

By: Gervin-Hawkins

H.B. No. 4163

A BILL TO BE ENTITLED

1 AN ACT

2 relating to an external audit of investigations conducted by the
3 Department of Family and Protective Services; authorizing a civil
4 penalty.

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

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

8 Sec. 261.3092. EXTERNAL AUDIT OF DEPARTMENT
9 INVESTIGATIONS. (a) If the number of complaints filed relating to
10 abuse or neglect investigations conducted by the department
11 annually is equal to 15 percent or more of the total number of
12 investigations conducted by the department during that year, the
13 department shall select an external auditor to conduct an audit of
14 the department's investigative procedures. The external auditor
15 shall be independent and not subject to direction from the
16 department.

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

18 (1) determine the number of reports of abuse or
19 neglect the department received during the 30-day period
20 immediately preceding the audit, and the number of reports of abuse
21 or neglect for which the department conducted an investigation;

22 (2) determine, if the department did not conduct an
23 investigation in response to a report of abuse or neglect, the
24 reason the department did not conduct an investigation in response

1 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 procedures
6 relating to the reporting and investigation of reports of abuse or
7 neglect;

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

13 (6) make recommendations regarding any other changes
14 to be implemented by the department, including workforce or
15 organizational improvements or additional training.

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

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

21 (e) The department shall develop a plan to address all
22 concerns and implement all recommendations from the audit not later
23 than the 90th day after receiving the audit report under Subsection
24 (b).

25 (f) If the legislature or the governor determines the
26 department has failed to address the concerns and implement the
27 recommendations of the audit report under Subsection (b) before the

1 end of the 15th working day after the date the department develops
2 the plan under Subsection (e), the department shall be liable for a
3 penalty of \$500 and must select an external auditor to conduct an
4 additional audit under this section not later than the 30th day
5 after the date the legislature or the governor makes the
6 determination.

7 SECTION 2. This Act takes effect September 1, 2023.