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S.B. No. 949

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 near fatality was caused by abuse or neglect, the department on request shall promptly release 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 or near fatality:

(A) was determined by the department to be attributable to abuse or neglect; or

(B) resulted in a criminal investigation or the filing of criminal charges if known at the time the investigation is completed;

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

1 possession of the child:

2 (A) a summary of any previous reports of abuse or
3 neglect of the [~~deceased~~] child or another child made while the
4 child was living with that parent, managing conservator, guardian,
5 or other person entitled to possession of the child;

6 (B) the disposition of any report under Paragraph
7 (A);

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

13 (D) the results of any risk or safety assessment
14 completed by the department relating to the [~~deceased~~] child; and

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

19 (A) the date the substitute care provider with
20 whom the child was residing at the time of death or near fatality
21 was licensed or verified;

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

26 (C) any reported licensing violations, including
27 notice of any action taken by the department regarding a violation;

1 and

2 (D) records of any training completed by the
3 substitute care provider while the child was placed with the
4 provider.

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

7 Sec. 261.204. ANNUAL CHILD FATALITY REPORT. (a) The
8 department shall publish an annual aggregated report using
9 information compiled from each child fatality investigation for
10 which the department made a finding regarding abuse or neglect,
11 including cases in which the department determined the fatality was
12 not the result of abuse or neglect. The report must protect the
13 identity of individuals involved and contain the following
14 information:

15 (1) the age and sex of the child and the county in
16 which the fatality occurred;

17 (2) whether the state was the managing conservator of
18 the child or whether the child resided with the child's parent,
19 managing conservator, guardian, or other person entitled to the
20 possession of the child at the time of the fatality;

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

23 (4) the number of any department abuse or neglect
24 investigations involving the child or the individual alleged to
25 have abused or neglected the child during the two years preceding
26 the date of the fatality and the results of the investigations;

27 (5) whether the department offered family-based

1 safety services or conservatorship services to the child or family;

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

4 (7) any trends identified in the investigations
5 contained in the report.

6 (b) The report published under Subsection (a) must:

7 (1) accurately represent all abuse-related and
8 neglect-related child fatalities in this state, including child
9 fatalities investigated under Subchapter F, Chapter 264, and other
10 child fatalities investigated by the department; and

11 (2) aggregate the fatalities by investigative
12 findings and case disposition, including the following
13 dispositions:

14 (A) abuse and neglect ruled out;

15 (B) unable to determine cause of death;

16 (C) reason to believe abuse or neglect occurred;

17 (D) reason to believe abuse or neglect
18 contributed to child's death;

19 (E) unable to complete review; and

20 (F) administrative closure.

21 (c) The department may release additional information in
22 the annual report if the release of the information is not
23 prohibited by state or federal law.

24 (d) The department shall post the annual report on the
25 department's Internet website and otherwise make the report
26 available to the public.

27 (e) The executive commissioner of the Health and Human

1 Services Commission may adopt rules to implement this section.

2 (f) At least once every 10 years, the department shall use
3 the information reported under this section to provide guidance for
4 possible department policy changes.

5 SECTION 3. Section 261.203(b), Family Code, as amended by
6 this Act, applies only to a child fatality or near fatality that
7 occurs on or after the effective date of this Act.

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

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