

By: Dutton

H.B. No. 2099

A BILL TO BE ENTITLED

AN ACT

relating to investigations of reports of child abuse and neglect.

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

SECTION 1. Sections 261.301(a), (d), (f), (g), and (h), Family Code, are amended to read as follows:

(a) With assistance from the appropriate state or local law enforcement agency as provided by this section, the department or designated agency shall 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. The investigation shall be conducted without regard to any pending suit affecting the parent-child relationship.

(d) The department shall ~~may~~ by rule assign priorities and prescribe investigative procedures for investigations based on the severity and immediacy of the alleged harm to the child. The rules must 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. The primary purpose of the investigation shall be the protection of the child.

(f) An investigation of a report to the department ~~[that is assigned the highest priority in accordance with department rules adopted under Subsection (d) and]~~ that alleges that a child has been or may be the victim of conduct that constitutes a criminal offense

1 that poses an immediate risk of physical or sexual abuse of a child
2 that could result in the death of or serious harm to the child shall
3 be conducted jointly by a peace officer, as defined by Article 2.12,
4 Code of Criminal Procedure, from the appropriate local law
5 enforcement agency and the department or the agency responsible for
6 conducting an investigation under Subchapter E.

7 (g) The inability or unwillingness of a local law
8 enforcement agency to conduct a joint investigation under this
9 section [~~Subsection (f)~~] does not constitute grounds to prevent or
10 prohibit the department from performing its duties under this
11 subtitle. The department shall document any instance in which a law
12 enforcement agency is unable or unwilling to conduct a joint
13 investigation under this section [~~Subsection (f)~~].

14 (h) The department and the appropriate local law
15 enforcement agency shall conduct an investigation, other than an
16 investigation under Subchapter E, as provided by this section and
17 Article 2.27, Code of Criminal Procedure, if the investigation is
18 of a report [~~of child abuse or neglect that is assigned the highest~~
19 ~~priority in accordance with department rules adopted under~~
20 ~~Subsection (d) and~~] that alleges that a child has been or may be the
21 victim of conduct that constitutes a criminal offense that poses an
22 immediate risk of physical or sexual abuse of a child that could
23 result in the death of or serious harm to the child. Immediately on
24 receipt of a report described by this subsection, the department
25 shall notify the appropriate local law enforcement agency of the
26 report.

27 SECTION 2. Section 261.406, Family Code, is amended to read

1 as follows:

2 Sec. 261.406. INVESTIGATIONS IN SCHOOLS. (a) On receipt of
3 a report of alleged or suspected abuse or neglect of a child in a
4 public or private school under the jurisdiction of the Texas
5 Education Agency, the department shall forward the report to the
6 appropriate law enforcement agency to perform an investigation as
7 provided by this chapter.

8 (b) The law enforcement agency [~~department~~] shall send a
9 written report of the agency's [~~department's~~] investigation, as
10 appropriate, to the Texas Education Agency, the agency responsible
11 for teacher certification, the local school board or the school's
12 governing body, and the school principal or director, unless the
13 principal or director is alleged to have committed the abuse or
14 neglect, for appropriate action. On request, the agency
15 [~~department~~] shall provide a copy of the report of investigation to
16 the parent, managing conservator, or legal guardian of a child who
17 is the subject of the investigation and to the person alleged to
18 have committed the abuse or neglect. The report of investigation
19 shall be edited to protect the identity of the persons who made the
20 report of abuse or neglect. Section 261.201(b) applies to the
21 release of confidential information relating to the investigation
22 of a report of abuse or neglect under this section and to the
23 identity of the person who made the report of abuse or neglect.

24 ~~[(c) Nothing in this section may prevent a law enforcement~~
25 ~~agency from conducting an investigation of a report made under this~~
26 ~~section.~~

27 ~~[(d) The Board of Protective and Regulatory Services shall~~

1 ~~adopt rules necessary to implement this section.]~~

2 SECTION 3. (a) The change in law made by this Act applies
3 only to the investigation of a report of child abuse or neglect made
4 on or after the effective date of this Act. The investigation of a
5 report of child abuse or neglect made before the effective date of
6 this Act is governed by the law in effect on the date the report was
7 made, and the former law is continued in effect for that purpose.

8 (b) The Department of Family and Protective Services shall
9 develop and implement an automated tracking and reporting system
10 that enables the department to track information on initial
11 contacts to monitor compliance with the requirements of Section
12 261.301(d), Family Code, as amended by this Act, relating to the
13 timely response to reports of abuse and neglect.

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