.002.
Placement, defined, 45.001.
Private charitable agencies, 45.005.
Responsibilities, sending agency, 45.003.
Return, children from another state, failure of sending agency to provide support or maintenance, 45.003.
Sending agency, Defined, 45.001.
Financial responsibility, 45.003.

INTERSTATE PLACEMENT OF CHILDREN—Cont'd

Sending agency—Cont'd
Jurisdiction, 45.003.
Notice, intention to place child, 45.002.
Responsibility, 45.003.

INVENTORY

Deaf and mute persons, telecommunication devices, 81.011.

INVESTIGATIONS

Aged persons, abuse and exploitation, 48.001 et seq.
Aid to families with dependent children, eligibility, 31.032.
Child-care facilities and agencies, 42.044.
License application, 42.046.
Handicapped persons, protective services, 48.001 et seq.

JOB TRAINING PROGRAM

Aid to families with dependent children, 31.061 et seq.

JUDGES

Juvenile probation commission, members, 75.002.
Juvenile services, advisory council, 75.027.

JURISDICTION

Child-care facilities and agencies, appeals, license denial or revocation, 42.072.
Interstate compact on the placement of children, 45.021.
Interstate placement of children, sending agency, 45.003.

JUVENILE BOARDS

Counties, this index.

JUVENILE DELINQUENTS

Delinquent Children, generally, this index.

JUVENILE PROBATION COMMISSION

Generally, 75.001 et seq.

KIDNAPPING

Children and minors, parental kidnapping, parent locator services, 46.004.

LABOR AND EMPLOYMENT

Aged persons, community employment programs, 101.023.
Blind Persons, this index.
Dependent children, employment incentives, registration, 31.009.
Employment Incentive Act, aid to families with dependent children, registration, 31.009.
Handicapped persons, Testing, 121.010.
Social work practitioners, 50.010 et seq.
Testing, 121.010.

LANGUAGE THERAPY

Early childhood intervention services, interagency council on, 73.001 et seq.

LAWYERS

Attorneys, generally, this index.

LEASES

Retirement facilities, long-term, 102.001 et seq.

LEGAL SERVICES

Human resources, department of, provision of, 22.004.

LEGISLATURE

Emergency relief programs, study committee, 34.009.
Study committee, temporary emergency relief program, continuation, 34.009.

LEVY

Medical assistance payments, 32.036.

LICENSES AND PERMITS

Adult day care, 103.005 et seq.
Aged persons, adult day care, 103.005 et seq.
Agency homes, 42.053.
Child-Care Administrators, this index.
Child-Care Facilities and Agencies, this index.
Handicapped persons, adult day care, 103.005 et seq.

LIFE INTEREST

Defined, retirement facility disclosure statements, 102.001.
Retirement facilities, disclosure statements, 102.001 et seq.

LISTS

Aged persons, rights, care, retirement facilities, 102.004.

LOANS

Blind persons, technological aids, 91.0301.

LOBBYING

Social work certification council, conflict of interest, 50.004.

LONG-TERM CARE COORDINATING COUNCIL FOR THE ELDERLY

Generally, 133.001 et seq.

LONG-TERM LEASE

Defined, retirement facility disclosure statements, 102.001.

MAIL

Aged persons, rights of communications, 102.003.

MAINTENANCE

Defined, blind persons vocational rehabilitation, 91.051.

INDEX

References are to Sections

MANUFACTURERS AND MANUFACTURING

Handicapped persons, products, purchases, 122.001 et seq.

MATERNAL AND CHILD HEALTH, DIVISION OF

Powers and duties, 11.004.

MEDIA DEPOSITORY

Blind persons, central media depository, 91.081 et seq.

MEDICAL ASSISTANCE PROGRAM

Actions and proceedings, payments, exemption from legal process, 32.036. Administration, 32.021.

Adverse or pecuniary interest, board commissioners, 32.0211.

Advisory committee, 32.022.

Aged persons, protective services, 48.001 et seq.

Amount, state funds, restricted to matchable federal funds, 32.031.

Appeal, 32.035.

Application, 32.025.

Appointment, medical care advisory committee, 32.022.

Assignment, payments, 32.036.

Attachment, payments, 32.036.

Authority, 32.024.

Boards and commissions, adverse or pecuniary interest, 32.0211.

Cancellation, medical assistance contracts, notice and hearing, 32.034.

Certification of eligibility and need for medical assistance, 32.026.

Charges, restrictions, 32.028.

Committees, medical care advisory committee, 32.022.

Compensation and salaries, medical care advisory committee, 32.022.

Conflict of interest, board members, 32.0211.

Construction, statutory construction, 32.002.

Contracts,

Authorization, 32.023.

Cancellation, notice and hearing, 32.034.

Convalescent homes, 32.037.

Cooperation, state agencies, 32.023.

Definition, medical assistance, 32.003.

Eligibility, 32.024.

Appeal, 32.035.

Certification, 32.026.

Execution, program payments, exemption, 32.036.

Expenses and expenditures, 32.031.

Medical care advisory committee, reimbursement, 32.022.

Federal matching funds, obtaining, coverage of state program, 32.024.

Fees, restriction, 32.028.

Fraud, prevention and detection, 32.032.

Funds,

Federal matching funds, obtaining, coverage of state program, 32.024.

MEDICAL ASSISTANCE PROGRAM

—Cont'd

Funds—Cont'd

Medical assistance fund, 32.030.

