

BILL ANALYSIS

S.B. 434
By: Nelson
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In many cases of child abuse and neglect, a parent of the affected child is a victim of family violence. Some debate exists among interested parties regarding the harmful effects witnessing such violence can have on a child. While child protective services caseworkers are trained to recognize family violence, state law does not establish a specific protocol for handling these types of issues. Recently, an informal workgroup composed of representatives from the Department of Family and Protective Services, the Health and Human Services Commission, child protective services, and members of the child abuse, sexual assault, and domestic violence advocacy community began meeting to examine this issue and related state policies. S.B. 434 intends to codify the mission of the existing informal workgroup by establishing a task force to address these issues.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 434 amends the Government Code to establish a task force to examine the relationship between family violence and child abuse and neglect; develop policy recommendations, if needed, to address issues and effects resulting from that relationship; and develop comprehensive statewide best practices guidelines for both child protective services and family violence shelter centers. The bill establishes the composition of the task force and requires a vacancy on the task force to be filled in the same manner as the original appointment. The bill specifies that the member representing the Health and Human Services Commission's Family Violence Program serves as the presiding officer of the task force and requires the task force to meet at the call of the presiding officer. The bill establishes that members of the task force serve without compensation or reimbursement for expenses.

S.B. 434 requires the task force to receive reports and testimony from individuals, state and local agencies, community-based organizations, and other public and private organizations, including adult survivors of family violence that have been impacted by child protective services investigations and young adults who as children were impacted by both family violence and child protective services intervention. The bill requires the task force to develop policy recommendations for addressing the relationship between family violence and child abuse and neglect and to develop comprehensive statewide best practices guidelines for both child protective services and family violence shelter centers. The bill requires the task force, in developing such policy recommendations and best practices guidelines, to examine the findings and recommendations of the National Council of Juvenile and Family Court Judges Family Violence Department's report "Effective Intervention in Domestic Violence and Child Maltreatment Cases: Guidelines for Policy and Practice" and to examine the key concepts regarding child safety plans and decision making found in the 2009 edition of the American Bar Association's "Child Safety: A Guide for Judges and Attorneys."

S.B. 434 requires the task force to prepare a report that includes a description of the activities of the task force; the findings and recommendations of the task force, including the proposed policy recommendations and best practices guidelines; and any legislation or other matter that the task force considers appropriate and to submit that report, not later than September 1, 2012, to the governor, the lieutenant governor, the speaker of the house of representatives, and the appropriate committees of the senate and the house of representatives.

S.B. 434 requires the Health and Human Services Commission to provide reasonably necessary administrative and technical support for task force activities and requires the Department of Family and Protective Services (DFPS) to seek the assistance of the task force if DFPS proposes to adopt or amend a rule as the result of the work done by the task force. The bill exempts the task force from provisions of law relating to state agency advisory committees. The bill establishes that the task force is abolished and the bill's provisions expire September 1, 2013.

S.B. 434 requires the appropriate persons to appoint the members of the task force as soon as practicable after the effective date of the bill. The bill defines "department" and "task force."

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.