

BILL ANALYSIS

Senate Research Center

C.S.H.B. 1869
By: Baxter (Williams)
Health & Human Services
5/23/2003
Committee Report (Substituted)

DIGEST AND PURPOSE

With the exception of a pilot program in Harris County, current law does not allow courts to accept videoconference testimony from certain professionals in proceedings regarding alleged abuse or neglect of a child. C.S.H.B. 1869 amends Chapter 104 of the Family Code to permit courts to accept videoconference testimony from professionals whose testimony could be important in cases of alleged abuse or neglect of a child.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 104, Family Code, by adding Section 104.007, as follows:

Sec. 104.007. VIDEO TESTIMONY OF CERTAIN PROFESSIONALS. (a) Defines “professional” for the purposes of this section.

(b) Authorizes the court, in a proceeding brought by the Department of Protective and Regulatory Services concerning a child who is alleged in a suit to have been abused or neglected, to order, with the agreement of the state’s counsel and the defendant’s counsel, that the testimony of a professional be taken outside the courtroom by videoconference.

(c) Requires the court, in ordering testimony to be taken as provided by Subsection (b), to ensure that the videoconference testimony allows the parties and attorneys involved in the proceeding to be able to see and hear the professional as the professional testifies and the professional to be able to see and hear the parties and attorneys examining the professional while the professional is testifying.

(d) Prohibits the professional, if the court permits the testimony of a professional by videoconference as provided by this section to be admitted during the proceeding, from being compelled to be physically present in court during the same proceeding to provide the same testimony unless ordered by the court.

SECTION 2. (a) Effective date: September 1, 2003.

(b) Provides that the change in law made by this Act applies to testimony taken on or after the effective date in a proceeding affecting the parent-child relationship involving an allegation of abuse or neglect of a child, regardless of whether:

- (1) the allegation was made before, on, or after the effective date, or
- (2) the suit commenced before, on, or after the effective date.