

By: Uresti
(Wu)

S.B. No. 190

A BILL TO BE ENTITLED

AN ACT

relating to the administrative closure of certain reported cases of child abuse or neglect made to the Department of Family and Protective Services.

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

SECTION 1. Subchapter D, Chapter 261, Family Code, is amended by adding Section 261.3017 to read as follows:

Sec. 261.3017. ABBREVIATED INVESTIGATION AND ADMINISTRATIVE CLOSURE OF CERTAIN CASES. (a) A department caseworker may refer a reported case of child abuse or neglect to a department supervisor for abbreviated investigation or administrative closure at any time before the 60th day after the date the report is received if:

(1) there is no prior report of abuse or neglect of the child who is the subject of the report;

(2) the department has not received an additional report of abuse or neglect of the child following the initial report; and

(3) either:

(A) after contacting a professional or other credible source, the caseworker determines that the child's safety can be assured without further investigation, response, services, or assistance; or

(B) the caseworker determines that no abuse or neglect occurred.

1 (b) A department supervisor shall review each reported case
2 of child abuse or neglect that has remained open for more than 60
3 days and administratively close the case if the supervisor
4 determines that the circumstances described by Subsections
5 (a)(1)-(3) exist and that closing the case would not expose the
6 child to an undue risk of harm.

7 (c) A department supervisor may reassign a reported case of
8 child abuse or neglect that does not qualify for abbreviated
9 investigation or administrative closure under Subsection (a) or (b)
10 to a different department caseworker if the supervisor determines
11 that reassignment would allow the department to make the most
12 effective use of resources to investigate and respond to reported
13 cases of abuse or neglect.

14 (d) The executive commissioner shall adopt rules necessary
15 to implement this section.

16 (e) In this section, "professional" means an individual who
17 is licensed or certified by the state or who is an employee of a
18 facility licensed, certified, or operated by the state and who, in
19 the normal course of official duties or duties for which a license
20 or certification is required, has direct contact with children.
21 The term includes teachers, nurses, doctors, day-care employees,
22 employees of a clinic or health care facility that provides
23 reproductive services, juvenile probation officers, and juvenile
24 detention or correctional officers.

25 SECTION 2. Not later than December 1, 2017, the executive
26 commissioner of the Health and Human Services Commission shall
27 adopt the rules necessary to implement Section 261.3017, Family

1 Code, as added by this Act.

2 SECTION 3. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2017.