

BILL ANALYSIS

C.S.H.B. 1529
By: Campos
Juvenile Justice & Family Issues
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Although H.B. 135, passed by the 87th Texas Legislature, required the Department of Family and Protective Services (DFPS) to inform an alleged perpetrator of their right to create an audio or video recording of an interview and to notify the person of their right to request an administrative review, there is a need to ensure that these requirements are being met. Remedying this issue will also aid DFPS in collecting data for an administrative review investigative findings report, which provides data on the number of upheld, reversed, or altered removals. C.S.H.B. 1529 seeks to require the court, before an adversary hearing, to confirm in writing and in open court that an alleged perpetrator was notified of certain rights and provided specified information and to prohibit the court from considering certain evidence if this requirement is not met.

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

C.S.H.B. 1529 amends the Family Code to require a court, before commencement of a full adversary hearing held in an original suit affecting the parent-child relationship filed by a governmental entity to protect the health and safety of a child, to confirm in writing and in open court the following:

- before interviewing an alleged perpetrator, the Department of Family and Protective Services (DFPS) informed the person of the person's right to create an audio or video recording of the interview and to request an administrative review of DFPS's findings under applicable state law; and
- as soon as possible after initiating an investigation of a parent or other person having legal custody of a child, DFPS provided the person with certain information relating to DFPS investigation procedures and child placement resources as required by state law.

The bill prohibits the court from considering any evidence gathered from or provided by the alleged perpetrator during the investigation or interview in such a hearing if the court determines that the alleged perpetrator was not fully informed of the person's rights or provided the information described by the bill. The bill applies to a suit affecting the parent-child relationship that is filed on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 1529 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Whereas the introduced prohibited the court from considering in the full adversary hearing any evidence gathered from the investigation or interview if a person was not fully informed of the person's applicable rights or provided the required information, the substitute includes specifications absent from the introduced that this prohibition applies with respect to evidence gathered from or provided by the alleged perpetrator during the applicable investigation or interview.