

By: Zaffirini, West

S.B. No. 44

A BILL TO BE ENTITLED

AN ACT

relating to maintaining and reporting certain information
regarding certain child abuse or neglect cases.

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

SECTION 1. Section 261.002, Family Code, is amended by
adding Subsections (d), (e), and (f) to read as follows:

(d) The department may not include in the registry a record
of a case of child abuse or neglect in which a finding of abuse or
neglect is based solely on the fact that the person relinquished
custody of a child who suffers from a mental illness in order to
obtain mental health services for the child.

(e) On petition by a person who relinquished custody of a
child under circumstances described by Subsection (d), a court
shall order the department to remove the record from the registry if
the court finds that the finding of abuse or neglect is based solely
on the fact that the person relinquished custody of a child who
suffers from a mental illness in order to obtain mental health
services for the child. A person may not file a petition under this
subsection before the first anniversary of the date the department
was named managing conservator of the child.

(f) In this section, "mental illness" has the meaning
assigned by Section 571.003, Health and Safety Code.

SECTION 2. Section 261.004(b), Family Code, is amended to
read as follows:

(b) The department shall report the following information:

(1) the number of initial phone calls received by the department alleging abuse and neglect;

(2) the number of children reported to the department as having been abused and neglected;

(3) the number of reports received by the department alleging abuse or neglect and assigned by the department for investigation;

(4) of the children to whom Subdivision (2) applies:

(A) the number for whom the report was substantiated;

(B) the number for whom the report was unsubstantiated;

(C) the number for whom the report was determined to be false;

(D) the number who did not receive services from the department under a state or federal program;

(E) the number who received services, including preventative services, from the department under a state or federal program; and

(F) the number who were removed from the child's home during the preceding year;

(5) the number of families in which the child was not removed, but the child or family received services from the department;

(6) the number of children who died during the preceding year as a result of child abuse or neglect;

1 (7) of the children to whom Subdivision (6) applies,
2 the number who were in foster care at the time of death;

3 (8) the number of child protective services workers
4 responsible for report intake, assessment, or investigation;

5 (9) the response time by the department with respect
6 to conducting an initial investigation of a report of child abuse or
7 neglect;

8 (10) the response time by the department with respect
9 to commencing services to families and children for whom an
10 allegation of abuse or neglect has been made;

11 (11) the number of children who were returned to their
12 families or who received family preservation services and who,
13 before the fifth anniversary of the date of return or receipt, were
14 the victims of substantiated reports of child abuse or neglect,
15 including abuse or neglect resulting in the death of the child;

16 (12) the number of cases pursued by the department in
17 each stage of the judicial process, including civil and criminal
18 proceedings and the results of each proceeding; ~~and~~

19 (13) the number of children for whom a person was
20 appointed by the court to represent the best interests of the child
21 and the average number of out-of-court contacts between the person
22 and the child; and

23 (14) the number of children who suffer from a mental
24 illness, as defined by Section 571.003, Health and Safety Code, and
25 for whom the department is appointed managing conservator because a
26 person voluntarily relinquished custody of the child solely to
27 obtain mental health services for the child.

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