

By: Dukes

H.B. No. 198

A BILL TO BE ENTITLED

AN ACT

relating to the preliminary investigation of a report of child abuse or neglect.

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

SECTION 1. Subchapter D, Chapter 261, Family Code, is amended by adding Section 261.300 to read as follows:

Sec. 261.300. PRELIMINARY INVESTIGATION. (a) The department or designated agency shall conduct a preliminary investigation of a report of child abuse or neglect allegedly committed by a person responsible for a child's care, custody, or welfare.

(b) After conducting the preliminary investigation under this section, the department or designated agency shall determine whether there is sufficient evidence of child abuse or neglect to warrant a full investigation under Section 261.301.

(c) The department or designated agency may close an investigation if, after conducting a preliminary investigation under this section, the department or designated agency determines that there is insufficient evidence of child abuse or neglect to warrant a full investigation under Section 261.301.

SECTION 2. Section 261.301(a), Family Code, is amended to read as follows:

(a) Except as provided by Section 261.300(c) ~~[With assistance from the appropriate state or local law enforcement~~

1 ~~agency]~~, the department or designated agency, with assistance from  
2 the appropriate state or local law enforcement agency, shall make a  
3 prompt and thorough investigation of a report of child abuse or  
4 neglect allegedly committed by a person responsible for a child's  
5 care, custody, or welfare. The investigation shall be conducted  
6 without regard to any pending suit affecting the parent-child  
7 relationship.

8         SECTION 3. The change in law made by this Act applies only  
9 to a report of child abuse or neglect made on or after the effective  
10 date of this Act. A report of child abuse or neglect made before the  
11 effective date of this Act is governed by the law in effect on the  
12 date the report was made, and the former law is continued in effect  
13 for that purpose.

14         SECTION 4. This Act takes effect September 1, 2005.