

By: Dutton

H.B. No. 2552

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certain Department of Family and Protective Services
3 procedures during an investigation of child abuse or neglect.

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

5 SECTION 1. Section 261.302, Family Code, is amended by
6 amending Subsection (e) and adding Subsections (e-2) and (g) to
7 read as follows:

8 (e) An interview with a child in which the allegations of
9 the current investigation are discussed and that is conducted by
10 the department during the investigation stage shall be audiotaped
11 or videotaped unless[+]

12 [~~(1) the recording equipment malfunctions and the~~
13 ~~malfunction is not the result of a failure to maintain the equipment~~
14 ~~or bring adequate supplies for the equipment,~~

15 [~~(2)~~] the child is unwilling to allow the interview to
16 be recorded after the department makes a reasonable effort
17 consistent with the child's age and development and the
18 circumstances of the case to convince the child to allow the
19 recording[~~, or~~

20 [~~(3) due to circumstances that could not have been~~
21 ~~reasonably foreseen or prevented by the department, the department~~
22 ~~does not have the necessary recording equipment because the~~
23 ~~department employee conducting the interview does not ordinarily~~
24 ~~conduct interviews].~~

1 (e-2) An interview with a child that is not recorded as
2 required by Subsection (e) may not be admitted as evidence in a
3 judicial proceeding under this title unless the court finds:

4 (1) the child was unwilling to allow the interview to
5 be recorded; and

6 (2) the department made a reasonable effort consistent
7 with the child's age and development and the circumstances of the
8 case to convince the child to allow the recording.

9 (g) During an investigation, the department may not:

10 (1) require a parent or child to submit to a drug test;
11 or

12 (2) threaten or coerce a parent to consent to a drug
13 test, including by notifying the parent that the child will be
14 removed if the parent fails to consent to a drug test.

15 SECTION 2. Section [261.302\(e-2\)](#), Family Code, as added by
16 this Act, applies only to an interview conducted on or after the
17 effective date of this Act.

18 SECTION 3. This Act takes effect September 1, 2021.