

By: Gervin-Hawkins

H.B. No. 31

A BILL TO BE ENTITLED

AN ACT

relating to an external audit of abuse or neglect investigations conducted by the Department of Family and Protective Services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter D, Chapter 261, Family Code, is amended by adding Section 261.3092 to read as follows:

Sec. 261.3092. EXTERNAL AUDIT OF DEPARTMENT ABUSE OR NEGLECT INVESTIGATIONS. (a) If in any year the number of filed complaints relating to abuse or neglect investigations the department conducts equals or exceeds 15 percent of the total number of investigations the department conducts during that year, the department shall select an external auditor to conduct an audit of the department's investigative procedures. The external auditor shall be independent and is not subject to direction from the department.

(b) An audit conducted under Subsection (a) must:

(1) determine the number of abuse or neglect reports the department received during four randomly selected months of the one-year period immediately preceding the audit, and the number of abuse or neglect reports for which the department conducted an investigation;

(2) determine, if the department did not conduct an investigation in response to a report of abuse or neglect, the reason for the department's decision not to conduct an

1 investigation in response to the report;

2 (3) assess any deficiencies in the department's
3 response to reports of abuse or neglect, including failure to
4 conduct an investigation when an investigation was warranted;

5 (4) assess the department's compliance with reporting
6 and investigation procedures for reports of abuse or neglect;

7 (5) make recommendations regarding any necessary
8 revisions to the department's reporting and investigation
9 procedures for reports of abuse or neglect, including revisions
10 necessary to correct deficiencies in the department's response to
11 reports of abuse or neglect; and

12 (6) make recommendations regarding any other changes
13 for the department to implement, including workforce or
14 organizational improvements or additional training.

15 (c) The department shall pay the costs associated with an
16 audit conducted under this section using existing resources.

17 (d) The auditor shall submit an audit report containing the
18 information described by Subsection (b) to the department, the
19 legislature, and the governor.

20 (e) The department shall develop a plan to address all
21 concerns identified in the audit report and implement all
22 recommendations from the audit report not later than the 90th day
23 after the date the audit report is submitted to the department under
24 Subsection (d).

25 (f) If the audit report indicates any individual department
26 employee received complaints in 30 percent or more of the audited
27 investigations the employee conducted, the department shall

1 conduct an employment review to investigate the validity of the
2 complaints.

3 (g) If the legislature or the governor determines the
4 department failed to address the concerns identified in the audit
5 report and implement the recommendations of the audit report before
6 the end of the 15th working day after the date the department
7 develops the plan under Subsection (e), the department not later
8 than the 30th day after the date the legislature or the governor
9 makes the determination shall:

10 (1) engage the same auditor to conduct an additional
11 audit under this section; or

12 (2) if the same auditor is unable to perform the audit,
13 select another external auditor to conduct the additional audit.

14 SECTION 2. This Act takes effect on the 91st day after the
15 last day of the legislative session.