

By: Raymond

H.B. No. 1970

A BILL TO BE ENTITLED

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 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:

(b) The department shall send a written report of the

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

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

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

1 effect for that purpose.

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