

BILL ANALYSIS

Senate Research Center
85R20995 MK-D

H.B. 2849
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties express concern that a family who is investigated by child protective services and against whom a finding of abuse and neglect is overturned may still suffer the stigma of having the person's name and records related to the case in certain Department of Family and Protective Services (DFPS) files. H.B. 2849 seeks to remedy this situation by providing for the removal of such information.

H.B. 2849 amends the Family Code to include among the rules the executive commissioner of the Health and Human Services Commission is required to adopt, for purposes of the central registry of the names of individuals found by DFPS to have abused or neglected a child, rules that require DFPS to remove a person's name from the central registry not later than the 10th business day after the date DFPS receives notice that a finding of abuse and neglect against the person is overturned in an administrative review or an appeal of a review relating to a DFPS child abuse or neglect investigation, a review or an appeal of the review conducted by the DFPS office of consumer affairs, or a hearing or an appeal conducted by the State Office of Administrative Hearings and rules that require DFPS to update any relevant DFPS files to reflect an overturned finding of abuse or neglect against a person not later than the 10th business day after the date the finding is overturned in such a review, hearing, or appeal.

H.B. 2849 amends current law relating to the procedures for removing certain persons' names from the child abuse and neglect central registry.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 261.002, Family Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 261.002(b), Family Code, as follows:

(b) Requires the executive commissioner of the Health and Human Services Commission to adopt rules necessary to carry out this section. Requires that the rules:

(1) and (2) make nonsubstantive changes;

(3) require the Department of Family and Protective Services (DFPS) to remove a person's name from the central registry maintained under this section (Central Registry) not later than the 10th business day after the date DFPS receives notice that a finding of abuse and neglect against the person is overturned in certain reviews and appeals; and

(4) require DFPS to update any relevant DFPS files to reflect an overturned finding of abuse or neglect against a person not later than the 10th business day after the date the finding is overturned in a review, hearing, or appeal described by Subdivision (3).

SECTION 2. Effective date: September 1, 2017.