

1-1 By: Raymond (Senate Sponsor - Zaffirini) H.B. No. 1970
1-2 (In the Senate - Received from the House April 22, 2005;
1-3 April 25, 2005, read first time and referred to Committee on Health
1-4 and Human Services; May 5, 2005, reported favorably by the
1-5 following vote: Yeas 9, Nays 0; May 5, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to reports and investigations of child abuse and neglect.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 261.103, Family Code, is amended by
1-11 amending Subsection (a) and adding Subsection (c) to read as
1-12 follows:

1-13 (a) Except as provided by Subsections [~~Subsection~~] (b) and
1-14 (c) and Section 261.405, a report shall be made to:

1-15 (1) any local or state law enforcement agency;

1-16 (2) the department [~~if the alleged or suspected abuse~~
1-17 ~~involves a person responsible for the care, custody, or welfare of~~
1-18 ~~the child~~];

1-19 (3) the state agency that operates, licenses,
1-20 certifies, or registers the facility in which the alleged abuse or
1-21 neglect occurred; or

1-22 (4) the agency designated by the court to be
1-23 responsible for the protection of children.

1-24 (c) Notwithstanding Subsection (a), a report, other than a
1-25 report under Subsection (a)(3) or Section 261.405, must be made to
1-26 the department if the alleged or suspected abuse or neglect
1-27 involves a person responsible for the care, custody, or welfare of
1-28 the child.

1-29 SECTION 2. Section 261.406(b), Family Code, is amended to
1-30 read as follows:

1-31 (b) The department shall send a written report of the
1-32 department's investigation, as appropriate, to the Texas Education
1-33 Agency, the agency responsible for teacher certification, the local
1-34 school board or the school's governing body, the superintendent of
1-35 the school district, and the school principal or director, unless
1-36 the principal or director is alleged to have committed the abuse or
1-37 neglect, for appropriate action. On request, the department shall
1-38 provide a copy of the report of investigation to the parent,
1-39 managing conservator, or legal guardian of a child who is the
1-40 subject of the investigation and to the person alleged to have
1-41 committed the abuse or neglect. The report of investigation shall
1-42 be edited to protect the identity of the persons who made the report
1-43 of abuse or neglect. Section 261.201(b) applies to the release of
1-44 confidential information relating to the investigation of a report
1-45 of abuse or neglect under this section and to the identity of the
1-46 person who made the report of abuse or neglect.

1-47 SECTION 3. (a) The change in law made by this Act to Section
1-48 261.103, Family Code, applies only to a report of the abuse or
1-49 neglect of a child that is made on or after the effective date of
1-50 this Act. A report made before that date is governed by the law in
1-51 effect at the time the report was made, and the former law is
1-52 continued in effect for that purpose.

1-53 (b) The change in law made by this Act to Section 261.406,
1-54 Family Code, applies only to a report of an investigation by the
1-55 Department of Family and Protective Services that is prepared on or
1-56 after the effective date of this Act. A report prepared before the
1-57 effective date of this Act is governed by the law in effect at the
1-58 time the report was completed, and the former law is continued in
1-59 effect for that purpose.

1-60 SECTION 4. This Act takes effect September 1, 2005.

1-61 * * * * *