

By: Nelson

S.B. No. 434

A BILL TO BE ENTITLED

AN ACT

relating to the relationship between domestic violence and child abuse and neglect.

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

SECTION 1. Chapter 531, Government Code, is amended by adding Subchapter W to read as follows:

SUBCHAPTER W. TASK FORCE TO ADDRESS THE RELATIONSHIP BETWEEN DOMESTIC VIOLENCE AND CHILD ABUSE AND NEGLECT

Sec. 531.951. DEFINITIONS. In this subchapter:

(1) "Department" means the Department of Family and Protective Services.

(2) "Task force" means the Task Force to Address the Relationship Between Domestic Violence and Child Abuse and Neglect.

Sec. 531.952. ESTABLISHMENT OF TASK FORCE; COMPOSITION. (a) The task force is established 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.

(b) The task force is composed of:

(1) one member from the commission's Family Violence Program, appointed by the executive commissioner; and

(2) at least 15 members appointed by the presiding

1 officer of the task force as follows:

2 (A) one member from the department;

3 (B) one member from a statewide family violence  
4 advocacy organization;

5 (C) one member from a statewide sexual assault  
6 advocacy organization;

7 (D) one member from a statewide advocacy  
8 organization that serves abused and neglected children in the  
9 foster care system;

10 (E) one member from a statewide child abuse  
11 advocacy organization;

12 (F) one member who is a mental health  
13 professional with experience working with clients affected by child  
14 abuse and domestic violence;

15 (G) one member who is a judge with experience  
16 working with cases involving child protective services;

17 (H) one member from The University of Texas  
18 School of Law domestic violence clinic;

19 (I) one member from The University of Texas  
20 School of Law children's rights clinic;

21 (J) one member from each of four different family  
22 violence shelter centers as defined by Section 51.002, Human  
23 Resources Code, reflecting the geographic diversity of the state;

24 (K) one member from a legal assistance  
25 organization involved with child protection and family violence  
26 issues;

27 (L) one member from the law enforcement

1 community; and

2 (M) any other member that the presiding officer  
3 determines to be appropriate.

4 Sec. 531.953. VACANCY. A vacancy on the task force shall be  
5 filled in the same manner as the original appointment.

6 Sec. 531.954. PRESIDING OFFICER. The member representing  
7 the commission's Family Violence Program serves as the presiding  
8 officer of the task force.

9 Sec. 531.955. MEETINGS. The task force shall meet at the  
10 call of the presiding officer.

11 Sec. 531.956. COMPENSATION; REIMBURSEMENT. Members of the  
12 task force serve without compensation or reimbursement for  
13 expenses.

14 Sec. 531.957. DUTIES. (a) The task force shall:

15 (1) receive reports and testimony from individuals,  
16 state and local agencies, community-based organizations, and other  
17 public and private organizations, including:

18 (A) adult survivors of family violence that have  
19 been impacted by child protective services investigations; and

20 (B) young adults who as children were impacted by  
21 both family violence and child protective services intervention;  
22 and

23 (2) develop policy recommendations for addressing the  
24 relationship between family violence and child abuse and neglect  
25 and develop comprehensive statewide best practices guidelines for  
26 both child protective services and family violence shelter centers.

27 (b) In developing policy recommendations and best practices

1 guidelines under Subsection (a)(2), the task force shall:

2 (1) examine the findings and recommendations of the  
3 National Council of Juvenile and Family Court Judges Family  
4 Violence Department's report "Effective Intervention in Domestic  
5 Violence & Child Maltreatment Cases: Guidelines for Policy and  
6 Practice"; and

7 (2) examine the key concepts regarding child safety  
8 plans and decision making found in the 2009 edition of the American  
9 Bar Association's "Child Safety: A Guide for Judges and Attorneys."

10 (c) The task force shall prepare a report that includes:

11 (1) a description of the activities of the task force;

12 (2) the findings and recommendations of the task  
13 force, including the proposed policy recommendations and  
14 guidelines required by Subsection (a)(2); and

15 (3) any legislation or other matter that the task  
16 force considers appropriate.

17 (d) Not later than September 1, 2012, the task force shall  
18 submit to the governor, the lieutenant governor, the speaker of the  
19 house of representatives, and the appropriate committees of the  
20 senate and the house of representatives the report required by  
21 Subsection (c).

22 Sec. 531.958. ADMINISTRATIVE SUPPORT. The commission shall  
23 provide reasonably necessary administrative and technical support  
24 for task force activities.

25 Sec. 531.959. RULEMAKING ASSISTANCE. The department shall  
26 seek the assistance of the task force if the department proposes to  
27 adopt or amend a rule as the result of the work done by the task

1 force.

2 Sec. 531.960. APPLICABILITY OF ADVISORY COMMITTEE LAW.

3 Chapter 2110 does not apply to the task force.

4 Sec. 531.961. ABOLITION OF TASK FORCE; EXPIRATION OF  
5 SUBCHAPTER. The task force is abolished and this subchapter  
6 expires September 1, 2013.

7 SECTION 2. Section 261.301(e), Family Code, is amended to  
8 read as follows:

9 (e) As necessary to provide for the protection of the child,  
10 the department or designated agency shall determine:

11 (1) the nature, extent, and cause of the abuse or  
12 neglect;

13 (2) the identity of the person responsible for the  
14 abuse or neglect;

15 (3) the names and conditions of the other children in  
16 the home;

17 (4) an evaluation of the parents or persons  
18 responsible for the care of the child;

19 (5) the adequacy of the home environment;

20 (6) the relationship of the child to the persons  
21 responsible for the care, custody, or welfare of the child; ~~and~~

22 (7) whether a person in the home has been the victim or  
23 perpetrator of family violence as defined by Section 71.004(1) or  
24 (3);

25 (8) whether a person in the home has a history of  
26 violent behavior or criminal involvement;

27 (9) whether there is an imbalance of power in the home

1 between adults that affects the ability of a parent or person  
2 responsible for the care of a child to protect the child; and

3 (10) all other pertinent data.

4 SECTION 3. As soon as practicable after the effective date  
5 of this Act, the appropriate persons shall appoint the members of  
6 the Task Force to Address the Relationship Between Domestic  
7 Violence and Child Abuse and Neglect created by this Act.

8 SECTION 4. This Act takes effect immediately if it receives  
9 a vote of two-thirds of all the members elected to each house, as  
10 provided by Section 39, Article III, Texas Constitution. If this  
11 Act does not receive the vote necessary for immediate effect, this  
12 Act takes effect September 1, 2011.