

By: Swanson

H.B. No. 63

A BILL TO BE ENTITLED

AN ACT

relating to reports of child abuse or neglect and certain preliminary investigations of those reports.

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

SECTION 1. Section 261.104, Family Code, is amended to read as follows:

Sec. 261.104. CONTENTS OF REPORT; NOTICE. (a) The individual [~~person~~] making a report shall identify, if known:

(1) the name and address of the child;

(2) the name and address of the person responsible for the care, custody, or welfare of the child; [~~and~~]

(3) the facts that caused the individual to believe the child has been abused or neglected and the source of the information;

(4) the individual's name and telephone number;

(5) the individual's:

(A) home address; or

(B) if the individual is a professional as defined by Section 261.101(b), the individual's business address and profession; and

(6) any other pertinent information concerning the alleged or suspected abuse or neglect.

(b) If the individual making a report of child abuse or neglect uses the toll-free telephone number the department operates

1 for reporting child abuse or neglect and the individual is
2 unwilling to provide the information described by Subsection
3 (a)(4), the department representative receiving the report shall
4 notify the individual that:

5 (1) the department is not authorized to accept an
6 anonymous report of abuse or neglect;

7 (2) the individual may report the abuse or neglect by
8 calling 9-1-1 or making a report to any local or state law
9 enforcement agency; and

10 (3) the identity of an individual making a report
11 under this subchapter is confidential and may be disclosed only:

12 (A) as provided by Section 261.201; or

13 (B) to a law enforcement officer for the purposes
14 of conducting a criminal investigation of the report.

15 (c) The department representative or other person receiving
16 a report of child abuse or neglect shall use the person's best
17 efforts to obtain the information described by Subsection (a).

18 (d) If a report of abuse or neglect is made orally, the
19 department representative or other person receiving the report
20 shall:

21 (1) notify the individual making the report that:

22 (A) the report is being recorded; and

23 (B) making a false report is a criminal offense
24 under Section 261.107 punishable as a state jail felony or a third
25 degree felony; and

26 (2) make an audio recording of the report.

27 SECTION 2. Section 261.304, Family Code, is amended to read

1 as follows:

2 Sec. 261.304. PRELIMINARY INVESTIGATION OF ANONYMOUS
3 REPORT. (a) If an individual makes [~~the department receives~~] an
4 anonymous report of child abuse or neglect by a person responsible
5 for a child's care, custody, or welfare to a 9-1-1 service or a
6 local or state law enforcement agency and the service or agency
7 refers the report to the department, the department shall conduct a
8 preliminary investigation to determine whether there is any
9 evidence to corroborate the report. A law enforcement officer may
10 not accompany the department representative on a visit to the
11 child's home during any preliminary investigation conducted under
12 this section.

13 (b) A preliminary [~~An~~] investigation conducted under this
14 section may include:

15 (1) a visit to the child's home, unless the alleged
16 abuse or neglect is [~~can be~~] confirmed or clearly ruled out without
17 a home visit;

18 (2) [~~r~~] an interview with and examination of the
19 child;

20 (3) [~~r, and~~] an interview with the child's parents; and

21 (4) an [~~. In addition, the department may~~] interview
22 with any other person the department believes may have relevant
23 information, if the person voluntarily consents to the interview
24 without any coercion or undue influence.

25 **(b-1) When conducting a preliminary investigation under**
26 **this section, the department representative may not:**

27 (1) enter the child's home without the homeowner's

1 consent;

2 (2) interview the child or the child's parents or
3 examine the child unless the representative obtains written consent
4 for the interview or examination from the child's parents; or

5 (3) threaten or coerce a parent to consent to an
6 interview or examination under this section, including by notifying
7 the parents that law enforcement will be called if the parents fail
8 to cooperate with the investigation.

9 (b-2) When interviewing or examining a child under this
10 section, the department representative may not separate the child
11 from the child's parents. An examination of a child under this
12 section may only be visual. The representative may not touch or
13 disrobe the child when conducting the examination.

14 (c) Unless the department determines that there is
15 sufficient ~~[some]~~ evidence to corroborate the report of abuse, the
16 department may not conduct the thorough investigation required by
17 this chapter or take any action against the person accused of abuse.

18 SECTION 3. This Act takes effect September 1, 2023.