

By: Middleton

H.B. No. 4189

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the duty of certain professionals to report child abuse  
3 and neglect.

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

5 SECTION 1. Section 261.101, Family Code, is amended by  
6 amending Subsections (b) and (b-1) and adding Subsection (b-2) to  
7 read as follows:

8 (b) If a professional has actual knowledge [~~cause to~~  
9 ~~believe~~] that a child has been abused or neglected [~~or may be abused~~  
10 ~~or neglected~~], or that a child is a victim of an offense under  
11 Section 21.11, Penal Code, [~~and the professional has cause to~~  
12 ~~believe that the child has been abused as defined by Section~~  
13 ~~261.001,~~] the professional shall make a report not later than the  
14 48th hour after the hour the professional first learns [~~suspects~~]  
15 that the child has been [~~or may be~~] abused or neglected or is a  
16 victim of an offense under Section 21.11, Penal Code. A  
17 professional may not delegate to or rely on another person to make  
18 the report. In this subsection, "professional" means an individual  
19 who is licensed or certified by the state or who is an employee of a  
20 facility licensed, certified, or operated by the state and who, in  
21 the normal course of official duties or duties for which a license  
22 or certification is required, has direct contact with children. The  
23 term includes teachers, nurses, doctors, day-care employees,  
24 employees of a clinic or health care facility that provides

1 reproductive services, juvenile probation officers, and juvenile  
2 detention or correctional officers.

3 (b-1) In addition to the duty to make a report under  
4 Subsection (a) [~~or (b)~~], a person [~~or professional~~] shall make a  
5 report in the manner required by Subsection (a) [~~or (b)~~], as  
6 applicable, if the person [~~or professional~~] has cause to believe  
7 that an adult was a victim of abuse or neglect as a child and the  
8 person [~~or professional~~] determines in good faith that disclosure  
9 of the information is necessary to protect the health and safety of:

- 10 (1) another child; or  
11 (2) an elderly person or person with a disability as  
12 defined by Section 48.002, Human Resources Code.

13 (b-2) In addition to the duty to make a report under  
14 Subsection (b), a professional shall make a report in the manner  
15 required by Subsection (b), as applicable, if the professional has  
16 actual knowledge that an adult was a victim of abuse or neglect as a  
17 child and the professional determines in good faith that disclosure  
18 of the information is necessary to protect the health and safety of:

- 19 (1) another child; or  
20 (2) an elderly person or person with a disability as  
21 defined by Section 48.002, Human Resources Code.

22 SECTION 2. This Act does not relieve a person of any duty  
23 that arose before the effective date of this Act to report abuse or  
24 neglect under Section 261.101, Family Code. A person who did not  
25 comply with the law in effect before the effective date of this Act  
26 remains subject to prosecution or disciplinary action under the  
27 provisions of law that existed before the effective date of this

1 Act, and those provisions continue in effect for that purpose.

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