

By: Naishtat

H.B. No. 4111

A BILL TO BE ENTITLED

AN ACT

relating to the release of certain child fatality and near fatality information for abused or neglected children.

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

SECTION 1. Section 261.203(b), Family Code, is amended to read as follows:

(b) If, after a child abuse or neglect investigation described by Subsection (a) is completed, the department determines a child's death, or a child's critical injury that reasonably could have resulted in the child's death, was caused by abuse or neglect, the department on request shall promptly release all investigation information not prohibited from release under federal law, including the following information [~~on request~~]:

(1) the information described by Subsection (a), if not previously released to the person requesting the information;

(2) information on whether a child's death was determined by the department to be attributable to abuse or neglect or resulted in a criminal investigation or the filing of criminal charges;

(3) for cases in which the child's death occurred while the child was living with the child's parent, managing conservator, guardian, or other person entitled to possession of the child:

(A) a summary of any previous reports of abuse or neglect of the deceased child or another child made while the child

1 was living with that parent, managing conservator, guardian, or
2 other person entitled to possession of the child;

3 (B) the disposition of any report under Paragraph
4 (A);

5 (C) a description of any ~~[the]~~ services,
6 including family-based safety services [if any], that were provided
7 or offered by the department to the child or the child's family as a
8 result of any report under Paragraph (A) and whether the services
9 were accepted or declined; and

10 (D) the results of any risk or safety assessment
11 completed by the department relating to the deceased child; and

12 (4) ~~[(3)]~~ for a case in which the child's death
13 occurred while the child was in substitute care with the department
14 or with a residential child-care provider regulated under Chapter
15 42, Human Resources Code, the following information:

16 (A) the date the substitute care provider with
17 whom the child was residing at the time of death was licensed or
18 verified;

19 (B) a summary of any previous reports of abuse or
20 neglect investigated by the department relating to the substitute
21 care provider, including the disposition of any investigation
22 resulting from a report;

23 (C) any reported licensing violations, including
24 notice of any action taken by the department regarding a violation;
25 and

26 (D) records of any training completed by the
27 substitute care provider while the child was placed with the

1 provider.

2 SECTION 2. Subchapter C, Chapter 261, Family Code, is
3 amended by adding Section 261.204 to read as follows:

4 Sec. 261.204. ANNUAL CHILD FATALITY REPORT. (a) The
5 department shall compile and publish an annual report on child
6 fatality investigations for which the department made a finding
7 regarding abuse or neglect, including cases in which the department
8 determined the fatality was not the result of abuse or neglect. The
9 report must protect the identity of individuals involved and
10 contain for each case the following information:

11 (1) the age and sex of the child and the county in
12 which the fatality occurred;

13 (2) whether the state was the managing conservator of
14 the child or whether the child resided with the child's parent,
15 managing conservator, guardian, or other person entitled to the
16 possession of the child at the time of the fatality;

17 (3) the relationship to the child of the individual
18 alleged to have abused or neglected the child, if any;

19 (4) the number of any department abuse or neglect
20 investigations involving the child or the individual alleged to
21 have abused or neglected the child during the two years preceding
22 the date of the fatality and the results of the investigations;

23 (5) whether the department offered family-based
24 safety services or conservatorship services to the child or family;

25 (6) the types of abuse and neglect alleged in the
26 reported investigations, if any; and

27 (7) any trends identified in the investigations

1 contained in the report.

2 (b) The department may release additional information in
3 the annual report if the release of the information is not
4 prohibited by state or federal law.

5 (c) The department shall post the annual report on the
6 department's Internet website and otherwise make the report
7 available to the public.

8 (d) The executive commissioner of the Health and Human
9 Services Commission may adopt rules to implement this section.

10 SECTION 3. Section 261.203(b), Family Code, as amended by
11 this Act, applies only to a request for information related to a
12 child fatality or near fatality submitted to the Department of
13 Family and Protective Services on or after the effective date of
14 this Act.

15 SECTION 4. Not later than March 1, 2016, the Department of
16 Family and Protective Services shall publish on its Internet
17 website the initial report required by Section 261.204, Family
18 Code, as added by this Act.

19 SECTION 5. This Act takes effect September 1, 2015.