

BILL ANALYSIS

Senate Research Center

S.B. 1490
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Jurisprudence
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DIGEST AND PURPOSE

Currently, Child Protective Services (CPS) is required to videotape or audiotape an interview with a child alleged to be a victim of physical or sexual abuse unless good cause exists for not audiotaping or videotaping the interview. Choosing not to video or audiotape an interview or to bar a parent from the interview may cause problems for both CPS and a parent who is under investigation. When CPS investigation procedures are called into question, one of the main arguments presented is that CPS conducts its interviews improperly by posing leading questions to the child being interviewed or by misinterpreting the child's responses. In cases in which a child has been removed from the home, a full adversarial hearing may take place as late as 14 days after the child is removed. As proposed, S.B. 1490 requires CPS to videotape or audiotape any interview unless a parent of the child is able to observe the interview or agrees in writing to allow the interview to proceed without being taped. This bill also creates a process to allow a parent to petition a court for expedited hearing after initial removal of a child by the court.

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 Section 261.302(e), Family Code, to require an interview with a child alleged to be a victim of physical abuse or sexual abuse to be audiotaped or videotaped unless the parents of the child are present for the interview or a court of competent jurisdiction, upon a finding of good cause, waives the requirement. Deletes language stating that an investigating agency will be the entity to determine good cause and the considerations that may be included in determining "good cause." Makes a nonsubstantive change.

SECTION 2. Amends Section 261.201(a), Family Code, to authorize the parent, managing conservator, possessory conservator, guardian, caretaker, or custodian entitled to possession of the child to petition the court to hold the hearing on a date earlier than the date set by the court under this subsection.

SECTION 3. (a) Effective date: upon passage or September 1, 2003.

(b) and (c) Make application of this Act prospective.