

Amend CSSB 6, in Article 1 of the bill, by adding the following appropriately numbered SECTION and renumbering the SECTIONS in that article accordingly:

SECTION _____. (a) Section 261.302, Family Code, is amended by amending Subsections (a) and (e) and adding Subsections (f), (g), and (h) to read as follows:

(a) The investigation may include:

(1) a visit to the child's home, unless the alleged abuse or neglect can be confirmed or ~~clearly~~ ruled out without a home visit; and

(2) an interview with and examination of the subject child, only if the investigating agency suspects or has reason to suspect the child has been psychologically, emotionally, or sexually abused ~~[which may include a medical, psychological, or psychiatric examination]~~.

(e) An interview with a child conducted by the department or another person under the direction of the department, other than a law enforcement agency investigator, ~~[alleged to be a victim of physical abuse or sexual abuse]~~ shall be audiotaped or videotaped during the investigative stage ~~[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. Nothing in this subsection shall be construed as prohibiting the 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 subsection].~~ The department or other entity shall preserve a recording of each initial telephone call by a person reporting abuse or neglect of a child. The department shall record and preserve all interviews and documents pertaining to an investigation, including original notes. The fact that the investigating agency failed to audiotape or videotape an interview is admissible at the trial of the offense that is the subject of the interview.

(f) Except as provided by Subsection (g), an investigation

that includes an examination of the subject child or any other child in the home as authorized by Subsections (a)(2) and (c) may not include a medical, psychological, or psychiatric examination of the child unless:

(1) the child's parent, conservator, or legal guardian consents in writing to the examination; or

(2) a court orders the examination.

(g) If during the investigation a representative of a law enforcement agency is not present and the department investigator believes that a child needs emergency medical attention before a law enforcement agency representative could arrive, the investigator may call for assistance from emergency medical services personnel, as defined by Section 773.003, Health and Safety Code. Emergency medical services personnel may examine and provide emergency medical services to the child, but the department may not conduct any other medical, psychological, or psychiatric examination of the child, unless the examination is permitted under Subsection (f).

(h) This section may not be construed to limit the authority of a law enforcement agency to perform the agency's duties under any other law.

(b) Section 261.302, Family Code, as amended by this article, applies only to an investigation of an allegation of child abuse or neglect initiated on or after the effective date of this Act. An investigation of an allegation of child abuse or neglect initiated before the effective date of this Act is governed by the law in effect on the date the investigation was initiated, and the former law is continued in effect for that purpose.