

By: Raymond

H.B. No. 135

A BILL TO BE ENTITLED

AN ACT

relating to reports of suspected child abuse or neglect and training regarding child abuse and neglect.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 38.004, Education Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) The agency shall develop a policy governing the reports of suspected child abuse or neglect [~~reports~~] required by Chapter 261, Family Code, of school districts and their employees. The policy must provide for cooperation with law enforcement child abuse investigations without the consent of the child's parents if necessary, including investigations by the Department of Family and Protective [~~and Regulatory~~] Services. The policy must require each school district employee to report suspected child abuse or neglect in the manner required by Chapter 261, Family Code. Each school district shall adopt and distribute the written internal policy. A school district may not adopt an alternative policy regarding the reporting of child abuse or neglect.

(c) Each school district may provide annual training for district employees described by Section 21.003 and coaches in the recognition of signs of child abuse and neglect and the responsibility and procedure for reporting suspected child abuse and neglect. The training program should emphasize:

1 (1) that each school district employee shall directly
2 report suspected abuse or neglect in the manner prescribed by
3 Chapter 261, Family Code;

4 (2) that the employee's duty to report may not be
5 delegated to another person;

6 (3) that the employee may not rely on another person to
7 make the report; and

8 (4) the criminal penalties for failure to report
9 suspected abuse or neglect.

10 SECTION 2. Section 261.101(b), Family Code, is amended to
11 read as follows:

12 (b) If a professional has cause to believe that a child has
13 been abused or neglected or may be abused or neglected, or that a
14 child is a victim of an offense under Section 21.11, Penal Code, and
15 the professional has cause to believe that the child has been abused
16 as defined by Section 261.001 or 261.401, the professional shall
17 make a report not later than the 48th hour after the hour the
18 professional first suspects that the child has been or may be abused
19 or neglected or is a victim of an offense under Section 21.11, Penal
20 Code. A professional may not delegate to or rely on another person
21 to make the report or make the report only to a supervisor or
22 administrator in the professional's organization. In this
23 subsection, "professional" means an individual who is licensed or
24 certified by the state or who is an employee of a facility licensed,
25 certified, or operated by the state and who, in the normal course of
26 official duties or duties for which a license or certification is
27 required, has direct contact with children. The term includes

1 teachers, nurses, doctors, day-care employees, employees of a
2 clinic or health care facility that provides reproductive services,
3 juvenile probation officers, and juvenile detention or
4 correctional officers.

5 SECTION 3. The heading to Section 42.0426, Human Resources
6 Code, is amended to read as follows:

7 Sec. 42.0426. TRAINING OF PERSONNEL; FACILITY POLICY.

8 SECTION 4. Section 42.0426, Human Resources Code, is
9 amended by adding Subsection (a-1) to read as follows:

10 (a-1) Each licensed facility shall develop a policy
11 governing the duty of employees of the facility and volunteers or
12 other individuals working at the facility to report suspected child
13 abuse or neglect as required by Chapter 261, Family Code.

14 SECTION 5. This Act takes effect September 1, 2013.