

By: Kolkhorst
(Frank)

S.B. No. 1578

A BILL TO BE ENTITLED

AN ACT

relating to the use of opinions from medical professionals in making certain determinations relating to the abuse or neglect of a child.

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

SECTION 1. Subchapter D, Chapter 261, Family Code, is amended by adding Section 261.30171 to read as follows:

Sec. 261.30171. FORENSIC ASSESSMENT CENTER NETWORK EVALUATION. (a) In this section, "network" means the Forensic Assessment Center Network.

(b) The department, with the assistance of the Supreme Court of Texas Children's Commission, shall:

(1) evaluate the department's use of the network; and

(2) develop joint recommendations to improve:

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

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

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

(d) This section expires September 1, 2023.

1 SECTION 2. Section 261.504, Family Code, is amended by
2 adding Subsection (a-1) to read as follows:

3 (a-1) In making a determination whether the child is or has
4 been a victim of abuse or neglect, the court may consider the
5 opinion of a medical professional obtained by an individual against
6 whom a protective order is sought.

7 SECTION 3. Section 262.102, Family Code, is amended by
8 adding Subsection (b-1) to read as follows:

9 (b-1) A determination under this section that there is an
10 immediate danger to the physical health or safety of a child or that
11 the child has been a victim of neglect or sexual abuse may not be
12 based solely on the opinion of a medical professional under
13 contract with the Department of Family and Protective Services who
14 did not conduct a physical examination of the child.

15 SECTION 4. Section 262.104, Family Code, is amended by
16 adding Subsection (c) to read as follows:

17 (c) An authorized representative of the Department of
18 Family and Protective Services, a law enforcement officer, or a
19 juvenile probation officer may not take possession of a child under
20 Subsection (a) based solely on the opinion of a medical
21 professional under contract with the Department of Family and
22 Protective Services who did not conduct a physical examination of
23 the child.

24 SECTION 5. Section 262.201, Family Code, is amended by
25 adding Subsection (i-1) to read as follows:

26 (i-1) In making a determination whether there is an
27 immediate danger to the physical health or safety of a child, the

1 court may consider the opinion of a medical professional obtained
2 by the child's parent, managing conservator, possessory
3 conservator, guardian, caretaker, or custodian.

4 SECTION 6. The changes in law made by this Act apply only to
5 a suit affecting the parent-child relationship filed on or after
6 the effective date of this Act. A suit affecting the parent-child
7 relationship filed before the effective date of this Act is
8 governed by the law in effect on the date the suit was filed, and the
9 former law is continued in effect for that purpose.

10 SECTION 7. This Act takes effect September 1, 2021.