

By: Ortiz, Jr.

H.B. No. 1315

A BILL TO BE ENTITLED

1 AN ACT
2 relating to access to information regarding reports of child abuse
3 or neglect.

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

5 SECTION 1. Section 261.201, Family Code, is amended by
6 amending Subsection (g) and adding Subsection (g-1) to read as
7 follows:

8 (g) Notwithstanding Subsection (a) [~~(b)~~], the department or
9 a law enforcement agency investigating a report of abuse or
10 neglect, on request [~~and subject to department rule~~], shall provide
11 to the child and the parent, managing conservator, or other legal
12 representative of the [~~a~~] child who is the subject of reported abuse
13 or neglect information concerning the reported abuse or neglect
14 that would otherwise be confidential under this section. The [~~if~~
15 ~~the~~] department or law enforcement agency shall withhold
16 information under this subsection if the parent, managing
17 conservator, or other legal representative of the child requesting
18 the information is alleged to have committed the abuse or neglect.

19 (g-1) Before a child or a parent, managing conservator, or
20 other legal representative of a child may inspect or copy a record
21 or file concerning the child under Subsection (g), the custodian of
22 the record or file must redact:

23 (1) any personally identifiable information about a
24 victim or witness under 18 years of age unless that victim or

1 witness is:

2 (A) the child under Subsection (g); or

3 (B) another child of the parent, managing
4 conservator, or other legal representative requesting the
5 information;

6 (2) any information that is excepted from required
7 disclosure under Chapter 552, Government Code, or other law; and

8 (3) [~~has edited the information to protect the~~
9 ~~confidentiality of]~~ the identity of the person who made the report
10 ~~of abuse or neglect [and any other person whose life or safety may~~
11 ~~be endangered by the disclosure].~~

12 SECTION 2. This Act takes effect September 1, 2009.