

## **BILL ANALYSIS**

C.S.S.B. 245  
By: West  
Human Services  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Children's Advocacy Centers of Texas, Inc. is the state membership organization for all of the local children's advocacy centers across the state. Over the past few years, the organization has worked with stakeholders to update and elevate the statewide standards that govern the type of services provided by each local center and, as a result of this work, has compiled a set of evidence-based standards reflective of best practices in the field for the delivery of center services. While many centers are already implementing these practices, C.S.S.B. 245 intends to codify these new standards.

### **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.S.B. 245 amends the Family Code to include among the eligibility requirements for a public entity that operated as a children's advocacy center before November 1, 1995, or a nonprofit entity to enter into a contract with the statewide organization with which the Department of Family and Protective Services or the office of the attorney general contracts to provide training, technical assistance, and evaluation services for local children's advocacy center programs that the entity implement the following program components:

- a case tracking system that monitors statistical information on each child and nonoffending family member or other caregiver who receives services through the center and that includes progress and disposition information for each service the multidisciplinary team determines should be provided to the client;
- a child-focused setting that is comfortable, private, and physically and psychologically safe for diverse populations of children and nonoffending family members and other caregivers;
- family advocacy and victim support services that include comprehensive case management and victim support services available to each child and the child's nonoffending family members or other caregivers as part of the services the multidisciplinary team determines should be provided to a client;
- forensic interviews conducted in a neutral, fact-finding manner and coordinated to avoid duplicative interviewing;
- specialized medical evaluation and treatment services that are available to all children who receive services through the center and coordinated with the services the multidisciplinary team determines should be provided to a child;
- specialized trauma-focused mental health services that are designed to meet the unique needs of child abuse victims and the victims' nonoffending family members or other caregivers and that are available as part of the services the multidisciplinary team

determines should be provided to a client; and

- a system to ensure that all services available to center clients are culturally competent and diverse and are coordinated with the services the multidisciplinary team determines should be provided to a client.

The bill removes the requirement that a waiver of any contract eligibility requirement for a children's advocacy center granted by the statewide organization be identified in the written contract with the center.

C.S.S.B. 245 replaces references to videotaped interviews with references to video recorded interviews in provisions relating to the release of a case record and the use, confidentiality, and ownership of certain information and records in an investigation of child abuse and neglect. The bill makes a provision requiring a court to deny a request to reproduce a video recording of an interview of a child made at a children's advocacy center under certain circumstances applicable to a request to reproduce the audio portion of such a video recording.

### **EFFECTIVE DATE**

September 1, 2013.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.S.B. 245 may differ from the engrossed version in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

#### SENATE ENGROSSED

No equivalent provision.

No equivalent provision.

#### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 264.0145(a), Family Code, is amended to read as follows:

(a) In this section, "case record" means those files, reports, records, communications, audiotapes, video recordings [~~videotapes~~], or working papers under the custody and control of the department that are collected, developed, or used:

- (1) in a child abuse or neglect investigation; or
- (2) in providing services as a result of an investigation, including substitute care services for a child.

SECTION 2. Sections 264.408(d), (d-1), and (e), Family Code, are amended to read as follows:

(d) A video recording of an [~~videotaped~~] interview of a child made at a center is the property of the prosecuting attorney involved in the criminal prosecution of the case involving the child. If no criminal prosecution occurs, the video recording [~~videotaped interview~~] is the property of the attorney involved in representing the department in a civil action alleging child abuse or neglect. If the matter involving the child is not prosecuted, the video recording [~~videotape~~] is

the property of the department if the matter is an investigation by the department of abuse or neglect. If the department is not investigating or has not investigated the matter, the video recording [~~videotape~~] is the property of the agency that referred the matter to the center. If the center employs a custodian of records for video recordings of [~~videotaped~~] interviews of children, the center is responsible for the custody of the video recording [~~videotape~~]. A video recording of an [~~videotaped~~] interview may be shared with other agencies under a written agreement.

(d-1) A video recording of an [~~videotaped~~] interview described by Subsection (d) is subject to production under Article 39.14, Code of Criminal Procedure, and Rule 615, Texas Rules of Evidence. A court shall deny any request by a defendant to copy, photograph, duplicate, or otherwise reproduce a video recording, or the audio portion of a video recording, [~~videotape~~] of an interview described by Subsection (d), provided that the prosecuting attorney makes the video recording [~~videotape~~] reasonably available to the defendant in the same manner as property or material may be made available to defendants, attorneys, and expert witnesses under Article 39.15(d), Code of Criminal Procedure.

(e) The department shall be allowed access to a center's video recordings of [~~videotaped~~] interviews of children.

SECTION 1. Section 264.411, Family Code, is amended.

SECTION 2. Section 264.411, Family Code, as amended by this Act, applies only to a contract entered into under Section 264.410, Family Code, on or after the effective date of this Act. A contract entered into before the effective date of this Act is governed by the law in effect on the date the contract was entered into, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2013.

SECTION 3. Same as engrossed version.

SECTION 4. Same as engrossed version.

SECTION 5. Same as engrossed version.