By:  Swanson, et al. (Senate Sponsor - Sparks) H.B. No. 63

(In the Senate - Received from the House April 26, 2023; April 27, 2023, read first time and referred to Committee on Health & Human Services; May 11, 2023, reported favorably by the following vote: Yeas 6, Nays 3; May 11, 2023, sent to printer.)

COMMITTEE VOTE

                 Yea Nay Absent  PNV

Kolkhorst         X

Perry             X

Blanco                X

Hall              X

Hancock           X

Hughes            X

LaMantia              X

Miles                 X

Sparks            X

A BILL TO BE ENTITLED

AN ACT

relating to reports of child abuse or neglect and certain preliminary investigations of those reports.

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

SECTION 1.  Section 261.104, Family Code, is amended to read as follows:

Sec. 261.104.  CONTENTS OF REPORT; NOTICE. (a) The individual [~~person~~] making a report shall identify, if known:

(1)  the name and address of the child;

(2)  the name and address of the person responsible for the care, custody, or welfare of the child; [~~and~~]

(3)  the facts that caused the individual to believe the child has been abused or neglected and the source of the information;

(4)  the individual's name and telephone number;

(5)  the individual's:

(A)  home address; or

(B)  if the individual is a professional as defined by Section 261.101(b), the individual's business address and profession; and

(6)  any other pertinent information concerning the alleged or suspected abuse or neglect.

(b)  If the individual making a report of child abuse or neglect uses the toll-free telephone number the department operates for reporting child abuse or neglect and the individual is unwilling to provide the information described by Subsection (a)(4), the department representative receiving the report shall notify the individual that:

(1)  the department is not authorized to accept an anonymous report of abuse or neglect;

(2)  the individual may report the abuse or neglect by making a report to any local or state law enforcement agency; and

(3)  the identity of an individual making a report under this subchapter is confidential and may be disclosed only:

(A)  as provided by Section 261.201; or

(B)  to a law enforcement officer for the purposes of conducting a criminal investigation of the report.

(c)  The department representative or other person receiving a report of child abuse or neglect shall use the person's best efforts to obtain the information described by Subsection (a).

(d)  If a report of abuse or neglect is made orally, the department or local or state law enforcement agency receiving the report shall:

(1)  notify the individual making the report that:

(A)  the report is being recorded; and

(B)  making a false report is a criminal offense under Section 261.107 punishable as a state jail felony or a third degree felony; and

(2)  make an audio recording of the report.

SECTION 2.  Section 261.201, Family Code, is amended by adding Subsections (m) and (n) to read as follows:

(m)  An employee of the department may only have access to the identity of the person making a report of alleged or suspected abuse or neglect under this chapter if:

(1)  the employee is directly involved with an investigation, case, or other process involving the child who is the subject of the report or the child's parent or other person having legal custody of the child;

(2)  the employee supervises, directly or indirectly, an employee described by Subdivision (1); or

(3)  the employee has any other legitimate professional interest in an investigation, case, or other process involving the child who is the subject of the report or the child's parent or other person having legal custody of the child that necessitates access to the identity of the person who made the report.

(n)  The department shall adopt rules to implement Subsection (m).

SECTION 3.  Section 261.304(a), Family Code, is amended to read as follows:

(a)  If an individual makes [~~the department receives~~] an anonymous report of child abuse or neglect by a person responsible for a child's care, custody, or welfare to a local or state law enforcement agency and the agency refers the report to the department, the department shall conduct a preliminary investigation to determine whether there is any evidence to corroborate the report.

SECTION 4.  Section 261.307, Family Code, is amended by adding Subsection (c) to read as follows:

(c)  Before taking any action under Section 261.304, a department representative must provide to a parent or other person having legal custody of a child who is under investigation:

(1)  information regarding the representative's identity;

(2)  the summary described by Subsection (a)(1); and

(3)  a reasonable amount of time to read or review the summary.

SECTION 5.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.

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