Garnishment, payments, 32.036.

Geriatric center, 32.037.

Handicapped persons, protective services, 48.001 et seq.

Hearing, contract cancellation, 32.034.

Insurance, subrogation of recipients claim, 32.033.

Levy, payments, 32.036.

Medical assistance, defined, 32.003.

Medical assistance fund, 32.030.

Need for medical assistance, certification, 32.026.

Notice, contract cancellation, 32.034.

Nursing homes, 32.037.

Payments, 32.029, 32.031.

Assignment or transfer, 32.036.

Exemption from legal process, 32.036.

Podiatrists, selection, 32.027.

Proration of claims, 32.029.

Provider of medical assistance, selection, 32.027.

Purpose, 32.001.

Rates and charges, restrictions, 32.028.

Receipt, federal funds, 32.031.

Scope, 32.024.

Selection, provider of medical assistance, 32.027.

Standards, 32.024.

State agencies, cooperation with, 32.023.

Statutory construction, 32.002.

Subrogation, recipients right to recovery, 32.033.

Termination, medical assistance contracts, notice and hearing, 32.034.

Transfer of funds, 32.030.

MEDICAL CARE ADVISORY COMMITTEE

Generally, 131.0051.

MEDICAL CARE AND TREATMENT

Aged persons, right of refusal, 102.003.

Developmentally disabled persons, institutional or residential care, right to appropriate treatment, 112.032.

Handicapped persons, religious objections, 48.084.

Religious objections, aged persons or handicapped persons, 48.084.

MEETINGS

See specific index headings.

MEMBER

Defined, retirement facility disclosure statements, 102.001.

MENTALLY DEFICIENT AND MENTALLY ILL PERSONS

Delinquent children, committed to state institutions or facilities, 61.077.

Developmentally Disabled Persons, generally, this index.

MERIT SYSTEM

Aging department, 101.007.

MINORS

Children and Minors, generally, this index.

MISAPPROPRIATION

Funds, human resources, department of, 12.002.

MISREPRESENTATION

Fraud, generally, this index.

MUNICIPALITIES

Responsibilities, social services, 11.003.

NAMES

Social work practitioners, 50.010 et seq. Certification, 50.008.

NEGLECT

Aged persons, protective services, 48.001 et seq.

Defined, aged persons, 48.002.

Handicapped persons, protective services, 48.001 et seq.

NEPOTISM

Social work certification council, 50.004.

NONPROFIT AGENCIES

Family violence shelter, 51.001 et seq.

NONPROFIT CORPORATIONS

Emergency relief programs, 34.001 et seq.

Family violence shelter, 51.001 et seq.

NONPROFIT ORGANIZATIONS

Blind or severely disabled persons, budget request, 122.016.

NOTICE

Adoption of children, registry, notification of match, 49.016.

Aid to families with dependent children, Change or withdrawal of assistance, 31.033.

Recipient, change in economic condition, 31.033.

Child-care facilities and agencies, appeals, license denial or revocation, 42.072.

Delinquent children,

Discharge, 61.078.

Release, 61.081.

Interstate placement of children, placement of children from another state, 45.002.

Medical assistance program, contract cancellation, 32.034.

Placement of children from another state, 45.002.

Social work practitioners,

Certificates and certification, 50.023.

Disciplinary proceedings, 50.022.

Temporary emergency relief programs, public notice, 34.008.

INDEX

142

References are to Sections

NURSING HOMES

Discharge, patients rights, 102.003.
Lists, patients rights, 102.004.
Medical assistance program, 32.037.
Records and recordations, confidentiality, 102.003.
Rights, patients, 102.001 et seq.
Transfer of patient, patients rights, 102.003.
Visitors, patients rights to receive, 102.003.

NUTRITIONAL ASSISTANCE PROGRAMS

Generally, 33.001.
Advisory boards, 33.004.
Agents, distributing agents, 33.003.
Assessments, handling charges, 33.006.
Audits, distributing agents records, 33.003.
Boards and commissions, advisory boards, 33.004.
Bonds (officers and fiduciaries) distributing agents, 33.003.
Commodities,
Distribution, 33.002.
Surplus commodities, 33.001.
Perishable commodities, processing, 33.005.
Used commodity containers, sale, 33.008.
Commodity distribution fund, 33.007.
Deposits, sales of equipment and property, 33.010.
Containers, used commodity containers, sale, 33.008.
Crimes and offenses, 33.011.
Distribution,
Agents, 33.003.
Commodities, 33.002.
Surplus commodities, 33.001.
Districts, 33.003.
Food stamps, 33.002.
Districts, distribution districts, 33.003.
Equipment and property, sale upon termination of program, 33.010.
Federal surplus commodities, distribution, 33.001.
Food Stamps, generally, this index.
Funds,
Commodity distribution fund, 33.007.
Deposits, sales of equipment and property, 33.010.
Revolving funds, 33.009.
Handling charges, 33.006.
Perishable commodities, processing, 33.005.
Processing perishable commodities, 33.005.
Property and equipment, sale upon termination of programs, 33.010.
Revolving funds, 33.009.
Sales,
Termination of programs, sale of equipment and property, 33.010.
Used commodity containers, 33.008.

NUTRITIONAL ASSISTANCE PROGRAMS—Cont'd

Surplus commodities, distribution, 33.001.
Termination, sale of equipment and property, 33.010.
Used commodity containers, sales, 33.008.

