

BILL ANALYSIS

C.S.H.B. 747
By: Raymond
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current state law mandates that various professionals and employees of certain state-regulated facilities who, in the normal course of official duties, have direct contact with children report suspected child abuse, neglect, or sexual abuse within 48 hours. There is concern that this reporting timeline is not sufficient. C.S.H.B. 747 seeks to ensure the protection of children by revising certain child abuse and neglect reporting requirements.

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

C.S.H.B. 747 amends the Family Code to require a professional who has cause to believe that a child has been abused or neglected or may be abused or neglected, or that a child is a victim of an offense of indecency with a child, and who has cause to believe that the child has been abused as provided by statutory provisions relating to investigations of reports of child abuse or neglect, to immediately make a report of suspected child abuse or neglect, rather than make such a report not later than the 48th hour after the hour the professional first suspects the abuse or neglect.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 747 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 261.101(b), Family Code, is amended to read as follows:

(b) If a professional has cause to believe that a child has been abused or neglected or may be abused or neglected, or that a child is a victim of an offense under Section 21.11, Penal Code, and the professional has cause to believe that the child has been abused as defined by Section 261.001 or 261.401, the professional shall make a

HOUSE COMMITTEE SUBSTITUTE

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report

not later than the 24th ~~[48th]~~ hour after the hour the professional first suspects that the child has been or may be abused or neglected or is a victim of an offense under Section 21.11, Penal Code.

A professional may not delegate to or rely on another person to make the report. In this subsection, "professional" means an individual who:

(1) is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, day-care employees, employees of a clinic or health care facility that provides reproductive services, juvenile probation officers, and juvenile detention or correctional officers; ~~or~~

~~(2) is an employee of an institution of higher education or a private or independent institution of higher education, as those terms are defined by Section 61.003, Education Code.~~

SECTION 2. This Act takes effect September 1, 2013.

make a report as provided by this subchapter ~~[not later than the 48th hour after the hour the professional first suspects that the child has been or may be abused or neglected or is a victim of an offense under Section 21.11, Penal Code].~~

A professional may not delegate to or rely on another person to make the report. In this subsection, "professional" means an individual who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, day-care employees, employees of a clinic or health care facility that provides reproductive services, juvenile probation officers, and juvenile detention or correctional officers.

SECTION 2. Same as introduced version.