

By: Wu

H.B. No. 702

A BILL TO BE ENTITLED

AN ACT

relating to a system for assessing the potential risk of harm to children in child protective services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 40, Human Resources Code, is amended by adding Section 40.0529 to read as follows:

Sec. 40.0529. RISK OF HARM ASSESSMENT. (a) The department shall establish a system for assessing the risk of harm to a child from abuse or neglect for each child who is the subject of a report of abuse or neglect or of an active child protective services case. The system shall provide a score for each case on a scale from 1 for a child at the lowest risk of harm to 10 for a child at the highest risk of harm.

(b) The department, with assistance from the Bush School of Government and Public Service at Texas A&M University, the Lyndon B. Johnson School of Public Affairs at The University of Texas, and the Graduate College of Social Work at the University of Houston, shall study child protective services cases to identify factors that indicate a risk of child abuse or neglect and develop objective criteria to be used in the risk of harm assessment.

(c) In assessing the risk of harm to a child from abuse or neglect, the department shall consider:

(1) the risk of harm a parent poses to a child who remains in the child's home, including:

1 (A) the likelihood of the child's death or
2 serious injury; and

3 (B) the likelihood of serious psychological harm
4 to the child;

5 (2) the potential psychological harm to a child who
6 remains in the child's home;

7 (3) the potential psychological harm to a child who is
8 removed from the child's home;

9 (4) the risk of harm to a child who is returned to the
10 child's home; and

11 (5) the services required to address the child's
12 needs, including the child's medical and mental health care needs.

13 (d) After the department assigns a risk of harm assessment
14 score to a child's case, the child protective services caseworker
15 for the child's case may adjust the score by one point based on the
16 caseworker's knowledge and experience with the child.

17 (e) The department shall complete a risk of harm assessment
18 for each child protective services case before a court holds a full
19 adversary hearing on the case and shall periodically reassess the
20 risk of harm to the child.

21 (f) The department shall use the risk of harm assessment
22 score when making decisions relating to:

23 (1) caseworker assignments;

24 (2) parental access to the child;

25 (3) attorney assignments; and

26 (4) caseload limits for caseworkers.

27 (g) The department may only assign an experienced

1 caseworker to a child protective services case that has been
2 assigned a high risk of harm assessment score.

3 (h) The risk of harm assessment score is inadmissible in
4 court as evidence.

5 SECTION 2. The change in law made by this Act applies only
6 to a child protective services case started on or after the
7 effective date of this Act. A child protective services case
8 started before that date is governed by the law in effect on the
9 date the case began, and the former law is continued in effect for
10 that purpose.

11 SECTION 3. This Act takes effect September 1, 2017.