

By: Miller

H.B. No. 1637

Substitute the following for H.B. No. 1637:

By: White

C.S.H.B. No. 1637

A BILL TO BE ENTITLED

AN ACT

relating to required training regarding trauma-informed care for certain judges and attorneys.

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

SECTION 1. Subchapter A, Chapter 264, Family Code, is amended by adding Section 264.016 to read as follows:

Sec. 264.016. TRAINING RELATED TO TRAUMA-INFORMED CARE.

(a) The department shall ensure that each attorney who the department employs or contracts with to represent the state in a suit filed by a governmental entity under this subtitle seeking termination of the parent-child relationship or the appointment of a conservator for the child completes a training program regarding trauma-informed care and the effect of trauma on children in the conservatorship of the department.

(b) An attorney shall complete the training required by this section before the attorney may represent the state in a suit described by Subsection (a).

(c) The training required by this section must include information regarding:

(1) the symptoms of trauma and the impact that trauma has on a child, including how trauma may affect a child's development, emotions, memories, behavior, and decision-making;

(2) attachment and how a lack of attachment may affect a child;

1 (3) the role that trauma-informed care and services
2 can have in a child's ability to build connections, feel safe, and
3 regulate the child's emotions to help the child build resiliency
4 and overcome the effects of trauma and adverse childhood
5 experiences;

6 (4) the importance of screening children for trauma
7 and the risk of mislabeling and inappropriate treatment of children
8 without proper screening, including the risk associated with
9 increasing the use of psychotropic medication;

10 (5) the potential for re-traumatization of children in
11 the conservatorship of the department; and

12 (6) the availability of:

13 (A) research-supported, trauma-informed,
14 non-pharmacological interventions; and

15 (B) trauma-informed advocacy to increase a
16 child's access, while the child is in the conservatorship of the
17 department, to:

18 (i) trauma-informed care; and

19 (ii) trauma-informed mental and behavioral
20 health services.

21 SECTION 2. Section 22.011, Government Code, is amended to
22 read as follows:

23 Sec. 22.011. JUDICIAL INSTRUCTION RELATED TO FAMILY
24 VIOLENCE, SEXUAL ASSAULT, TRAFFICKING OF PERSONS, CHILDHOOD
25 TRAUMA, AND CHILD ABUSE. (a) The supreme court shall provide
26 judicial training related to the problems of family violence,
27 sexual assault, trafficking of persons, childhood trauma, and child

1 abuse and to issues concerning sex offender characteristics.

2 (d) The instruction must include information about:

3 (1) statutory and case law relating to videotaping a
4 child's testimony and relating to competency of children to
5 testify;

6 (2) methods for eliminating the trauma to the child
7 caused by the court process;

8 (3) case law, statutory law, and procedural rules
9 relating to family violence, sexual assault, trafficking of
10 persons, and child abuse;

11 (4) methods for providing protection for victims of
12 family violence, sexual assault, trafficking of persons, or child
13 abuse;

14 (5) available community and state resources for
15 counseling and other aid to victims and to offenders;

16 (6) gender bias in the judicial process;

17 (7) dynamics and effects of being a victim of family
18 violence, sexual assault, trafficking of persons, or child abuse;

19 [~~and~~]

20 (8) issues concerning sex offender characteristics;

21 and

22 (9) issues related to childhood trauma and adverse
23 childhood experiences.

24 SECTION 3. The heading to Section 22.110, Government Code,
25 is amended to read as follows:

26 Sec. 22.110. JUDICIAL TRAINING [~~INSTRUCTION~~] RELATED TO
27 FAMILY VIOLENCE, SEXUAL ASSAULT, TRAFFICKING OF PERSONS, CHILDHOOD

1 TRAUMA, AND CHILD ABUSE AND NEGLECT.

2 SECTION 4. Section 22.110, Government Code, is amended by
3 amending Subsections (a), (b), and (d) and adding Subsection (d-2)
4 to read as follows:

5 (a) The court of criminal appeals shall assure that judicial
6 training related to the problems of family violence, sexual
7 assault, trafficking of persons, childhood trauma, and child abuse
8 and neglect is provided.

