

House Bill 3379
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

(b-1) In addition to the duty to make a report under Subsection (a) or (b), a person or professional shall make a report in the manner required by Subsection (a) or (b), as applicable, if the person or professional has reasonable cause

SENATE VERSION (CS)

SECTION 1. Sections 261.101(a), (b), and (b-1), Family Code, are amended 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 or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, day-care employees, employees of a clinic or health care facility that provides reproductive services, juvenile probation officers, and juvenile detention or correctional officers.

(b-1) In addition to the duty to make a report under Subsection (a) or (b), a person or professional shall make a report in the manner required by Subsection (a) or (b), as applicable, if the person or professional has reasonable cause

CONFERENCE

House Bill 3379
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

to believe that an adult was a victim of abuse or neglect as a child and the person or professional determines in good faith that disclosure of the information is necessary to protect the health and safety of:

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

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

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

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

SENATE VERSION (CS)

to believe that an adult was a victim of abuse or neglect as a child and the person or professional determines in good faith that disclosure of the information is necessary to protect the health and safety of:

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

SECTION 2. Same as House version.

SECTION 3. Same as House version.

CONFERENCE