

By: Dunnam

H.B. No. 3350

A BILL TO BE ENTITLED

AN ACT

relating to the duty to report child abuse.

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

SECTION 1. Section 261.101, Family Code, is amended by adding Subchapter A to read as follows:

Sec. 261.101. PERSONS REQUIRED TO REPORT; TIME TO REPORT.

(a) A person having cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report as provided by this subchapter.

(b) If a professional has cause to believe that a child has been abused or neglected or may be abused or neglected, or that a child is a victim of an offense under Section 21.11, Penal Code, and the professional has cause to believe that the child has been abused as defined by Section 261.001, the professional shall make a report not later than the 48th hour after the hour the professional first suspects that the child has been or may be abused or neglected or is a victim of an offense under Section 21.11, Penal Code. A professional may not delegate to or rely on another person to make the report. In this subsection, "professional" means an individual who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children.

1 The term includes teachers, nurses, doctors, day-care employees,
2 employees of a clinic or health care facility that provides
3 reproductive services, juvenile probation officers, and juvenile
4 detention or correctional officers.

5 (c) If a professional has cause to believe that the conduct
6 of a person is barred from prosecution under Section 21.11(b),
7 Penal Code, the professional is not required to make a report under
8 Subsections (a) and (b).

9 (d) The requirement to report under this section applies
10 without exception to an individual whose personal communications
11 may otherwise be privileged, including an attorney, a member of the
12 clergy, a medical practitioner, a social worker, a mental health
13 professional, and an employee of a clinic or health care facility
14 that provides reproductive services.

15 (e) [~~(d)~~] Unless waived in writing by the person making the
16 report, the identity of an individual making a report under this
17 chapter is confidential and may be disclosed only:

- 18 (1) as provided by Section 261.201; or
19 (2) to a law enforcement officer for the purposes of
20 conducting a criminal investigation of the report.

21 SECTION 2. EFFECTIVE DATE. This Act takes effect September
22 1, 2005.