

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) and (d), 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 age of the child and the severity and immediacy of the alleged harm to the child. The primary purpose of the investigation shall be the protection of the child. The rules must require the department to:

(1) immediately respond to a report of abuse or neglect involving a child less than 12 years of age; and

(2) quickly assess and prioritize a report of abuse or neglect involving a child 12 years of age or older.

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

Sec. 261.406. INVESTIGATIONS IN SCHOOLS. (a) On receipt

1 of a report of alleged or suspected abuse or neglect of a child in a
2 public or private school under the jurisdiction of the Texas
3 Education Agency, the department shall forward the report to the
4 appropriate law enforcement agency to perform an investigation as
5 provided by this chapter.

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

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

25 [~~(d) The Board of Protective and Regulatory Services shall~~
26 ~~adopt rules necessary to implement this section.~~]

27 SECTION 3. The change in law made by this Act applies only

1 to a report of the abuse or neglect of a child made on or after the
2 effective date of this Act. A report made before the effective date
3 of this Act is governed by the law in effect at the time the report
4 was made, and the former law is continued in effect for that
5 purpose.

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