

AN ACT

relating to certain investigation records in child abuse and neglect cases and to information regarding a child available to prospective adoptive parents.

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

SECTION 1. Section 162.006, Family Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) The department, licensed child-placing agency, or other person~~[, or entity]~~ placing a child for adoption shall inform the prospective adoptive parents of their right to examine the records and other information relating to the history of the child. The department, licensed child-placing agency, or other person ~~[or entity]~~ placing the child for adoption shall edit the records and information to protect the identity of the biological parents and any other person whose identity is confidential.

(a-1) The records described by Subsection (a) must include any records relating to an investigation of abuse in which the child was an alleged or confirmed victim of sexual abuse while residing in a foster home or other residential child-care facility. If the licensed child-placing agency or other person placing the child for adoption does not have the information required by this subsection, the department, at the request of the licensed child-placing agency or other person placing the child for adoption, shall provide the

1 information to the prospective adoptive parents of the child.

2 SECTION 2. Section 264.0145(a), Family Code, is amended to
3 read as follows:

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

9 (1) in a child abuse or neglect investigation; or

10 (2) in providing services as a result of an
11 investigation, including substitute care services for a child.

12 SECTION 3. Sections 264.408(d), (d-1), and (e), Family
13 Code, are amended to read as follows:

14 (d) A video recording of an [~~videotaped~~] interview of a
15 child that is made at a center is the property of the prosecuting
16 attorney involved in the criminal prosecution of the case involving
17 the child. If no criminal prosecution occurs, the video recording
18 [~~videotaped interview~~] is the property of the attorney involved in
19 representing the department in a civil action alleging child abuse
20 or neglect. If the matter involving the child is not prosecuted,
21 the video recording [~~videotape~~] is the property of the department
22 if the matter is an investigation by the department of abuse or
23 neglect. If the department is not investigating or has not
24 investigated the matter, the video recording [~~videotape~~] is the
25 property of the agency that referred the matter to the center. If
26 the center employs a custodian of records for video recordings of
27 [~~videotaped~~] interviews of children, the center is responsible for

1 the custody of the video recording [~~videotape~~]. A video recording
2 of an [~~videotaped~~] interview may be shared with other agencies
3 under a written agreement.

4 (d-1) A video recording of an [~~videotaped~~] interview
5 described by Subsection (d) is subject to production under Article
6 39.14, Code of Criminal Procedure, and Rule 615, Texas Rules of
7 Evidence. A court shall deny any request by a defendant to copy,
8 photograph, duplicate, or otherwise reproduce a video recording
9 [~~videotape~~] of an interview described by Subsection (d), provided
10 that the prosecuting attorney makes the video recording [~~videotape~~]
11 reasonably available to the defendant in the same manner as
12 property or material may be made available to defendants,
13 attorneys, and expert witnesses under Article 39.15(d), Code of
14 Criminal Procedure.

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

17 SECTION 4. This Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I certify that H.B. No. 3259 was passed by the House on April 18, 2013, by the following vote: Yeas 143, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3259 on May 23, 2013, by the following vote: Yeas 145, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3259 was passed by the Senate, with amendments, on May 22, 2013, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor