

BILL ANALYSIS

H.B. 2737
By: Minjarez
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Involvement with the child welfare system is inherently traumatic and carries one of the most severe penalties our justice system can impose—termination of parental rights. Despite this, there are concerns that many Texans are unaware of their rights when being investigated for potential child abuse or neglect, including the right to record interactions with government agencies, specifically their right to record interviews with the Department of Family and Protective Services (DFPS). H.B. 2737 seeks to address these concerns by requiring DFPS to verbally notify a person subject to such an investigation of their rights, including the right to record any interaction or interview, upon first contact with the person and to include those rights in the written summary of information provided to the person.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2737 amends the Family Code to require the Department of Family and Protective Services (DFPS), after initiating an investigation of a parent or other person having legal custody of a child for potential child abuse or neglect, to provide to the person upon first contact with that person a verbal notification of the right to:

- not speak with any DFPS agent without legal counsel present;
- assistance by an attorney;
- have a court-appointed attorney if the person is indigent;
- record any interaction or interview subject to the understanding that the recording may be subject to disclosure to DFPS, law enforcement, or another party under a court order;
- refuse to allow the investigator to enter the home or interview the children without legal counsel present;
- withhold consent to the release of any medical or mental health records;
- withhold consent to any medical or psychological examination of the child;
- refuse to submit to a drug test; and
- consult with legal counsel prior to agreeing to any proposed voluntary safety plan.

The bill requires the written summary of information DFPS provides to the person to include each of those rights and requires the written summary also to be provided upon first contact, rather than as soon as possible after initiating the investigation as is currently required. The bill requires DFPS to adopt a form for the purpose of verifying that the person received the verbal notification and written summary.

EFFECTIVE DATE

September 1, 2021.