

Amend CSHB 249 (house committee printing) as follows:

(1) On page 3, strike lines 3-13 and substitute the following:

SECTION 3. Section 261.301, Family Code, is amended by amending Subsections (b), (c), and (h) and adding Subsection (b-1) to read as follows:

(b) Except as provided by Subsection (b-1), a [A] state agency shall investigate a report that alleges abuse, ~~[or]~~ neglect, or exploitation occurred in a facility operated, licensed, certified, or registered by that agency as provided by Subchapter E. In conducting an investigation for a facility operated, licensed, certified, registered, or listed by the department, the department shall perform the investigation as provided by:

(1) Subchapter E; and

(2) the Human Resources Code.

(b-1) The department shall investigate a report that alleges abuse, neglect, or exploitation occurred in a facility operated, licensed, certified, or registered by the Health and Human Services Commission, the department, or another health and human services agency listed in Section 531.001, Government Code. The department shall perform the investigation as provided by:

(1) Subchapter E; and

(2) the Human Resources Code.

(2) Strike page 3, line 22, through page 4, line 3.

(3) On page 7, line 15, strike "Sections 261.401(a) and (b), Family Code, are" and substitute "Section 261.401(a), Family Code, is".

(4) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Sections 261.401(b), Family Code, is amended to read as follows:

(b) Except as provided by Sections 261.301 and [Section] 261.404, a state agency that operates, licenses, certifies, registers, or lists a facility in which children are located or provides oversight of a program that serves children shall make a prompt, thorough investigation of a report that a child has been or may be abused, neglected, or exploited in the facility or program.

The primary purpose of the investigation shall be the protection of the child.

SECTION _____. Sections 261.405(a) and (c), Family Code, are amended to read as follows:

(a) Notwithstanding Section 261.001, in ~~[1a]~~ this section:

(1) "Abuse" means an intentional, knowing, or reckless act or omission by an employee, volunteer, or other individual working under the auspices of a facility or program that causes or may cause emotional harm or physical injury to, or the death of, a child served by the facility or program as further described by rule or policy.

(2) "Exploitation" means the illegal or improper use of a child or of the resources of a child for monetary or personal benefit, profit, or gain by an employee, volunteer, or other individual working under the auspices of a facility or program as further described by rule or policy.

(3) "Juvenile justice facility" means a facility operated wholly or partly by the juvenile board, by another governmental unit, or by a private vendor under a contract with the juvenile board, county, or other governmental unit that serves juveniles under juvenile court jurisdiction. The term includes:

(A) a public or private juvenile pre-adjudication secure detention facility, including a holdover facility;

(B) a public or private juvenile post-adjudication secure correctional facility except for a facility operated solely for children committed to the Texas Juvenile Justice Department; and

(C) a public or private non-secure juvenile post-adjudication residential treatment facility that is not licensed by the Department of Family and Protective Services or the Department of State Health Services.

(4) ~~[(2)]~~ "Juvenile justice program" means a program or department operated wholly or partly by the juvenile board or by a private vendor under a contract with a juvenile board that serves juveniles under juvenile court jurisdiction. The term includes:

(A) a juvenile justice alternative education

program;

(B) a non-residential program that serves juvenile offenders under the jurisdiction of the juvenile court; and

(C) a juvenile probation department.

(5) "Neglect" means a negligent act or omission by an employee, volunteer, or other individual working under the auspices of a facility or program, including failure to comply with an individual treatment plan, plan of care, or individualized service plan, that causes or may cause substantial emotional harm or physical injury to, or the death of, a child served by the facility or program as further described by rule or policy.

(c) The Texas Juvenile Justice Department shall make a prompt, thorough ~~[conduct an]~~ investigation as provided by this chapter if that department receives a report of alleged abuse, neglect, or exploitation in any juvenile justice program or facility. The primary purpose of the investigation shall be the protection of the child.