OATHS AND AFFIRMATIONS

Human resources, department of, 21.013.
Social work practitioners, disciplinary proceedings, 50.022.

OCCUPATIONAL LICENSE

Defined, blind persons vocational rehabilitation, 91.051.

OCCUPATIONAL THERAPY

Early childhood intervention services, interagency council on, 73.001 et seq.

OFFENSES

Crimes and Offenses, generally, this index.

OFFER

Defined, retirement facility disclosure statements, 102.001.

OFFICERS AND EMPLOYEES

Blind persons, vocational rehabilitation program, political activity, 91.060.
Developmental disabilities planning council, 112.016.
Human Resources, Department of, this index.
Juvenile probation commission, 75.028.
Probation officers,
Juvenile services advisory council, 75.027.
Qualifications, 75.042.
Social work certification council, 50.004.
State commission for the blind, 91.012.
Texas commission for the deaf, 81.009.
Texas rehabilitation commission, 111.020.

OFFICIAL BONDS

Bonds (Officers and Fiduciaries), generally, this index.

OLDER PERSONS

Aged Persons, generally, this index.

OPEN MEETINGS

Purchases of products and services of blind and severely disabled persons, committee on, 122.019.

ORDERS

Aged persons, protective services, emergencies, 48.061.
Handicapped persons, protective services, emergencies, 48.061.
Social work practitioners, specialty work, 50.026, 50.027.

ORPHANS

Adoption of Children, generally, this index.

ORPHANS—Cont'd

Corsicana state home, admission, 61.061.
Interstate Placement of Children, generally, this index.
State homes, admission, 61.061.
Waco state home, admission, 61.061.
West Texas Childrens Home at Pyote, admission, 61.061.

OUTDOOR RECREATIONAL PROGRAMS

Deaf students, 81.013.

PARENTAL SCHOOLS AND DETENTION HOMES

Delinquent children, 62.001, 62.002.

PARKS—MAINTENANCE CAMPS AND RANCHES

Delinquent children, treatment and training facilities, establishment, 61.040.

PAROLE AND PROBATION

Child care facilities and agencies, 42.071.
Delinquent Children, this index.
Officers and employees,
Juvenile services advisory council, 75.027.
Qualifications, 75.042.
Social worker, certified, 50.021.
Standards, 75.041 et seq.
State aid, juvenile board, 75.062.
Training, probation officers, 75.043.
Youth services, parole supervision, 61.040.

PATERNITY PROCEEDINGS

Child support collection, 46.002.

PAYMENTS

See specific index heading.

PECUNIARY INTERESTS

State commission for the blind, ineligibility for membership, 91.011.

PENALTIES

Fines and Penalties, generally, this index.

PENSIONS AND RETIREMENT

Facilities, disclosure statements, 102.001 et seq.
Leases, retirement facilities, disclosure statements, 102.001 et seq.
Life interest, retirement facilities, disclosure statements, 102.001 et seq.

PER DIEM

Human resources board, 21.003.
Social work certification council, 50.004.

PERISHABLE COMMODITIES

Nutritional assistance programs, processing, 33.005.

PERMITS

Licenses and Permits, generally, this index.

INDEX

References are to Sections

PERSON

Defined,
 Adult day care, 103.003.
 Retirement facility disclosure statements, 102.001.

PERSON PROVIDING SERVICES

Defined, rights of aged persons, 102.001.

PETITIONS

Aged persons, protective services, emergency orders, 48.061.
 Delinquent children, institutions and facilities, petitions for discharge, 61.074.
 Handicapped persons, protective services, emergency orders, 48.061.

PHYSICAL RESTORATION

Defined, blind persons vocational rehabilitation, 91.051.

PHYSICAL THERAPY

Early childhood intervention services, interagency council on, 73.001 et seq.

PHYSICALLY DISABLED PERSONS

Handicapped Persons, generally, this index.

PHYSICIANS AND SURGEONS

Aged persons, right to choose physicians, 102.003.

PLACEMENT OF CHILDREN

Approval, interstate compact, 45.024.
 Child-Care Facilities and Agencies, generally, this index.
 In other states, interstate compact, 45.025.
 Interstate Placement of Children, generally, this index.

PLANS AND SPECIFICATIONS

Blind persons, products, 122.011.
 Children and minors, development, 72.004.
 Developmentally disabled persons, state plan, 112.019.
 Early childhood intervention services, state plan, 73.003.
 Family violence shelters, contracts, 51.005.
 Handicapped persons, products, 122.011.
 Health and human services coordinating council, work plan, 132.002.
 Temporary emergency relief programs, local plans, 34.006.

PODIATRISTS

Medical assistance program, selection, 32.027.

POLICY

Public Policy, generally, this index.

POLITICAL ACTIVITIES

Blind persons, vocational rehabilitation program, officers and employees, 91.060.

POLITICAL ACTIVITIES—Cont'd

Human resources, department of, officers and employees, 21.009.

POLITICAL SUBDIVISIONS

Blind persons, products and services, purchases, 122.014, 122.015.
 Children and minors, community programs, 72.001 et seq.
 Deaf and mute persons, telecommunication devices, 81.011.
 Emergencies, deaf and mute persons, telecommunication devices, 81.011.
 Handicapped persons, products and services, purchases, 122.014, 122.015.
 Telecommunication devices, deaf and mute persons, emergencies, 81.011.

