

By: Middleton

H.B. No. 4188

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

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

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

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

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

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