

1-1 By: Uresti S.B. No. 949
1-2 (In the Senate - Filed March 4, 2015; March 9, 2015, read
1-3 first time and referred to Committee on Health and Human Services;
1-4 April 9, 2015, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 9, 2015,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	<u>Schwertner</u>	X		
1-10	<u>Kolkhorst</u>	X		
1-11	<u>Campbell</u>	X		
1-12	<u>Estes</u>	X		
1-13	<u>Perry</u>	X		
1-14	<u>Rodríguez</u>	X		
1-15	<u>Taylor of Collin</u>	X		
1-16	<u>Uresti</u>	X		
1-17	<u>Zaffirini</u>	X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 949 By: Zaffirini

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to the release of certain child fatality and near-fatality
1-22 information for abused or neglected children.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 261.203(b), Family Code, is amended to
1-25 read as follows:

1-26 (b) If, after a child abuse or neglect investigation
1-27 described by Subsection (a) is completed, the department determines
1-28 a child's death or a child's near fatality was caused by abuse or
1-29 neglect, the department on request shall promptly release
1-30 investigation information not prohibited from release under
1-31 federal law, including the following information [on request]:

1-32 (1) the information described by Subsection (a), if
1-33 not previously released to the person requesting the information;

1-34 (2) information on whether a child's death or near
1-35 fatality:

1-36 (A) was determined by the department to be
1-37 attributable to abuse or neglect; or

1-38 (B) resulted in a criminal investigation or the
1-39 filing of criminal charges if known at the time the investigation is
1-40 completed;

1-41 (3) for cases in which the child's death or near
1-42 fatality occurred while the child was living with the child's
1-43 parent, managing conservator, guardian, or other person entitled to
1-44 possession of the child:

1-45 (A) a summary of any previous reports of abuse or
1-46 neglect of the ~~deceased~~ child or another child made while the
1-47 child was living with that parent, managing conservator, guardian,
1-48 or other person entitled to possession of the child;

1-49 (B) the disposition of any report under Paragraph
1-50 (A);

1-51 (C) a description of any [the] services,
1-52 including family-based safety services [if any], that were provided
1-53 or offered by the department to the child or the child's family as a
1-54 result of any report under Paragraph (A) and whether the services
1-55 were accepted or declined; and

1-56 (D) the results of any risk or safety assessment
1-57 completed by the department relating to the ~~deceased~~ child; and

1-58 (4) ~~(3)~~ for a case in which the child's death or near
1-59 fatality occurred while the child was in substitute care with the
1-60 department or with a residential child-care provider regulated

2-1 under Chapter 42, Human Resources Code, the following information:
 2-2 (A) the date the substitute care provider with
 2-3 whom the child was residing at the time of death or near fatality
 2-4 was licensed or verified;
 2-5 (B) a summary of any previous reports of abuse or
 2-6 neglect investigated by the department relating to the substitute
 2-7 care provider, including the disposition of any investigation
 2-8 resulting from a report;
 2-9 (C) any reported licensing violations, including
 2-10 notice of any action taken by the department regarding a violation;
 2-11 and
 2-12 (D) records of any training completed by the
 2-13 substitute care provider while the child was placed with the
 2-14 provider.

2-15 SECTION 2. Subchapter C, Chapter 261, Family Code, is
 2-16 amended by adding Section 261.204 to read as follows:

2-17 Sec. 261.204. ANNUAL CHILD FATALITY REPORT. (a) The
 2-18 department shall publish an annual aggregated report using
 2-19 information compiled from each child fatality investigation for
 2-20 which the department made a finding regarding abuse or neglect,
 2-21 including cases in which the department determined the fatality was
 2-22 not the result of abuse or neglect. The report must protect the
 2-23 identity of individuals involved and contain the following
 2-24 information:

- 2-25 (1) the age and sex of the child and the county in
 2-26 which the fatality occurred;
- 2-27 (2) whether the state was the managing conservator of
 2-28 the child or whether the child resided with the child's parent,
 2-29 managing conservator, guardian, or other person entitled to the
 2-30 possession of the child at the time of the fatality;
- 2-31 (3) the relationship to the child of the individual
 2-32 alleged to have abused or neglected the child, if any;
- 2-33 (4) the number of any department abuse or neglect
 2-34 investigations involving the child or the individual alleged to
 2-35 have abused or neglected the child during the two years preceding
 2-36 the date of the fatality and the results of the investigations;
- 2-37 (5) whether the department offered family-based
 2-38 safety services or conservatorship services to the child or family;
- 2-39 (6) the types of abuse and neglect alleged in the
 2-40 reported investigations, if any; and
- 2-41 (7) any trends identified in the investigations
 2-42 contained in the report.

2-43 (b) The report published under Subsection (a) must:

- 2-44 (1) accurately represent all abuse-related and
 2-45 neglect-related child fatalities in this state, including child
 2-46 fatalities investigated under Subchapter F, Chapter 264, and other
 2-47 child fatalities investigated by the department; and
- 2-48 (2) aggregate the fatalities by investigative
 2-49 findings and case disposition, including the following
 2-50 dispositions:
 - 2-51 (A) abuse and neglect ruled out;
 - 2-52 (B) unable to determine cause of death;
 - 2-53 (C) reason to believe abuse or neglect occurred;
 - 2-54 (D) reason to believe abuse or neglect
 2-55 contributed to child's death;
 - 2-56 (E) unable to complete review; and
 - 2-57 (F) administrative closure.

2-58 (c) The department may release additional information in
 2-59 the annual report if the release of the information is not
 2-60 prohibited by state or federal law.

2-61 (d) The department shall post the annual report on the
 2-62 department's Internet website and otherwise make the report
 2-63 available to the public.

2-64 (e) The executive commissioner of the Health and Human
 2-65 Services Commission may adopt rules to implement this section.

2-66 (f) At least once every 10 years, the department shall use
 2-67 the information reported under this section to provide guidance for
 2-68 possible department policy changes.

2-69 SECTION 3. Section 261.203(b), Family Code, as amended by

3-1 this Act, applies only to a child fatality or near fatality that
3-2 occurs on or after the effective date of this Act.

3-3 SECTION 4. Not later than March 1, 2016, the Department of
3-4 Family and Protective Services shall publish on its Internet
3-5 website the initial report required by Section 261.204, Family
3-6 Code, as added by this Act.

3-7 SECTION 5. This Act takes effect September 1, 2015.

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