

1-1 By: Kolkhorst S.B. No. 1578  
 1-2 (In the Senate - Filed March 11, 2021; March 24, 2021, read  
 1-3 first time and referred to Committee on Health & Human Services;  
 1-4 April 13, 2021, reported favorably by the following vote: Yeas 9,  
 1-5 Nays 0; April 13, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the use of opinions from medical professionals in  
 1-20 making certain determinations relating to the abuse or neglect of a  
 1-21 child.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Subchapter D, Chapter 261, Family Code, is  
 1-24 amended by adding Section 261.30171 to read as follows:

1-25 Sec. 261.30171. FORENSIC ASSESSMENT CENTER NETWORK  
 1-26 EVALUATION. (a) In this section, "network" means the Forensic  
 1-27 Assessment Center Network.

1-28 (b) The department, with the assistance of the Supreme Court  
 1-29 of Texas Children's Commission, shall:

1-30 (1) evaluate the department's use of the network; and

1-31 (2) develop joint recommendations to improve:

1-32 (A) the evaluation of agreements between the  
 1-33 department and the network; and

1-34 (B) the best practices for using assessments  
 1-35 provided by the network in connection with abuse and neglect  
 1-36 investigations conducted by the department.

1-37 (c) Not later than September 1, 2022, the department shall  
 1-38 prepare and submit to the legislature a written report containing  
 1-39 the department's findings and recommendations under Subsection (b)  
 1-40 and any recommendations for legislative or other action.

1-41 (d) This section expires September 1, 2023.

1-42 SECTION 2. Section 261.504, Family Code, is amended by  
 1-43 adding Subsection (a-1) to read as follows:

1-44 (a-1) In making a determination whether the child is or has  
 1-45 been a victim of abuse or neglect, the court may consider the  
 1-46 opinion of a medical professional obtained by an individual against  
 1-47 whom a protective order is sought.

1-48 SECTION 3. Section 262.102, Family Code, is amended by  
 1-49 adding Subsection (b-1) to read as follows:

1-50 (b-1) A determination under this section that there is an  
 1-51 immediate danger to the physical health or safety of a child or that  
 1-52 the child has been a victim of neglect or sexual abuse may not be  
 1-53 based solely on the opinion of a medical professional under  
 1-54 contract with the Department of Family and Protective Services who  
 1-55 did not conduct a physical examination of the child.

1-56 SECTION 4. Section 262.104, Family Code, is amended by  
 1-57 adding Subsection (c) to read as follows:

1-58 (c) An authorized representative of the Department of  
 1-59 Family and Protective Services, a law enforcement officer, or a  
 1-60 juvenile probation officer may not take possession of a child under  
 1-61 Subsection (a) based solely on the opinion of a medical

2-1 professional under contract with the Department of Family and  
2-2 Protective Services who did not conduct a physical examination of  
2-3 the child.

2-4 SECTION 5. Section 262.201, Family Code, is amended by  
2-5 adding Subsection (i-1) to read as follows:

2-6 (i-1) In making a determination whether there is an  
2-7 immediate danger to the physical health or safety of a child, the  
2-8 court may consider the opinion of a medical professional obtained  
2-9 by the child's parent, managing conservator, possessory  
2-10 conservator, guardian, caretaker, or custodian.

2-11 SECTION 6. The changes in law made by this Act apply only to  
2-12 a suit affecting the parent-child relationship filed on or after  
2-13 the effective date of this Act. A suit affecting the parent-child  
2-14 relationship filed before the effective date of this Act is  
2-15 governed by the law in effect on the date the suit was filed, and the  
2-16 former law is continued in effect for that purpose.

2-17 SECTION 7. This Act takes effect September 1, 2021.

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