

1-1 By: Hartnett (Senate Sponsor - West) H.B. No. 3505
1-2 (In the Senate - Received from the House April 19, 2007;
1-3 April 24, 2007, read first time and referred to Committee on
1-4 Jurisprudence; May 11, 2007, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;
1-6 May 11, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 3505 By: Wentworth

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to requirements for judicial training on issues regarding
1-11 family violence, sexual assault, and child abuse and neglect.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. The heading to Section 22.110, Government Code,
1-14 is amended to read as follows:

1-15 Sec. 22.110. JUDICIAL INSTRUCTION RELATED TO FAMILY
1-16 VIOLENCE, SEXUAL ASSAULT, AND CHILD ABUSE AND NEGLECT.

1-17 SECTION 2. Section 22.110, Government Code, is amended by
1-18 amending Subsections (a), (b), (c), and (d) and adding Subsection
1-19 (d-1) to read as follows:

1-20 (a) The court of criminal appeals shall assure that judicial
1-21 training related to the problems of family violence, sexual
1-22 assault, and child abuse and neglect is provided.

1-23 (b) The court of criminal appeals shall adopt the rules
1-24 necessary to accomplish the purposes of this section. The rules
1-25 must require each district judge, judge of a statutory county
1-26 court, associate judge appointed under Chapter 54 of this code or
1-27 Chapter 201, Family Code, master, referee, and magistrate to
1-28 complete at least 12 [~~eight~~] hours of the training within the
1-29 judge's first term of office or the judicial officer's first four
1-30 years of service and provide a method for certification of
1-31 completion of that training. At least four hours of the training
1-32 must be dedicated to issues related to child abuse and neglect and
1-33 must cover at least two of the topics described in Subsections
1-34 (d)(8)-(12). At least six hours of the training must be dedicated
1-35 to the training described by Subsections (d)(5), (6), and (7). The
1-36 rules must require each judge and judicial officer to complete an
1-37 additional five [~~three~~] hours of training during each additional
1-38 term in office or four years of service. At least two hours of the
1-39 additional training must be dedicated to issues related to child
1-40 abuse and neglect. The rules must exempt from the training
1-41 requirement of this subsection each judge or judicial officer who
1-42 files an affidavit stating that the judge or judicial officer does
1-43 not hear any cases involving family violence, sexual assault, or
1-44 child abuse and neglect.

1-45 (c) In adopting the rules, the court of criminal appeals may
1-46 consult with the supreme court and with professional groups and
1-47 associations in the state that have expertise in the subject matter
1-48 to obtain the recommendations of those groups or associations for
1-49 instruction content.

1-50 (d) The instruction must include information about:

1-51 (1) statutory and case law relating to videotaping a
1-52 child's testimony and relating to competency of children to
1-53 testify;

1-54 (2) methods for eliminating the trauma to the child
1-55 caused by the court process;

1-56 (3) case law, statutory law, and procedural rules
1-57 relating to family violence, sexual assault, and child abuse and
1-58 neglect;

1-59 (4) methods for providing protection for victims of
1-60 family violence, sexual assault, and [~~or~~] child abuse and neglect;

1-61 (5) available community and state resources for
1-62 counseling and other aid to victims and to offenders;

1-63 (6) gender bias in the judicial process; [~~and~~]

- (7) dynamics and effects of being a victim of family violence, sexual assault, or child abuse and neglect;
- (8) dynamics of sexual abuse of children, including child abuse accommodation syndrome and grooming;
- (9) impact of substance abuse on an unborn child and on a person's ability to care for a child;
- (10) issues of attachment and bonding between children and caregivers;
- (11) issues of child development that pertain to child abuse and neglect; and
- (12) medical findings regarding physical abuse, sexual abuse, and child abuse and neglect.
- (d-1) The sponsoring organization for any training on issues related to child abuse and neglect must have at least three years' experience in training professionals on child abuse and neglect issues and have personnel or planning committee members who have at least five years' experience in working directly in the field of child abuse and neglect prevention and treatment.

SECTION 3. The change in law made by this Act to Section 22.110, Government Code, regarding the training required in the first term or first four years of office, applies only to a judge or judicial officer who has not completed the initial training related to family violence, sexual assault, and child abuse and neglect required by that section before September 1, 2007.

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

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