

By: Uresti

S.B. No. 1050

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the release of certain information relating to child  
3 fatalities resulting from abuse or neglect.

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

5 SECTION 1. Subsection (a), Section 261.201, Family Code, is  
6 amended to read as follows:

7 (a) Except as provided by Section 261.203, the ~~[The]~~  
8 following information is confidential, is not subject to public  
9 release under Chapter 552, Government Code, and may be disclosed  
10 only for purposes consistent with this code and applicable federal  
11 or state law or under rules adopted by an investigating agency:

12 (1) a report of alleged or suspected abuse or neglect  
13 made under this chapter and the identity of the person making the  
14 report; and

15 (2) except as otherwise provided in this section, the  
16 files, reports, records, communications, audiotapes, videotapes,  
17 and working papers used or developed in an investigation under this  
18 chapter or in providing services as a result of an investigation.

19 SECTION 2. Subchapter C, Chapter 261, Family Code, is  
20 amended by adding Section 261.203 to read as follows:

21 Sec. 261.203. INFORMATION RELATING TO CHILD FATALITY.

22 (a) Not later than the fifth day after the date the department  
23 receives a request for information about a child fatality with  
24 respect to which the department is conducting an investigation of

1 alleged abuse or neglect, the department shall release:

2 (1) the age and sex of the child;

3 (2) the date of death;

4 (3) whether the state was the managing conservator of  
5 the child at the time of the child's death; and

6 (4) whether the child resided with the child's parent,  
7 managing conservator, guardian, or other person entitled to  
8 possession of the child at the time of the child's death.

9 (b) If, after a child abuse or neglect investigation is  
10 completed, the department determines a child's death was caused by  
11 abuse or neglect, the department shall promptly release the  
12 following information on request:

13 (1) the information described by Subsection (a), if  
14 not previously released to the person requesting the information;

15 (2) for cases in which the child's death occurred while  
16 the child was living with the child's parent, managing conservator,  
17 guardian, or other person entitled to possession of the child:

18 (A) a summary of any previous reports of abuse or  
19 neglect of the deceased child or another child made while the child  
20 was living with that parent, managing conservator, guardian, or  
21 other person entitled to possession of the child;

22 (B) the disposition of any report under Paragraph  
23 (A);

24 (C) a description of the services, if any, that  
25 were provided by the department to the child or the child's family  
26 as a result of any report under Paragraph (A); and

27 (D) the results of any risk or safety assessment

1 completed by the department relating to the deceased child; and

2 (3) for a case in which the child's death occurred  
3 while the child was in substitute care with the department or with a  
4 residential child-care provider regulated under Chapter 42, Human  
5 Resources Code, the following information:

6 (A) the date the substitute care provider with  
7 whom the child was residing at the time of death was licensed or  
8 verified;

9 (B) a summary of any previous reports of abuse or  
10 neglect investigated by the department relating to the substitute  
11 care provider, including the disposition of any investigation  
12 resulting from a report;

13 (C) any reported licensing violations, including  
14 notice of any action taken by the department regarding a violation;  
15 and

16 (D) records of any training completed by the  
17 substitute care provider while the child was placed with the  
18 provider.

19 (c) If the department is unable to release the information  
20 required by Subsection (b) before the 11th day after the date the  
21 department receives a request for the information or the date the  
22 investigation of the child fatality is completed, whichever is  
23 later, the department shall inform the person requesting the  
24 information of the date the department will release the  
25 information.

26 (d) After receiving a request for information required by  
27 Subsection (b), the department shall notify and provide a copy of

1 the request to the attorney ad litem for the deceased child, if any.

2 (e) Before the department releases any information under  
3 Subsection (b), the department shall redact from the records any  
4 information the release of which would:

5 (1) identify:

6 (A) the individual who reported the abuse or  
7 neglect; or

8 (B) any other individual other than the deceased  
9 child or an alleged perpetrator of the abuse or neglect;

10 (2) jeopardize an ongoing criminal investigation or  
11 prosecution;

12 (3) endanger the life or safety of any individual; or

13 (4) violate other state or federal law.

14 (f) The executive commissioner of the Health and Human  
15 Services Commission shall adopt rules to implement this section.

16 SECTION 3. Section 261.203, Family Code, as added by this  
17 Act, applies only to information relating to a child fatality that  
18 occurs on or after the effective date of this Act. Information  
19 relating to a child fatality that occurred before the effective  
20 date of this Act is governed by the law as it existed on the date the  
21 child fatality occurred, and the former law is continued in effect  
22 for that purpose.

23 SECTION 4. This Act takes effect September 1, 2009.