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FLOOR AMENDMENT NO. HOUSE OF REPRESENTATIVES

BY: Hernandez

1 Amend C.S.S.B. No. 11 (house committee printing) as
2 follows:

3 (1) On page 45, line 18, strike "abuse and neglect" and
4 substitute "abuse, neglect, and exploitation".

5 (2) On page 45, line 21, strike "abuse and neglect" and
6 substitute "abuse, neglect, and exploitation".

7 (3) Add the following appropriately numbered SECTIONS to
8 the bill and renumber subsequent SECTIONS of the bill
9 accordingly:

10 SECTION _____. Sections 261.301(b) and (c), Family Code, are
11 amended to read as follows:

12 (b) A state agency shall investigate a report that alleges
13 abuse, [~~or~~] neglect, or exploitation occurred in a facility
14 operated, licensed, certified, or registered by that agency as
15 provided by Subchapter E. In conducting an investigation for a
16 facility operated, licensed, certified, registered, or listed by
17 the department, the department shall perform the investigation
18 as provided by:

19 (1) Subchapter E; and

20 (2) the Human Resources Code.

21 (c) The department is not required to investigate a report
22 that alleges child abuse, [~~or~~] neglect, or exploitation by a
23 person other than a person responsible for a child's care,
24 custody, or welfare. The appropriate state or local law
25 enforcement agency shall investigate that report if the agency
26 determines an investigation should be conducted.

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

29 (b) Except as provided by Section 261.404 and Section

1 531.02013(1)(D), Government Code, a state agency that operates,
2 licenses, certifies, registers, or lists a facility in which
3 children are located or provides oversight of a program that
4 serves children shall make a prompt, thorough investigation of a
5 report that a child has been or may be abused, neglected, or
6 exploited in the facility or program. The primary purpose of
7 the investigation shall be the protection of the child.

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

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

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

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

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

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

31 (B) a public or private juvenile post-

1 adjudication secure correctional facility except for a facility
2 operated solely for children committed to the Texas Juvenile
3 Justice Department; and

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

8 (4) ~~[(2)]~~ "Juvenile justice program" means a program
9 or department operated wholly or partly by the juvenile board or
10 by a private vendor under a contract with a juvenile board that
11 serves juveniles under juvenile court jurisdiction. The term
12 includes:

13 (A) a juvenile justice alternative education
14 program;

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

18 (C) a juvenile probation department.

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

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

1 protection of the child.

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