9 (b) The court of criminal appeals shall adopt the rules
10 necessary to accomplish the purposes of this section. The rules
11 must:

12 (1) require each district judge, judge of a statutory
13 county court, associate judge appointed under Chapter 54A of this
14 code or Chapter 201, Family Code, master, referee, and magistrate
15 to complete at least 12 hours of the training within the judge's
16 first term of office or the judicial officer's first four years of
17 service that includes:

18 (A) at [~~and provide a method for certification of~~
19 ~~completion of that training. At~~] least four hours of [~~the~~] training
20 that:

21 (i) is [~~must be~~] dedicated to issues
22 related to trafficking of persons and child abuse and neglect; and

23 (ii) covers [~~must cover~~] at least two of the
24 topics described in Subsections (d)(8)-(13);

25 (B) at [~~(d)(8)-(12). At~~] least six hours of
26 [~~the~~] training [~~must be~~] dedicated to the training described by
27 Subsections (d)(5), (6), and (7); and

1 (C) for a judge of a court with jurisdiction over
2 cases involving children in the conservatorship of the Department
3 of Family and Protective Services or children in the juvenile
4 justice system, at least three hours of training dedicated to the
5 training described by Subsection (d)(13);

6 (2) provide a method for certifying the completion of
7 the training described by Subdivision (1);

8 (3) [~~. The rules must~~] require each judge and judicial
9 officer to complete an additional five hours of training during
10 each additional term in office or four years of service, including:

11 (A) at [~~. At~~] least two hours of [~~the additional~~]
12 training [~~must be~~] dedicated to issues related to trafficking of
13 persons and child abuse and neglect; and

14 (B) for a judge of a court with jurisdiction over
15 cases involving children in the conservatorship of the Department
16 of Family and Protective Services or children in the juvenile
17 justice system, at least one hour of training dedicated to the
18 training described by Subsection (d)(13); and

19 (4) [~~. The rules must~~] exempt from the training
20 requirement of this subsection each judge or judicial officer who
21 files an affidavit stating that the judge or judicial officer does
22 not hear any cases involving family violence, sexual assault,
23 trafficking of persons, childhood trauma, or child abuse and
24 neglect.

25 (d) The instruction must include information about:

26 (1) statutory and case law relating to videotaping a
27 child's testimony and relating to competency of children to

1 testify;

2 (2) methods for eliminating the trauma to the child
3 caused by the court process;

4 (3) case law, statutory law, and procedural rules
5 relating to family violence, sexual assault, trafficking of
6 persons, and child abuse and neglect;

7 (4) methods for providing protection for victims of
8 family violence, sexual assault, trafficking of persons, and child
9 abuse and neglect;

10 (5) available community and state resources for
11 counseling and other aid to victims and to offenders;

12 (6) gender bias in the judicial process;

13 (7) dynamics and effects of being a victim of family
14 violence, sexual assault, trafficking of persons, or child abuse
15 and neglect;

16 (8) dynamics of sexual abuse of children, including
17 child abuse accommodation syndrome and grooming;

18 (9) impact of substance abuse on an unborn child and on
19 a person's ability to care for a child;

20 (10) issues of attachment and bonding between children
21 and caregivers;

22 (11) issues of child development that pertain to
23 trafficking of persons and child abuse and neglect; ~~and~~

24 (12) medical findings regarding physical abuse,
25 sexual abuse, trafficking of persons, and child abuse and neglect;
26 and

27 (13) childhood trauma and adverse childhood

1 experiences described by Subsection (d-2).

2 (d-2) The training on childhood trauma and adverse
3 childhood experiences under Subsection (d)(13) must include
4 information regarding:

5 (1) the symptoms of trauma and the impact that trauma
6 has on a child, including how trauma may affect a child's
7 development, emotions, memories, behavior, and decision-making;

8 (2) attachment and how a lack of attachment may affect
9 a child;

10 (3) the role that trauma-informed care and services
11 can have in a child's ability to build connections, feel safe, and
12 regulate the child's emotions to help the child build resiliency
13 and overcome the effects of trauma and adverse childhood
14 experiences;

15 (4) the importance of screening children for trauma
16 and the risk of mislabeling and inappropriate treatment of children
17 without proper screening, including the risk associated with
18 increasing the use of psychotropic medication;

19 (5) the potential for re-traumatization of children in
20 the conservatorship of the Department of Family and Protective
21 Services; and

22 (6) the availability of:

23 (A) research-supported, trauma-informed,
24 non-pharmacological interventions; and

25 (B) trauma-informed advocacy to increase a
26 child's access, while the child is in the conservatorship of the
27 Department of Family and Protective Services, to:

- 1 (i) trauma-informed care; and
- 2 (ii) trauma-informed mental and behavioral
- 3 health services.

4 SECTION 5. (a) A judge or judicial officer who is in office
5 on the effective date of this Act must complete the training
6 required by Section 22.110(b)(1)(C), Government Code, as added by
7 this Act, not later than December 1, 2021.

8 (b) An attorney employed by or under contract with the
9 Department of Family and Protective Services on the effective date
10 of this Act to represent the state in a suit filed by a governmental
11 entity under Subtitle E, Title 5, Family Code, seeking termination
12 of the parent-child relationship or the appointment of a
13 conservator for the child, must complete the training required by
14 Section 264.016, Family Code, as added by this Act, not later than
15 September 1, 2020.

16 SECTION 6. This Act takes effect September 1, 2019.