POPULAR NAME LAWS

Adult Day Care Act, 103.001 et seq.

PRICES

Handicapped persons, products, purchases, 122.004, 122.005.

PRIVATE PRACTICE

Social work practitioners, certification, 50.001 et seq.

PRIVILEGED INFORMATION

Confidential or Privileged Information, generally, this index.

PRIVILEGES AND IMMUNITIES

Adoption of children, mutual consent voluntary registry, 49.023.
 Aged persons, abuse reports, 48.039.
 Handicapped persons, abuse reports, 48.039.

PROBATION

Parole and Probation, generally, this index.

PROCEEDINGS

Actions and Proceedings, generally, this index.

PRODUCTS

Handicapped persons, purchases, 122.001 et seq.

PROGRAM

Defined, blind persons vocational rehabilitation, 91.051.

PROSTHETIC APPLIANCE

Defined, blind persons vocational rehabilitation, 91.051.

PROTECTIVE FOSTER CARE

Foster Care, generally, this index.

PROTECTIVE SERVICES

Aged persons, 48.001 et seq.
 Children and minors. Child Welfare and Protective Services, generally, this index.
 Defined, aged persons, 48.002.

PROTECTIVE SERVICES—Cont'd

Handicapped persons, protective services, 48.001 et seq.

PROTECTIVE SERVICES AGENCY

Defined, aged persons, 48.002.

PROVIDER

Defined, council on disabilities, 132.001.

PROVISIONAL LICENSES

Child-care facilities and agencies, 42.051.

PSYCHIATRISTS AND PSYCHIATRY

Aged persons, protective services, 48.001 et seq.
 Handicapped persons, protective services, 48.001 et seq.

PUBLIC FACILITIES

Defined, handicapped persons, 121.002.
 Handicapped Persons, this index.

PUBLIC POLICY

Blind persons, products and services, purchases, 122.001.
 Children and minors, community programs, 72.001.
 Handicapped persons, products and services, purchases, 122.001.
 Temporary emergency relief program, 34.001 et seq.

PUBLIC SCHOOLS

Schools and School Districts, generally, this index.

PUBLIC UTILITIES

Emergency relief program, 34.001 et seq.

PUBLISH

Defined, retirement facility disclosure statements, 102.001.

PURCHASES

Handicapped persons, products and services, 122.001 et seq.

PYOTE CHILDRENS HOME

Admission, 61.061.

QUALIFICATIONS

Child-care administrators, licenses, 43.004.
 Child-care facilities and agencies, director, designated division, 42.021.
 County child welfare boards, 41.002.
 Probation officers, juvenile probation officers, 75.042.
 State commission for the blind, 91.011.
 Texas commission for the deaf, membership, 81.002.
 Texas rehabilitation commission, 111.013.
 Youth commission, 61.012.

QUORUM

Long term care coordinating council for the elderly, 133.004.
 State commission for the blind, 91.011.
 Texas commission for the deaf, 81.005.

INDEX

144

References are to Sections

QUORUM—Cont'd

Youth commission, 61.014.

RATES AND CHARGES

Blind and severely disabled persons, purchases of products and services, fair market value determination, 122.012.

Medical assistance program, restrictions, 32.028.

Nutritional assistance programs, handling charges, 33.006.

RECIPROCAL AGREEMENTS

Handicapped persons, rehabilitation services, 111.052.

Social work practitioners, certification, 50.032.

RECORDED MATERIALS

Blind persons, central media depository, 91.083.

RECORDS AND RECORDATION

Aged persons,

Confidential records, 102.003.

Protective services, 48.083.

Child support collection, confidential or privileged information, 46.006.

Child-Care Facilities and Agencies, this index.

Handicapped persons,

Criminal history record information, rehabilitation services, 111.058.

Protective services, 48.083.

Juvenile boards, 75.044.

Purchases of products and services of blind and severely disabled persons committee, 122.006.

Support, child support collection, confidential or privileged information, 46.006.

RECREATION AND RECREATIONAL FACILITIES

Deaf students, outdoor programs, 81.013.

REFERRAL SERVICES

Deaf and mute persons, 81.006.

Early childhood intervention services, 73.009.

REGISTERED FAMILY HOME

Defined, child-care facilities and agencies, 42.002.

REGISTRATION

Blind persons, registry of blind and visually handicapped persons, 91.026.

Child-care facilities and agencies, state operated, 42.052.

Employment Incentive Act, aid to families with dependent children, financial assistance, 31.009.

Interpreters, deaf and dumb persons, registry, 81.006.

REGISTRY

Adoption of Children, this index.

REHABILITATION

Blind Persons, this index.

Handicapped Persons, this index.

REHABILITATION COMMISSION

Defined, blind persons, vending facilities operated by, 94.001.

RELATIVES

Dependent child residing with, assistance or aid, 31.005.

RELEASE

Delinquent children, state institutions or facilities, 61.081 et seq.

RELIGION

Aged persons, protective services, objection, 48.084.

Handicapped persons, protective services, objections, 48.084.

RELIGIOUS ORGANIZATIONS

Aged persons, right to participate, 102.003.

Child-care facilities and agencies, exemptions, 42.041.

Defined, child-care facilities, 42.002.

REMOVAL FROM OFFICE

Purchases of products and services of blind and severely disabled persons, committee on, 122.002.

Social work certification council, 50.004.

