

## **BILL ANALYSIS**

C.S.H.B. 2099  
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Juvenile Justice & Family Issues  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

For Child Protective Service' ("CPS") caseworkers, many are juggling as many as 90 cases a month. Additionally, a 10-page checklist is filled out on every case, and by the time an investigation is closed, statements from doctors, nurses and police and other CPS forms, amounts to more than 30 pages per case.

From 1989 to 1999, the Child Protective Service agency adopted a new outlook in investigating abuse. Instead of treating each abuse case as a single, isolated event, investigators were asked to go deeper in their interviews to search for clues that could help them predict whether the child would be abused again. This series of changes beginning in 1989, in the way that CPS investigates child abuse brought an avalanche of paperwork, and increasingly dangerous and more time consuming cases. And though this was a more thorough way to investigate abuse, it also increased the caseload for many investigators being burdened by long work hours and a high turnover rate.

Under current Texas law, CPS is required to make a prompt and thorough investigation of a report of child abuse or neglect allegedly committed by a person responsible for a child's care, custody or welfare, however, this broad requirement leaves little room for investigators to dismiss calls that appear to be unfounded from the start. A parent-child disagreement over curfew would get the same level of response as a call about the sexual abuse of an infant. Texas law also requires CPS to investigate abuse or neglect by a teacher or other people in school settings, however these referrals are often referred to the police or the school district to handle as well.

C.S.H.B.2099 would provide better screening of abuse calls, by requiring an expedited response to children 12 and under, and prioritization of those phone calls for cases involving children older than 12. This bill would also allow law enforcement agencies to investigate abuse or neglect cases in school settings, consequently reducing or eliminating unnecessary visits of caseworkers to schools.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Department of Family and Protective Services in SECTION 1, Section 261.301(d), Family Code of this bill.

### **ANALYSIS**

**SECTION 1.** Amends Section 261.301(a), (d), (f), (g), and (h) of the Family Code by requiring the department or designated agency to make a prompt and thorough investigation of a report of child abuse or neglect. The department is also required to assign priorities and prescribe investigative procedures for investigations based on the severity and immediacy of the alleged harm to the child. The department would be required to respond within 24 hours after a report of abuse and neglect that is assigned the highest priority and within 72 hours after a report of abuse and neglect that is assigned the second highest priority. (f) An investigation of a report to the department that alleges that a child has been or may be the victim of conduct that constitutes a criminal offense that poses an immediate risk of physical or sexual abuse of a child that could result in the death of or serious harm to the child shall be conducted jointly by a peace officer

from the appropriate local law enforcement agency and the department or agency responsible for conducting an investigation.(g) The inability or unwillingness of a local law enforcement agency to conduct a joint investigation under this section does not constitute grounds to prevent or prohibit the department from performing its duties under this subtitle. The department shall document any instance in which a law enforcement agency is unable or unwilling to conduct a joint investigation under this section. (h) The department and the appropriate local law enforcement agency shall conduct an investigation under Subchapter E, as provided by this section and Article 2.27, Code of Criminal Procedure, if the investigation is a report that alleges that a child has been or may be the victim of conduct that constitutes a criminal offense that poses an immediate risk of physical or sexual abuse of a child that could result in the death of or serious harm to the child.

**SECTION 2.** Amends Section 261.406 of the Family Code by allowing the department to forward a report of alleged or suspected abuse or neglect of a child in a public or private school, to a law enforcement agency to perform an investigation. Once the investigation is complete, the law enforcement agency shall forward that agency's written report of the investigation to the Texas Education Agency, the local school board, or the school's governing body, and the school principal or director, unless the principal or director is alleged to have committed the abuse or neglect. On request the agency must provide a copy of the report of investigation to the parent, managing conservator, or legal guardian of a child who is the subject of the investigation and to the person alleged to have committed the abuse or neglect.

**SECTION 3.** Prospective Clause

**SECTION 4.** This Act takes effect September 1, 2006.

#### **EFFECTIVE DATE**

September 1, 2006

#### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.H.B.2099 modifies H.B.2099 by adding a provision that would require the department to respond within 24 hours after a report of abuse and neglect that is assigned the highest priority and within 72 hours after a report of abuse and neglect that is assigned the second highest priority. C.S.H.B.2099 further modifies H.B.2099 by adding subsections (f), (g), and (h), which provides that (f) an investigation of a report to the department that alleges that a child has been or may be the victim of conduct that constitutes a criminal offense that poses an immediate risk of physical or sexual abuse of a child that could result in the death of or serious harm to the child shall be conducted jointly by a peace officer from the appropriate local law enforcement agency and the department or agency responsible for conducting an investigation.(g) The inability or unwillingness of a local law enforcement agency to conduct a joint investigation under this section does not constitute grounds to prevent or prohibit the department from performing its duties under this subtitle. The department shall document any instance in which a law enforcement agency is unable or unwilling to conduct a joint investigation under this section. (h) The department and the appropriate local law enforcement agency shall conduct an investigation under Subchapter E, as provided by this section and Article 2.27, Code of Criminal Procedure, if the investigation is a report that alleges that a child has been or may be the victim of conduct that constitutes a criminal offense that poses an immediate risk of physical or sexual abuse of a child that could result in the death of or serious harm to the child. Finally, C.S.H.B2099 changes the effective date from September 1, 2005 to September 1, 2006.