

By: Hartnett

H.B. No. 3505

A BILL TO BE ENTITLED

AN ACT

relating to requirements for judicial training on issues regarding family violence, sexual assault, and child abuse and neglect.

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

SECTION 1. The heading to Section 22.110, Government Code, is amended to read as follows:

Sec. 22.110. JUDICIAL INSTRUCTION RELATED TO FAMILY VIOLENCE, SEXUAL ASSAULT, AND CHILD ABUSE AND NEGLECT.

SECTION 2. Section 22.110, Government Code, is amended by amending Subsections (a), (b), (c), and (d) and adding Subsection (d-1) to read as follows:

(a) The court of criminal appeals shall assure that judicial training related to the problems of family violence, sexual assault, and child abuse and neglect is provided.

(b) The court of criminal appeals shall adopt the rules necessary to accomplish the purposes of this section. The rules must require each district judge, judge of a statutory county court, associate judge appointed under Chapter 54 of this code or Chapter 201, Family Code, master, referee, and magistrate to complete at least 10 ~~eight~~ hours of the training within the judge's first term of office or the judicial officer's first four years of service and provide a method for certification of completion of that training. At least two hours of the training must be dedicated to issues related to child abuse and neglect and

1 must cover at least two of the topics described in Subsection (d).
2 At least six hours of the training must be dedicated to the training
3 described by Subsections (d)(5), (6), and (7). The rules must
4 require each judge and judicial officer to complete an additional
5 four [~~three~~] hours of training during each additional term in
6 office or four years of service. At least one hour of the
7 additional training must be dedicated to issues related to child
8 abuse and neglect. The rules must exempt from the training
9 requirement of this subsection each judge or judicial officer who
10 files an affidavit stating that the judge or judicial officer does
11 not hear any cases involving family violence, sexual assault, or
12 child abuse and neglect.

13 (c) In adopting the rules, the court of criminal appeals may
14 consult with the supreme court and with professional groups and
15 associations in the state that have expertise in the subject matter
16 to obtain the recommendations of those groups or associations for
17 instruction content.

18 (d) The instruction must include information about:

19 (1) statutory and case law relating to videotaping a
20 child's testimony and relating to competency of children to
21 testify;

22 (2) methods for eliminating the trauma to the child
23 caused by the court process;

24 (3) case law, statutory law, and procedural rules
25 relating to family violence, sexual assault, and child abuse and
26 neglect;

27 (4) methods for providing protection for victims of

1 family violence, sexual assault, and ~~[or]~~ child abuse and neglect;

2 (5) available community and state resources for
3 counseling and other aid to victims and to offenders;

4 (6) gender bias in the judicial process; ~~[and]~~

5 (7) dynamics and effects of being a victim of family
6 violence, sexual assault, or child abuse and neglect;

7 (8) dynamics of sexual abuse of children, including
8 child abuse accommodation syndrome and grooming;

9 (9) impact of substance abuse on an unborn child and on
10 a person's ability to care for a child;

11 (10) issues of attachment and bonding between children
12 and caregivers;

13 (11) issues of child development that pertain to child
14 abuse and neglect; and

15 (12) medical findings regarding physical abuse,
16 sexual abuse, and child abuse and neglect.

17 (d-1) The sponsoring organization for any training on
18 issues related to child abuse and neglect must have at least three
19 years' experience in training professionals on child abuse and
20 neglect issues and have personnel or planning committee members who
21 have at least five years' experience in working directly in the
22 field of child abuse and neglect prevention and treatment.

23 SECTION 3. The change in law made by this Act to Section
24 22.110, Government Code, regarding the training required in the
25 first term or first four years of office applies only to a judge or
26 judicial officer who has not completed the initial training related
27 to family violence, sexual assault, and child abuse and neglect

1 required by that section before September 1, 2007.

2 SECTION 4. This Act takes effect September 1, 2007.