

BILL ANALYSIS

Senate Research Center
87R8290 MM-D

S.B. 1578
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Health & Human Services
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 6, 79R, directed the creation of the Forensic Assessment Center Network (FACN). The network was implemented as a joint project of the Department of Family and Protective Services (DFPS) and The University of Texas Health Science Center. FACN physicians provide medical determinations and consultations for caseworkers in cases of suspected child abuse and neglect. FACN physicians also provide expert testimony on child abuse and neglect diagnoses in DFPS cases.

S.B. 1578 seeks to better ensure that individuals against whom a protective order is sought are afforded the same rights to provide medical determinations/testimony in court as DFPS. Further, S.B. 1578 prohibits removal based solely on the opinion of a medical professional under contract with DFPS. S.B. 1578 also directs an assessment of FACN by DFPS with the assistance of the Supreme Court of Texas Children's Commission.

As proposed, S.B. 1578 amends current law relating to the use of opinions from medical professionals in making certain determinations relating to the abuse or neglect of a child.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter D, Chapter 261, Family Code, by adding Section 261.30171, as follows:

Sec. 261.30171. FORENSIC ASSESSMENT CENTER NETWORK EVALUATION.
(a) Defines "network."

(b) Requires the Department of Family and Protective Services (DFPS), with the assistance of the Supreme Court of Texas Children's Commission, to:

(1) evaluate DFPS's use of the Forensic Assessment Center Network (network); and

(2) develop joint recommendations to improve:

(A) the evaluation of agreements between DFPS and the network;
and

(B) the best practices for using assessments provided by the network in connection with abuse and neglect investigations conducted by DFPS.

(c) Requires DFPS, not later than September 1, 2022, to prepare and submit to the legislature a written report containing DFPS's findings and recommendations under Subsection (b) and any recommendations for legislative or other action.

(d) Provides that this section expires September 1, 2023.

SECTION 2. Amends Section 261.504, Family Code, by adding Subsection (a-1), as follows:

(a-1) Authorizes the court, in making a determination whether the child is or has been a victim of abuse or neglect, to consider the opinion of a medical professional obtained by an individual against whom a protective order is sought.

SECTION 3. Amends Section 262.102, Family Code, by adding Subsection (b-1), as follows:

(b-1) Prohibits a determination under Section 262.102 (Emergency Order Authorizing Possession of Child) that there is an immediate danger to the physical health or safety of a child or that the child has been a victim of neglect or sexual abuse from being based solely on the opinion of a medical professional under contract with DFPS who did not conduct a physical examination of the child.

SECTION 4. Amends Section 262.104, Family Code, by adding Subsection (c), as follows:

(c) Prohibits an authorized representative of DFPS, a law enforcement officer, or a juvenile probation officer from taking possession of a child under Subsection (a) (relating to authorizing certain officials to take possession of a child) based solely on the opinion of a medical professional under contract with DFPS who did not conduct a physical examination of the child.

SECTION 5. Amends Section 262.201, Family Code, by adding Subsection (i-1), as follows:

(i-1) Authorizes the court, in making a determination whether there is an immediate danger to the physical health or safety of a child, to consider the opinion of a medical professional obtained by the child's parent, managing conservator, possessory conservator, guardian, caretaker, or custodian.

SECTION 6. Makes application of this Act prospective.

SECTION 7. Effective date: September 1, 2021.