

BILL ANALYSIS

C.S.H.B. 1922
By: Thompson, Senfronia
Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Domestic relations offices often provide social study evaluations in adoption proceedings and when conservatorship and possession of or access to a child is contested. As the agency in charge of child abuse and neglect cases in Texas, the Department of Family and Protective Services (DFPS) has provided these offices with vital information about case histories for many years. Though these records have been legally provided to the offices in the past, as a precautionary measure, DFPS has requested clarified statutory authority to continue providing this information in the future. C.S.H.B. 1922 seeks to clarify DFPS's authority to provide unredacted records to certain individuals conducting social studies.

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. 1922 amends the Family Code to entitle a social study evaluator to obtain from the Department of Family and Protective Services (DFPS) a complete, unredacted copy of any investigative record regarding abuse or neglect that relates to any person residing in the residence subject to the social study. The bill establishes that such records are confidential and are not subject to disclosure under state public information law or disclosure in response to a subpoena or a discovery request. The bill authorizes a social study evaluator to disclose such information in the social study report only to the extent the evaluator determines that the information is relevant to the social study or a recommendation made in relation to a social study.

C.S.H.B. 1922 makes it a Class A misdemeanor offense for a person to disclose confidential information obtained from DFPS in violation of the bill's provisions.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1922 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. Subchapter D, Chapter 107,

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter D, Chapter 107,

83R 18794

13.86.663

Substitute Document Number: 83R 11276

Family Code, is amended by adding Section 107.05145 to read as follows:

Sec. 107.05145. SOCIAL STUDY EVALUATOR ACCESS TO INVESTIGATIVE RECORDS OF

DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; OFFENSE. (a)

A social study evaluator appointed by a court is entitled to obtain from the Department of Family and Protective Services a complete, unredacted copy of any investigative record regarding abuse or neglect that relates to any person residing in the residence subject to the social study.

(b) Except as provided by this section, records obtained by a social study evaluator from the Department of Family and Protective Services under this section are confidential and not subject to disclosure under Chapter 552, Government Code, or to disclosure in response to a subpoena or a discovery request.

(c) A social study evaluator may disclose information obtained under Subsection (a) in the social study report only to the extent the evaluator determines that the information is relevant to the social study or a recommendation made under this subchapter.

(d) A person commits an offense if the person discloses confidential information obtained from the Department of Family and Protective Services in violation of this section. An offense under this subsection is a Class A misdemeanor.

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

Family Code, is amended by adding Section 107.05145 to read as follows:

Sec. 107.05145. SOCIAL STUDY EVALUATOR ACCESS TO INVESTIGATIVE RECORDS OF

DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; OFFENSE. (a)

A social study evaluator is entitled to obtain from the Department of Family and Protective Services a complete, unredacted copy of any investigative record regarding abuse or neglect that relates to any person residing in the residence subject to the social study.

(b) Except as provided by this section, records obtained by a social study evaluator from the Department of Family and Protective Services under this section are confidential and not subject to disclosure under Chapter 552, Government Code, or to disclosure in response to a subpoena or a discovery request.

(c) A social study evaluator may disclose information obtained under Subsection (a) in the social study report only to the extent the evaluator determines that the information is relevant to the social study or a recommendation made under this subchapter.

(d) A person commits an offense if the person discloses confidential information obtained from the Department of Family and Protective Services in violation of this section. An offense under this subsection is a Class A misdemeanor.

SECTION 2. Same as introduced version.