

BILL ANALYSIS

H.B. 463
By: Hull
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

State law requires the Department of Family and Protective Services (DFPS) to provide a medical examination for certain children entering into, and remaining in, DFPS conservatorship for more than three business days. However, in implementing this requirement, DFPS applied the requirement to all children placed into its conservatorship and created a manual and implementation guide that requires agency staff to ensure that all children removed from their home and placed into DFPS conservatorship undergo an examination within three days. This is problematic in many ways as the extra examinations are an unnecessary taxpayer expense, considering that all children receive an exam within 30 days if DFPS retains conservatorship, and can be traumatizing to the child due to their invasiveness and the fact that no person the child knows and trusts is present. H.B. 463 seeks to clarify the law with respect to these examinations and provide for legislative oversight.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 463 amends the Family Code to limit the categories of children in the conservatorship of the Department of Family and Protective Services (DFPS) to whom DFPS may provide its initial three-day medical examination to only a child who:

- is removed from their home as the result of sexual abuse, physical abuse, or an obvious physical injury to the child; or
- has a chronic medical condition, a medically complex condition, or a diagnosed mental illness.

This provision applies only to a child who enters DFPS conservatorship on or after the bill's effective date.

H.B. 463 requires DFPS to submit a report to the applicable standing legislative committees evaluating the statewide implementation of the three-day examination requirement not later than December 31, 2024. The report must include, for each region of the state, the level of compliance with the examination requirements, the number of medical examinations conducted, and the reason for each examination.

EFFECTIVE DATE

September 1, 2023.