RENEWAL

Blind persons, vending facility licenses, 94.006.

Child-care administrators, licenses, 43.009.

REPORTS

Adoption of children, voluntary registries, contents, 49.003.

Aged persons, abuse or exploitation, 48.036 et seq., 48.057.

Blind persons, state commission for the blind, 91.031.

Child-care facilities and agencies, division annual reports, 42.023.

Delinquent Children, this index.

Family violence shelters, 51.006.

Handicapped persons, rehabilitation services, 111.021.

Human resources, department of, commissioner, 21.011.

Interagency council on early childhood intervention services, 73.014.

Juvenile boards, 75.044.

State aid, 75.066.

Purchases of products and services of blind and severely disabled persons, committee on, 122.018.

Social work practitioners, certification, 50.007.

Temporary emergency relief programs, 34.008.

Texas rehabilitation commission, 111.021.

Youth commission, 61.033.

RESEARCH

Developmentally disabled persons, encouragement and support, 112.020.

RESEARCH AND DEMONSTRATION PROJECTS

Human resources, department of, 22.003.

RESIDENCE

Domicile and Residence, generally, this index.

RESIDENTIAL FACILITIES

Developmentally disabled persons, rights of patients, 112.032.

RESPIRE CARE

Handicapped persons, 81.012.

RESTRAINT

Developmentally disabled persons, rights of patient, 112.032.

RETAIL SALES

Sales, generally, this index.

REVOCAION

Blind persons, vending facility licenses, 94.006.

Child-care administrators, licenses, 43.010.

Social work practitioners, certification, 50.021.

REVOLVING FUNDS

Nutritional assistance programs, 33.009.

ROSTER

Social work practitioners, certification, 50.008.

RULES AND REGULATIONS

Adult day care, 103.004.

See specific index headings.

SAFETY

Developmentally disabled persons, institutional and residential care, safety standard compliance rights of patients, 112.032.

SALARIES

Compensation and Salaries, generally, this index.

SALES

Acceptance, retirement facilities, 102.002.

Blind persons, products and services, purchases, 122.001 et seq.

Defined, retirement facility disclosure statements, 102.001.

Handicapped persons, products and services, purchases, 122.001 et seq.

Nutritional assistance programs, used commodity containers, 33.008.

Retirement facilities, disclosure statements, 102.001 et seq.

SALESROOMS AND WORKSHOPS

Blind persons, 91.024.

INDEX

References are to Sections

SCHOOLS AND SCHOOL DISTRICTS

Deaf students, outdoor recreational programs, 81.013.
 Delinquent children, parental schools, 62.001, 62.002.
 Industrial schools, blind persons, operation of, 91.024.

SEGREGATION

Delinquent children, classification needs, treatment and training facilities, establishment, 61.040.

SELF-SUFFICIENCY PROGRAMS

Handicapped persons, 81.012.

SENDING AGENCY

Interstate Placement of Children, this index.

SENIOR CITIZENS

Aged Persons, generally, this index.

SHELTER CENTER

Defined, family violence, 51.002.

SHELTERED WORKSHOP

Defined, handicapped persons, rehabilitation, 111.002.

SHELTERS

Emergency relief, 34.001 et seq.
 Family violence, 51.001 et seq.

SIGNATURES

Retirement facility disclosure statements, 102.005.

SOCIAL SECURITY

Human resources, department of, administration, 22.002.

SOCIAL WORK ASSOCIATE

Defined, certification, 50.001.

SOCIAL WORK CERTIFICATION COUNCIL

Generally, 50.004.

SOCIAL WORK PRACTITIONERS

Certificates and certification, 50.001 et seq.

SOCIAL WORK SERVICES

Defined, practitioners, 50.001.

SOCIAL WORKERS

Certificates and certification, probation, 50.021.

Defined, certification, 50.001.

SOCIAL WORKERS FUND

Generally, 50.005.

SOLICITATION

Assistance, human resources, department of, 12.001.

SPECIALTY WORK SERVICES

Social work practitioners, 50.024 et seq.

SPECIFICATIONS

Plans and Specifications, generally, this index.

SPEECH THERAPY

Early childhood intervention services, interagency council on, 73.001 et seq.

SPOUSE

Family violence shelters, 51.001 et seq.

STAMPS

Food Stamps, generally, this index.

STANDARDS

Juvenile boards, 75.041 et seq.
 Medical assistance program, 32.024.
 Parole and probation, juveniles, 75.041 et seq.
 Social work practitioners, 50.006.

STATE AGENCIES

Blind persons, products and services, purchases, 122.001 et seq.
 Deaf and mute persons, telecommunication devices, 81.011.
 Developmental disabilities, administering agency, 112.018.
 Handicapped persons, products and services, purchases, 122.001 et seq.

STATE AID

Children and minors, community programs, 72.004.
 Defined, juvenile boards, 75.061.
 Developmentally disabled persons, administering agency, 112.018.
 Emergency relief programs, 34.001 et seq.
 Juvenile boards, 75.061 et seq.

STATE BUDGET

Defined, aid to families with dependent children, 31.051.

STATE COMMISSION FOR THE BLIND

Blind Persons, this index.

STATE HOMES

Children and minors, admission, 61.061.

STATE INSTITUTIONS

Institutions, generally, this index.

STATE PROPERTY

Defined, blind persons, vending facilities operated by, 94.001.

