

By: Ogden

S.B. No. 1490

A BILL TO BE ENTITLED

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AN ACT

relating to certain investigation requirements and other procedures in connection with an allegation of child abuse or neglect.

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

SECTION 1. Subsection (e), Section 261.302, Family Code, is amended to read as follows:

(e) An interview by an investigating agency, other than the department, with a child alleged to be a victim of physical abuse or sexual abuse shall be audiotaped or videotaped unless the investigating agency determines that good cause exists for not audiotaping or videotaping the interview in accordance with rules of the agency. Good cause may include, but is not limited to, such considerations as the age of the child and the nature and seriousness of the allegations under investigation. An interview by the department with a child alleged to be the victim of physical abuse or sexual abuse shall be audiotaped or videotaped unless a parent of the child observes the interview or agrees in writing that the department may proceed with the interview without taping the interview or a court, on finding good cause, waives the requirement. Nothing in this subsection shall be construed as prohibiting the department or other investigating agency from audiotaping or videotaping an interview of a child on any case for which such audiotaping or videotaping is not required under this

1 subsection. The fact that the department or other investigating  
2 agency failed to audiotape or videotape an interview is admissible  
3 at the trial of the offense that is the subject of the interview.

4 SECTION 2. Subsection (a), Section 262.201, Family Code, is  
5 amended to read as follows:

6 (a) Unless the child has already been returned to the  
7 parent, managing conservator, possessory conservator, guardian,  
8 caretaker, or custodian entitled to possession and the temporary  
9 order, if any, has been dissolved, a full adversary hearing shall be  
10 held not later than the 14th day after the date the child was taken  
11 into possession by the governmental entity. The parent, managing  
12 conservator, possessory conservator, guardian, caretaker, or  
13 custodian entitled to possession of the child may petition the  
14 court to hold the hearing on a date earlier than the date set by the  
15 court under this subsection.

16 SECTION 3. (a) This Act takes effect immediately if it  
17 receives a vote of two-thirds of all the members elected to each  
18 house, as provided by Section 39, Article III, Texas Constitution.  
19 If this Act does not receive the vote necessary for immediate  
20 effect, this Act takes effect September 1, 2003.

21 (b) The change in law made by this Act by the amendment of  
22 Subsection (e), Section 261.302, Family Code, applies only to the  
23 investigation of a report of child abuse or neglect made on or after  
24 the effective date of this Act, without regard to whether the abuse  
25 or neglect occurred before, on, or after that date. The  
26 investigation of a report made before the effective date of this Act  
27 is governed by the law in effect on the date the report was made, and

1 the former law is continued in effect for that purpose.

2 (c) The change in law made by this Act by the amendment of  
3 Subsection (a), Section 262.201, Family Code, applies only to a  
4 hearing with regard to a child taken into possession by a  
5 governmental entity on or after the effective date of this Act. A  
6 hearing with regard to a child taken into possession by a  
7 governmental entity before the effective date of this Act is  
8 governed by the law in effect on the date the child was taken into  
9 possession by the governmental entity, and the former law is  
10 continued in effect for that purpose.