

By: Martinez Fischer

H.B. No. 3965

A BILL TO BE ENTITLED

1 AN ACT

2 relating to duties of a parent in the parent-child relationship to
3 report, creating an offense and providing a penalty and other
4 family law matters.

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

6 SECTION 1. Section 261.3031, family code, is amended to
7 read as follows:

8 Sec. 261.3031. FAILURE TO COOPERATE WITH INVESTIGATION;
9 DEPARTMENT RESPONSE. If a parent or other person refuses to
10 cooperate with the department's investigation of the alleged abuse
11 or neglect of a child and the refusal poses a risk to the child's
12 safety, the department shall seek assistance from the appropriate
13 county attorney or district attorney or criminal district attorney
14 with responsibility for representing the department as provided by
15 Section 264.009 to obtain a court order as described by Section
16 261.303. Failure to report to an authorized agency after a
17 reasonable time and sufficient notice constitutes a refusal to
18 cooperate with the department's investigation. A summons may be
19 issued to obtain the whereabouts of the non reporting parent.

20 SECTION 2. Section 261.3032, family code, is amended as
21 follows:

22 Sec. 261.3032. INTERFERENCE WITH INVESTIGATION; CRIMINAL
23 PENALTY. (a) A person commits an offense if, with the intent to
24 interfere with the department's investigation of a report of abuse

1 or neglect of a child, the person relocates the person's residence,
2 either temporarily or permanently, without notifying the
3 department of the address of the person's new residence or conceals
4 the child and the person's relocation or concealment interferes
5 with the department's investigation.

6 (a-1) A person also commits an offense under this section if
7 upon proper notice he or she does not report in a reasonable time to
8 an authorized agency investigating abuse or neglect.

9 (b) An offense under this section is a Class B
10 misdemeanor ~~[-]~~ except as provided by (b-1).

11 (b-1) if a parent who has previously had her or his parental
12 rights terminated commits an offense defined in subsections (a) or
13 (a-1) then this offense is a class A misdemeanor.

14 (c) If conduct that constitutes an offense under this
15 section also constitutes an offense under any other law, the actor
16 may be prosecuted under this section or the other law.

17 (d) Upon the showing of probable cause that a parent is
18 interfering with an investigation or not reporting to an authorized
19 agency within a reasonable time with proper notice, a warrant for
20 the arrest of the parent shall be issued by an appropriate
21 magistrate.

22 SECTION 3. Chapter 161, Title 5, Family code is amended by
23 adding new section 161.212 to read as follows:

24 Sec. 161.212. Failure to Report by a Previously Terminated
25 Parent. (a) A parent who has previously had her or his parental
26 rights terminated shall immediately upon proper notice by an
27 authorized agency comply with all investigatory requests

1 concerning any allegation or investigation of abuse or neglect with
2 any child still remaining in the home or in the custody of the
3 previously terminated parent. Failure to comply constitutes
4 grounds for an action under section 161.001 of this chapter.

5 Section 4. Section 201.007, Family Code, is amended to read
6 as follows:

7 Sec. 201.007. POWERS OF ASSOCIATE JUDGE. (a) Except as
8 limited by an order of referral, an associate judge may:

- 9 (1) conduct a hearing;
- 10 (2) hear evidence;
- 11 (3) compel production of relevant evidence;
- 12 (4) rule on the admissibility of evidence;
- 13 (5) issue a summons for the appearance of witnesses;
- 14 (6) examine a witness;
- 15 (7) swear a witness for a hearing;
- 16 (8) make findings of fact on evidence;
- 17 (9) formulate conclusions of law;
- 18 (10) recommend an order to be rendered in a case;
- 19 (11) regulate all proceedings in a hearing before the
20 associate judge;
- 21 (12) order the attachment of a witness or party who
22 fails to obey a subpoena;
- 23 (13) order the detention of a witness or party found
24 guilty of contempt, pending approval by the referring court as
25 provided by Section 201.013;
- 26 (14) render and sign:
 - 27 (A) a final order agreed to in writing as to both

1 form and substance by all parties;

2 (B) a final default order; or

3 (C) a temporary order; and

4 (15) take action as necessary and proper for the
5 efficient performance of the associate judge's duties.

6 (16) issue summons to any parent who has failed to
7 appear to an authorized agency conducting an investigation of an
8 allegation of negligence or abuse.

9 SECTION 6. Chapter 265, Title 5, Family Code, is amended by
10 adding section 265.005 to read as follows:

11 Sec. 265.005. RISK ASSESSMENT TRAINING AND AWARENESS
12 PROGRAM. The department shall develop a plan to increase awareness
13 about early intervention and risk assessment amongst authorized
14 agencies in Texas.

15 SECTION 8. This Act takes effect September 1, 2007.