STATE TREASURY

Human resources, department of, funds, 22.005.
 Medical assistance fund, 32.030.
 Youth commission fund, 61.043.

STATUTORY CONSTRUCTION

Generally, 1.002.
 Handicapped persons, 121.009.
 Human resources, department of, 11.002.
 Medical assistance program, 32.002.

STUDIES

Aged persons, productive and independent lives, 101.022.
 Delinquent children, parole and probation, 75.048.

SUBDIVISIONS

Political Subdivisions, generally, this index.

SUBROGATION

Handicapped persons, cost of rehabilitative services, 111.059.
 Medical assistance program, recipients right to recovery, 32.033.

SUBSTANTIAL HANDICAP TO EMPLOYMENT

Defined, handicapped persons, rehabilitation, 111.002.

SUITABLE EMPLOYMENT

Defined, community senior citizens employment programs, 101.023.

SUNSET ACT

Aging department, 101.002.
 Disabilities council, application of law, 132.006.
 Health and human services coordinating council, application of law, 131.008.
 Human resources, department of, application, 21.002.
 Long-term care coordinating council for the elderly, application of law, 133.006.
 Purchases of products and services of blind and severely disabled persons, application of law, 122.003.
 State commission for the blind, application of, 91.001.
 Texas commission for the deaf, application of, 81.004.
 Texas rehabilitation commission, application of, 111.012.
 Youth commission, review, 61.020.

SUPPORT

Child Support Collection, generally, this index.
 Interstate placement of children, sending agencies financial responsibility, 45.003.

SURVEYS

Handicapped persons, self-sufficiency and independent living programs, 81.012.

SUSPENSION

Revocation, generally, this index.

TAXATION

Detention homes and parental schools, special tax levy, election, 62.001.

TELECOMMUNICATION DEVICES

Deaf and mute persons, state agencies, 81.011.

INDEX

146

References are to Sections

TEMPORARY EMERGENCY RELIEF FUND

Generally, 34.003.

TEMPORARY EMERGENCY RELIEF PROGRAMS

Generally, 34.001 et seq.
Definitions, 34.002.

TERMS OF OFFICE

Aged persons, citizens advisory council, 101.005.
Aging board, 101.001.
Child-care administrators, advisory council, 43.002.
Child-care facilities and agencies, state advisory committee, 42.022.
Council on disabilities, 132.003.
Developmental disabilities planning council, 112.013.
Human resources, board of, 21.003.
Interagency council on early childhood intervention services, 73.002.
Juvenile probation, 75.023.
Long term care coordinating council for the elderly, 133.003.
Social work certification council, 50.004.
State commission for the blind, 91.011.
Technical advisory council for planning and operations,
Deaf persons, 81.010.
Texas, commission for the deaf, 81.003.
Youth commission, 61.012.

TESTS AND TESTING

Handicapped persons, job positions or educational level, 121.010.

TEXAS COMMISSION FOR THE DEAF

Deaf and Mute Persons, this index.

TEXAS REHABILITATION COMMISSION

Handicapped Persons, this index.

TIME

Blind persons, vending facility licenses, expiration, 94.006.
Child-care administrators, appeals, license denial or revocation, 43.011.
Child-care facilities and agencies,
Appeals, license denials or revocation, 42.072.

TRADE ASSOCIATIONS

Social work certification council, conflict of interest, 50.004.

TRAFFIC RULES AND REGULATIONS

Blind persons, pedestrians, 121.007.

TRAINING

Aged persons, 101.022.
Deaf and Mute Persons, this index.
Developmentally disabled persons, support personnel, encouragement of training, 112.020.

TRAINING—Cont'd

Early childhood intervention services, interagency council on, 73.001 et seq.
Probation officers, juvenile probation officers, 75.043.

TRAINING FACILITIES

Delinquent children, 61.040.

TRANSFERS

Aged persons, care facilities, rights of patients, 102.003.

TRANSPORTATION

Adult day care, elderly or handicapped persons, 103.004.
Aged persons, adult day care, contracts, 103.004.
Aid to families with dependent children, job training or work experience program, payments, 31.067.
Delinquent children, release from institutions and facilities, 61.082.
Handicapped persons, adult day care, contracts, 103.004.

TRAVELING EXPENSES

Aged persons, citizens advisory council, 101.005.
Aging board, 101.001.
Social work certification council, 50.004.

TREATMENT

Delinquent Children, this index.

TUBERCULOSIS

Child-care facilities and agencies, testing, 42.043.

UNEMPLOYMENT COMPENSATION

Job training program, 31.061 et seq.
Work experience program, 31.061 et seq.

VACANCIES IN OFFICE

Developmental disabilities planning council, 112.014.

VENDING FACILITIES

Blind Persons, this index.

VENDING MACHINES

Licenses and permits, exemption, state buildings and parking garages, leases to private parties, 94.002.

VERIFICATION

Retirement facility disclosure statements, 102.005.

VESTED RIGHTS

Aid to families with dependent children, 31.041.

VICTIM OF FAMILY VIOLENCE

Defined, shelters, 51.002.

VIOLENCE

Family shelters, 51.001 et seq.

VISITORS

Aged persons, care facilities, right to receive visitors, 102.003.
Developmentally disabled persons, institutional or residential care, rights of patients, 112.032.

VISUAL HANDICAP

Defined, state commission for the blind, 91.002.

VISUALLY HANDICAPPED PERSONS

Blind Persons, generally, this index.

