

AN ACT

relating to reports and investigations of child abuse and neglect.

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

SECTION 1. Section 261.103, Family Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Except as provided by Subsections [~~Subsection~~] (b) and (c) and Section 261.405, a report shall be made to:

(1) any local or state law enforcement agency;

(2) the department [~~if the alleged or suspected abuse involves a person responsible for the care, custody, or welfare of the child~~];

(3) the state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred; or

(4) the agency designated by the court to be responsible for the protection of children.

(c) Notwithstanding Subsection (a), a report, other than a report under Subsection (a)(3) or Section 261.405, must be made to the department if the alleged or suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child.

SECTION 2. Section 261.406(b), Family Code, is amended to read as follows:

1 (b) The department shall send a written report of the
2 department's investigation, as appropriate, to the Texas Education
3 Agency, the agency responsible for teacher certification, the local
4 school board or the school's governing body, the superintendent of
5 the school district, and the school principal or director, unless
6 the principal or director is alleged to have committed the abuse or
7 neglect, for appropriate action. On request, the department shall
8 provide a copy of the report of investigation to the parent,
9 managing conservator, or legal guardian of a child who is the
10 subject of the investigation and to the person alleged to have
11 committed the abuse or neglect. The report of investigation shall
12 be edited to protect the identity of the persons who made the report
13 of abuse or neglect. Section 261.201(b) applies to the release of
14 confidential information relating to the investigation of a report
15 of abuse or neglect under this section and to the identity of the
16 person who made the report of abuse or neglect.

17 SECTION 3. (a) The change in law made by this Act to Section
18 261.103, Family Code, applies only to a report of the abuse or
19 neglect of a child that is made on or after the effective date of
20 this Act. A report made before that date is governed by the law in
21 effect at the time the report was made, and the former law is
22 continued in effect for that purpose.

23 (b) The change in law made by this Act to Section 261.406,
24 Family Code, applies only to a report of an investigation by the
25 Department of Family and Protective Services that is prepared on or
26 after the effective date of this Act. A report prepared before the
27 effective date of this Act is governed by the law in effect at the

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1 time the report was completed, and the former law is continued in
2 effect for that purpose.

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

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President of the Senate

Speaker of the House

I certify that H.B. No. 1970 was passed by the House on April 21, 2005, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 1970 was passed by the Senate on May 12, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor