

By: Leman, Bell of Kaufman, Gates, Smith,
Middleton

H.B. No. 3379

A BILL TO BE ENTITLED

AN ACT

relating to the duty to report child abuse and neglect.

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

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

(a) A person having reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report as provided by this subchapter.

(b) If a professional has reasonable cause to believe that a child has been abused or neglected or may be abused or neglected, or that a child is a victim of an offense under Section 21.11, Penal Code, and the professional has reasonable cause to believe that the child has been abused as defined by Section 261.001, the professional shall make a report not later than the 48th hour after the hour the professional first has reasonable cause to believe [~~suspects~~] that the child has been or may be abused or neglected or is a victim of an offense under Section 21.11, Penal Code. A professional may not delegate to or rely on another person to make the report. In this subsection, "professional" means an individual who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license

1 or certification is required, has direct contact with children.
2 The term includes teachers, nurses, doctors, day-care employees,
3 employees of a clinic or health care facility that provides
4 reproductive services, juvenile probation officers, and juvenile
5 detention or correctional officers.

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

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

16 (b-2) A person who with due diligence in good faith timely
17 determines whether the person is required to make a report under
18 this section does not commit an offense under Section 261.109(a) or
19 (a-1) if the person reasonably determines the person lacks
20 reasonable cause to make the report. This subsection does not
21 require the person to act with due diligence to determine whether a
22 report must be made under this section.

23 SECTION 2. The changes in law made by this Act apply only to
24 a report of suspected abuse or neglect of a child that is made on or
25 after the effective date of this Act. A report of suspected abuse
26 or neglect that is made before that date is governed by the law in
27 effect on the date the report was made, and that law is continued in

1 effect for that purpose.

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