VOCATIONAL REHABILITATION

Blind Persons, this index.
Handicapped Persons, this index.

VOCATIONAL REHABILITATION PROGRAM

Defined, handicapped persons, 111.002.

WACO STATE HOME

Admission, 61.061.

WAIVER

Child-care facilities and agencies, minimum standards, 42.042.

WARRANTS FOR PAYMENT OF MONEY

Social workers fund, 50.005.

WEARING APPAREL

Emergency relief programs, 34.001 et seq.

WEST TEXAS CHILDRENS HOME AT PYOTE

Admission, 61.061.

WHITE CANES

Blind Persons, this index.

WORDS AND PHRASES

Abuse, aged persons, 48.002.
Administering agency, developmentally disabled persons, 112.001.
Administrator, adoption registry, 49.002.
Adoptee, adoption registry, 49.002.
Adoption, registry, 49.002.
Adoption agency, registry, 49.002.
Adoptive parent, registry, 49.002.
Adult day care facility, 103.003.
Adult day health care facility, 103.003.
Advisory council, juvenile probation, 75.002.
Social work practitioners, 50.001.
Agency, blind persons, vending facilities operated by, 94.001.
Agency home, child-care facilities, and agencies, 42.002.
Alternate care, rights of aged persons, 102.001.
Applicant, temporary emergency relief programs, 34.002.
Appropriate authority and the receiving state, interstate compact on the placement of children, 45.022.

INDEX

References are to Sections

WORDS AND PHRASES—Cont'd

Appropriate public authorities, interstate compact on the placement of children, 45.022.

Assistance, human resources, department of, 11.001.

Authorized agency, adoption registry, 49.002.

Biological parents, adoption registry, 49.002.

Biological siblings, adoption registry, 49.002.

Birth parent, adoption registry, 49.002.

Blind, state commission for the blind, 91.002.

Blind disabled individual, vocational rehabilitation, 91.051.

Blind person, vending facilities operated by, 94.001.

Board,
Human resources, department of, 11.001.
Social work practitioners, 50.001.

Care, retirement facility disclosure statements, 102.001.

Central registry, adoption, 49.002.

Certified social work, 50.001.

Chairman, youth commission, 61.001.

Child,
Care facilities, 42.002.
Interstate compact on placement of children, 45.021.
Interstate placement of children, 45.001.

Child-care administrators, 43.001.

Child-care facility, 42.002.
Interstate Placement of Children, 45.001.

Child-care institution,
Administrators, 43.001.
Facilities and placement agencies, 42.002.

Child-placing agency, 42.002.

Commission,
Blind persons, 91.002.
Vending facilities operated by, 94.001.
Handicapped persons, 111.002.
Juvenile probation, 75.002.
Texas commission for the deaf, 81.001.
Youth commission, 61.001.

Commissioner,
Handicapped persons, 111.002.
Human resources, department of, 111.001.

Compact, interstate compact on the placement of children, 45.022.

Construct, handicapped persons, rehabilitation, facilities, 111.002.

Consumer, long term care coordinating council for the elderly, 133.001.

Convalescent and nursing homes, rights of aged persons, 102.001.

Council,
Developmentally disabled persons, 112.001.

WORDS AND PHRASES—Cont'd

Council—Cont'd
Interagency council on early childhood intervention services, 73.001.
Social work practitioners, 50.001.

Court, youth commission, 61.001.

Day care center, child-care facilities and agencies, 42.002.

Delinquent child, youth commission, 61.001.

Department,
Adult day care, 103.003.
Aged persons, 48.002.
Human resources, department of, 11.001.
Retirement facility disclosure statements, 102.001.
Social work practitioners, 50.001.

Dependent child, aid to families with dependent children, 31.002.

Developmental disability, 112.001.

Developmentally delayed child, interagency council on early childhood intervention services, 73.001.

Director,
Children and minors, 72.002.
Juvenile probation, 75.002.
Vocational rehabilitation of the blind, 91.051.

Disabled individual, vocational rehabilitation of the blind, 91.051.

Disabled person, protective services, 48.002.

Division, child-care facilities and agencies, 42.002.

Dog guide, handicapped persons, 121.002.

Elderly individual, rights of aged persons, 102.001.

Elderly persons,
Adult day care, 103.003.
Protective services, 48.002.

Employee in the criminal or juvenile justice system, probation, 75.002.

Employment handicap, vocational rehabilitation of the blind, 91.051.

Entrance fee, retirement facility disclosure statements, 102.001.

Establishment of a rehabilitation facility, handicapped persons, 111.002.

Establishment of a workshop, handicapped persons, rehabilitation, 111.002.

Executive director, youth commission, 61.001.

Executive head, interstate compact on the placement of children, 45.022.

Exploitation, aged persons, 48.002.

Extended community residence, handicapped persons, rehabilitation, 111.002.

Extended rehabilitation services, handicapped persons, 111.002.

Extended sheltered workshop employment, handicapped persons, rehabilitation, 111.002.

WORDS AND PHRASES—Cont'd

Facilities,
Child-care facilities and agencies, 42.002.
Retirement facility disclosure statements, 102.001.

Family day home, child-care facilities and agencies, 42.002.

Financial assistance, human resources, department of, 111.001.

Foster family home, child-care facilities and agencies, 42.002.

Foster group home, child-care facilities and agencies, 42.002.

