86R2083 MM-D

By:  Middleton H.B. No. 4188

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the Department of Family and Protective Services to conduct certain interviews of a child who is the subject of a report of abuse or neglect.

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

SECTION 1.  Section 261.302, Family Code, is amended by adding Subsections (b-2) and (b-3) to read as follows:

(b-2)  The department may not interview the child at the child's school as part of an investigation unless:

(1)  the child's parent or other person having custody of the child consents in writing to the interview; or

(2)  the department obtains a court order for the interview.

(b-3)  This section does not limit the authority of a law enforcement agency to perform its duties under any other law.

SECTION 2.  Section 261.302, Family Code, as amended by this Act, applies only to an investigation of a report of abuse or neglect of a child initiated by the Department of Family and Protective Services on or after the effective date of this Act. An investigation initiated by the department before that date is governed by the law in effect on the date the investigation was initiated, and that law is continued in effect for that purpose.

SECTION 3.  This Act takes effect September 1, 2019.