

BILL ANALYSIS

Senate Research Center

S.B. 330
By: Huffman; West
Jurisprudence
7/2/2013
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Domestic relations offices (DROs) provide social study evaluations pursuant to a court order in adoption proceedings and when conservatorship, possession, or access is contested. The Department of Family and Protective Services (DFPS) is the holder of all abuse/neglect cases in Texas and has provided DROs with agency history and information for more than 40 years. This information is critical to the completeness of the evaluation and the ultimate safety of the children involved. Though these records have been legally provided in the past, DFPS, as a precautionary measure, has requested clarified statutory authority to continue providing unredacted records for social study evaluations into the future. The bill provides legislative authorization for DFPS to provide redacted records to individuals completing social studies.

S.B. 330 amends current law relating to certain information to which a social study evaluator is entitled in a suit affecting the parent-child relationship, and provides a criminal penalty.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter D, Chapter 107, Family Code, by adding Section 107.05145, as follows:

Sec. 107.05145. SOCIAL STUDY EVALUATOR ACCESS TO INVESTIGATIVE RECORDS OF DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; OFFENSE. (a) Entitles 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.

(b) Provides that except as provided by this section, records obtained by a social study evaluator from DFPS under this section are confidential and not subject to disclosure under Chapter 552 (Public Information), Government Code, or to disclosure in response to a subpoena or a discovery request.

(c) Authorizes a social study evaluator to 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) Provides that a person commits an offense if the person discloses confidential information obtained from DFPS in violation of this section. Provides that an offense under this subsection is a Class A misdemeanor.

SECTION 2. Effective date: September 1, 2013.