

## **BILL ANALYSIS**

Senate Research Center  
81R558 MCK-D

S.B. 1050  
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Health & Human Services  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

This bill would mandate public disclosure of findings and information about children who have died of abuse or neglect. The goal of the bill is to promote public scrutiny of cases in order to improve child welfare policy and practice to ensure child safety.

The National Child Abuse and Neglect Data System reported an estimated 1,530 child fatalities in 2006. This translates to a rate of 2.04 children per 100,000 children in the general population. The National Child Abuse and Neglect Data System defines "child fatality" as the death of a child caused by an injury resulting from abuse or neglect, or where abuse or neglect was a contributing factor.

Little is known about these children, the suffering they endured prior to their deaths, and the steps that might have been taken to protect them, according to a senior attorney at the National Center for Youth Law. The Children's Advocacy Institute has also worked on this legislation.

This legislation will make it possible to get information that is vital to reform, while protecting the privacy rights of those involved.

As proposed, S.B. 1050 amends current law relating to the release of certain information relating to child fatalities resulting from abuse or neglect.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 261.201(a), Family Code, to provide that except as provided by Section 261.203, certain information is confidential, is not subject to public release under Chapter 552, Government Code, and is authorized to be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency.

SECTION 2. Amends Subchapter C, Chapter 261, Family Code, by adding Section 261.203, as follows:

Sec. 261.203. INFORMATION RELATING TO CHILD FATALITY. (a) Requires the Department of Family and Protective Services (DFPS), not later than the fifth day after the date DFPS is notified of a child fatality in which there is a reasonable suspicion that the fatality was caused by abuse or neglect, on request, to release certain information about the fatality.

(b) Requires DFPS, if, after a child abuse or neglect investigation is completed, DFPS, a medical examiner, or a justice of the peace determines that abuse or neglect led to a child's death, to release the following information on request, after providing the notice required by Subsection (d) and redacting the information required by Subsection (e): the information described by Subsection (a); for cases in which the child's death occurred while the child was living with the child's parent or guardian, any previous report of abuse or neglect of the deceased child

made while the child was living with that parent or guardian; the results of the investigation of any report under Paragraph (A); any risk or safety assessment completed by DFPS relating to the deceased child; all medical records of the deceased child, excluding mental health records, related to the child's death and of any previous injury that reflects a pattern of abuse or neglect; and copies of any police report concerning the person DFPS determines abused or neglected the child; and for a case in which the child's death occurred while the state was the managing conservator of the child, the following documents relating to the substitute care provider with whom the child was placed: records relating to the substitute care provider's initial licensing and license renewals, including the type of license held; any reported licensing violations, including notice of any action taken by DFPS regarding a violation; and records of the training completed by the substitute care provider.

(c) Requires DFPS to release the information required by Subsection (b) not later than the 10th day after the date DFPS receives a request for the information or the date the investigation is completed, whichever is later.

(d) Requires DFPS, after receiving a request for information required by Subsection (b), to notify and provide a copy of the request to the attorney ad litem for the deceased child, if any.

(e) Requires DFPS, before DFPS is authorized to release a document under Subsection (b), to redact the name, address, telephone number, ethnicity, religion, or other identifying information of any person or institution, other than DFPS or a law enforcement agency; any information that would, after consultation with the appropriate prosecuting attorney, jeopardize a criminal investigation or judicial proceeding; and any information that is privileged or confidential under other state or federal law.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2009.