

BILL ANALYSIS

S.B. 330
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

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. S.B. 330 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

S.B. 330 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.

S.B. 330 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.