Group day-care home, child-care facilities and agencies, 42.002.

Handicapped, blind persons, vending facilities operated by, 94.001.

Handicapped individual, rehabilitation, 111.002.

Handicapped person, 121.002.
Adult day care, 103.003.

Hard-to-place child, adoption services, 47.001.

Home health services, rights of aged persons, 102.001.

Housing accommodations, handicapped persons, 121.002.

Juvenile board, probation, 75.002.

Life interest, retirement disclosure statements, 102.001.

Long term care, coordinating council for the elderly, 133.001.

Long term lease, retirement disclosure statements, 102.001.

Maintenance, vocational rehabilitation of the blind, 91.051.

Medical assistance, 32.003.
Human resources, department of, 11.001.

Member, retirement facility disclosure statements, 102.001.

Neglect, aged persons, 48.002.

Nonprofit organization, temporary emergency relief programs, 34.002.

Occupational license, vocational rehabilitation of the blind, 91.051.

Offer, retirement facility disclosure statements, 102.001.

Person,
Adult day care, 103.003.
Retirement facility disclosure statements, 102.001.

Person providing services, rights of aged persons, 102.001.

Physical restoration, vocational rehabilitation of the blind, 91.051.

Placement, interstate placement of children, 45.001, 45.021.

Program,
Temporary emergency relief, 34.002.
Vocational rehabilitation of the blind, 91.051.

Prosthetic appliance, vocational rehabilitation of the blind, 91.051.

Protective services, aged persons, 48.002.

INDEX

148

References are to Sections

WORDS AND PHRASES—Cont'd

Protective services agency, aged persons, 48.002.
Provider, council on disabilities, 132.001.
Public facilities, handicapped persons, 121.002.
Publish, retirement facility disclosure statements, 102.001.
Putative father, adoption registry, 49.002.
Receiving state, interstate compact on the placement of children, 45.021.
Registered family home, child-care facilities and agencies, 42.002.
Registry, adoption, 49.002.
Rehabilitation commission, blind persons, vending facilities operated by, 94.001.
Rehabilitation services, handicapped persons, 111.002.
Rehabilitation training, blind persons, 91.051.
Religious organization, child-care facilities, 42.002.
Rule, vocational rehabilitation of the blind, 91.051.
Sales, retirement facility disclosure statements, 102.001.
Sending agency, interstate placement of children, 45.001, 45.021.
Shelter center, family violence, 51.002.
Sheltered workshop, handicapped persons, rehabilitation, 111.002.
Siblings, adoption registry, 49.002.
Social work associate, certification, 50.001.
Social work services, practitioners, 50.001.
Social workers, certification, 50.001.
State aid, juvenile boards, 75.061.
State budget, aid to families with dependent children, 31.051.
State of Texas, child-care facilities and agencies, 42.002.

WORDS AND PHRASES—Cont'd

State property, blind persons, vending facilities operated by, 94.001.
Substantial handicap to employment, rehabilitation, 111.002.
Suitable employment, community senior citizens employment programs, 101.023.
Vending facility, blind persons, 94.001.
Victim of family violence, shelters, 51.002.
Visual handicap, state commission for the blind, 91.002.
Visually handicapped child, state commission for the blind, 91.002.
Vocational rehabilitation, blind persons, 91.051.
Vocational rehabilitation program, handicapped persons, 111.002.
White cane, handicapped persons, 121.002.

WORK EXPERIENCE PROGRAM

Aid to families with dependent children, 31.061 et seq.

WORKSHOPS AND SALESROOMS

Blind persons, 91.024.

YOUTH COMMISSION

Generally, 61.001 et seq.
Administration, 61.011 et seq.
Institutions, 61.032.
Agents and agencies,
 Cooperation with, 61.036.
 Use of existing institutions, and agencies, 61.037.
Appointments, 61.012.
Bonds (officers and fiduciaries), superintendents, 61.018.
Budget, 61.044.
Compensation and salaries, 61.015.
Definitions, 61.001.
Delegation, powers and duties, 61.019.

YOUTH COMMISSION—Cont'd

Directors,
 Executive director, 61.017.
 Powers and duties, 61.044.
Duration, Sunset Act, 61.020.
Expenses and expenditures, reimbursement, 61.015.
Funds, youth commission fund, 61.043.
Gifts and grants, authorization to accept, 61.043.
Institutions and facilities, administration, 61.032.
Meetings, 61.013.
Membership, 61.012.
Office building, location, 61.016.
Officers and employees, 61.035.
 Executive director, 61.017.
 Superintendent, 61.018.
Parole supervision, 61.040.
Per diem, 61.015.
Policies, adoption, 61.034.
Powers, 61.031 et seq.
 Delegation, 61.019.
 Executive director, 61.044.
 Superintendents, 61.045.
Presiding officers, 61.013.
Programs, state-wide plan, 61.039.
Purpose, 61.002.
Qualifications, members, 61.012.
Quorum, 61.014.
Recommendations, 61.033.
Records, statistical records, 61.041.
Reports, 61.033.
Rules and regulations, adoption, 61.034.
Services, state-wide plan, 61.039.
State-wide plan, programs and services, 61.039.
Statistical records, 61.041.
Studies,
 Juvenile delinquency, 61.031.
 Treatment methods, 61.041.
Sunset Act, review, 61.020.
Superintendents, 61.018.
 Powers and duties, 61.045.
Terms of office, 61.012.