

By: Baxter, et al.

H.B. No. 1869

Substitute the following for H.B. No. 1869:

By: McCall

C.S.H.B. No. 1869

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the admission of certain video testimony into evidence
3 in a proceeding regarding the abuse or neglect of a child.

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

5 SECTION 1. Chapter 104, Family Code, is amended by adding
6 Section 104.007 to read as follows:

7 Sec. 104.007. VIDEO TESTIMONY OF CERTAIN PROFESSIONALS.

8 (a) In this section, "professional" has the meaning assigned by
9 Section 261.101(b).

10 (b) In a proceeding brought by the Department of Protective
11 and Regulatory Services concerning a child who is alleged in a suit
12 to have been abused or neglected, the court may order that the
13 testimony of a professional be taken outside the courtroom by
14 videoconference.

15 (c) In ordering testimony to be taken as provided by
16 Subsection (b), the court shall ensure that the videoconference
17 testimony allows:

18 (1) the parties and attorneys involved in the
19 proceeding to be able to see and hear the professional as the
20 professional testifies; and

21 (2) the professional to be able to see and hear the
22 parties and attorneys examining the professional while the
23 professional is testifying.

24 (d) If the court permits the testimony of a professional by

1 videoconference as provided by this section to be admitted during
2 the proceeding, the professional may not be compelled to be
3 physically present in court during the same proceeding to provide
4 the same testimony unless ordered by the court.

5 SECTION 2. (a) This Act takes effect September 1, 2003.

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

10 (1) the allegation was made before, on, or after the
11 effective date of this Act; or

12 (2) the suit commenced before, on, or after the
13 effective date of this Act.