

By: Noble

H.B. No. 140

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the child and adult protective investigations advisory committee in the Department of Family and Protective Services.

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

SECTION 1. Subchapter B, Chapter 40, Human Resources Code, is amended by adding Section 40.031 to read as follows:

Sec. 40.031. CHILD AND ADULT PROTECTIVE INVESTIGATIONS ADVISORY COMMITTEE. (a) The commissioner shall establish an advisory committee on child and adult protective investigations to improve the accuracy and standardization of the application of investigative legal requirements and department investigative policies and procedures during child or adult abuse, neglect, and exploitation investigations. The advisory committee shall advise the department on:

(1) developing policies and procedures to increase the accuracy and consistency of abuse, neglect, and exploitation investigation processes and procedures;

(2) developing a model for conducting investigations that ensures compliance with due process requirements;

(3) developing a consistent engagement model for interacting with legal advocates, courts, and judicial branch procedures;

(4) developing effective training for all

1 investigative employees;

2 (5) increasing compliance with investigation
3 procedures and processes;

4 (6) developing a data-informed model for conducting
5 investigations; and

6 (7) providing a forum for public input on problems or
7 concerns related to investigations.

8 (b) The advisory committee shall:

9 (1) make recommendations for:

10 (A) conducting investigations;

11 (B) overseeing compliance with investigative
12 requirements under state and federal law;

13 (C) developing policies and procedures to
14 protect the due process rights of individuals subject to:

15 (i) adult abuse or neglect investigations;
16 and

17 (ii) child abuse or neglect investigations;
18 and

19 (D) consistently executing policies and
20 procedures across all department jurisdictions regardless of the
21 race, gender, age, and socioeconomic status of the subject of an
22 investigation;

23 (2) identify any challenges or barriers to:

24 (A) the standardization of investigative
25 practices and procedures; and

26 (B) the application and implementation in the
27 field of legal requirements and department investigative policies

1 and procedures in child or adult abuse and neglect investigations;

2 (3) make recommendations to address issues identified
3 under Subdivision (2), including any human resource accountability
4 measures to address those issues; and

5 (4) supervise any external organizations that
6 participate in the investigation processes and make
7 recommendations for legal procedures for the operations of those
8 organizations.

9 (c) The advisory committee is composed of the following 13
10 members:

11 (1) one member from the governor's office, who shall
12 serve as the chair, appointed by the governor;

13 (2) one member from the lieutenant governor's office,
14 who shall serve as the vice chair, appointed by the lieutenant
15 governor;

16 (3) one member from the office of the speaker of the
17 house of representatives appointed by the speaker;

18 (4) one member appointed by the commissioner;

19 (5) the department's deputy commissioner for child
20 protective investigations;

21 (6) a regional director of investigations appointed by
22 the commissioner;

23 (7) at least one child protective investigations
24 supervisor and investigator appointed by the commissioner from each
25 of the following:

26 (A) a rural region; and

27 (B) an urban region;

1 (8) a district judge appointed by the governor;

2 (9) one parent or caregiver, who has been involved in a
3 child protective services legal case, appointed by the
4 commissioner; and

5 (10) three members appointed by the commissioner who
6 are a current or former:

7 (A) county district attorney;

8 (B) attorney assigned to represent caregivers in
9 legal cases involving the department;

10 (C) attorney assigned to represent children in
11 legal cases involving the department;

12 (D) associate judge who hears or has heard child
13 protective services legal cases; or

14 (E) state or local law enforcement officer.

15 (d) In appointing the members of the advisory committee
16 under Subsection (c)(10), the commissioner may select only one
17 person from each group described by Subsection (c)(10)(A)-(E).

18 (e) An individual may not serve on the advisory committee as
19 a member appointed under Subsection (c)(1), (2), (3), (4), (8),
20 (9), or (10) if the individual is:

21 (1) employed by a state agency or contracts with the
22 department, child welfare vendors, or behavioral health providers
23 and organizations contracted with the department or the Health and
24 Human Services Commission, notwithstanding approved department
25 personnel; or

26 (2) related within the third degree of consanguinity
27 of individuals who work at the department or for organizations that

1 contract with the department or hold contracts with vendors of the
2 department, including vendors in community-based care.

3 (f) Members of the advisory committee shall recuse
4 themselves from the committee's deliberation regarding
5 recommendations that directly relate to a case that involves the
6 member.

7 (g) The chair of the advisory committee shall direct the
8 advisory committee and the department shall provide administrative
9 support and resources to the advisory committee as necessary for
10 the advisory committee to perform the advisory committee's duties
11 under this section.

12 (h) The advisory committee shall meet quarterly in Austin or
13 at another location determined by the chair. A meeting of the
14 advisory committee under this section is subject to Chapter 551,
15 Government Code. The advisory committee shall receive public
16 testimony at each public meeting. The department shall stream live
17 video and audio of each advisory committee meeting over the
18 Internet and make available on the department's Internet website
19 archived video and audio of each advisory committee meeting. The
20 department shall maintain the archived video and audio of the
21 meeting on the department's Internet website until the seventh
22 anniversary of the date of the meeting.

23 (i) Not later than August 31st of each year, the advisory
24 committee shall submit a report to the governor, the lieutenant
25 governor, the speaker of the house of representatives, members of
26 the legislature, and the commissioner. The department shall
27 publish the report on the department's Internet website. The

report must include the following information for the state and for each department region:

(1) the number of:

(A) phone calls made to the agency that resulted in an investigation for child or adult abuse or neglect;

(B) completed investigations for child or adult abuse or neglect;

(C) each type of case disposition;

(D) administrative closures;

(E) abbreviated investigations;

(F) children removed from the child's home;

(G) children placed in foster care;

(H) cases in which the child was not removed from the child's home but the family received family-based safety services or family preservation services;

(I) cases per investigator in unspecialized investigative units; and

(J) cases per investigator in specialized investigative units;

(2) the average employment rate for unspecialized investigators and supervisors and specialized investigators and supervisors;

(3) the average amount of time to complete investigations for each level of investigation;

(4) the total number of administrative reviews of investigation findings and the results of those investigations for that year;

1 (5) the number of complaints filed with the office of
2 consumer affairs of the department and the Office of Inspector
3 General;

4 (6) any identified challenges to:

5 (A) the standardization of an investigative
6 training program; and

7 (B) the application and implantation in the field
8 or of legal requirements and department investigative policies and
9 procedures in child or adult abuse and neglect investigations;

10 (7) the committee's recommendations for improving any
11 identified challenges under Subdivision (6), including any human
12 resource accountability measures to address those issues; and

13 (8) recommendations on human resource accountability
14 measures for individuals investigating or supervising the
15 investigation of cases of suspected child or adult abuse or
16 neglect.

17 (j) The advisory committee is abolished and this section
18 expires on September 1, 2029.

19 SECTION 2. This Act takes effect September 1, 2025.