88R22846 BDP-F

By:  Campos H.B. No. 1289

Substitute the following for H.B. No. 1289:

By:  Ramos C.S.H.B. No. 1289

A BILL TO BE ENTITLED

AN ACT

relating to a training program for persons investigating suspected child abuse or neglect.

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

SECTION 1.  Subchapter D, Chapter 261, Family Code, is amended by adding Section 261.3105 to read as follows:

Sec. 261.3105.  TRAINING PROGRAM FOR PERSONS INVESTIGATING SUSPECTED CHILD ABUSE OR NEGLECT. (a) The department shall develop a training program for each person who investigates any instance of suspected child abuse or neglect at the state or local level and the investigative supervisor of the person.

(b)  The training program must include instruction on:

(1)  the definitions of abuse and neglect under Section 261.001;

(2)  the option for an abbreviated investigation or administrative closure of certain reported cases under Section 261.3018;

(3)  the required notice to an alleged perpetrator of the right to record an interview under Section 261.3027;

(4)  the required provision of information on investigation procedures and child placement resources under Section 261.307;

(5)  the required notice of the right to request an administrative review of the department's findings under Section 261.3091;

(6)  the investigative standards established under Section 261.310, including case file documentation;

(7)  the required assessment of certain proposed relative or other designated caregiver placements under Section 264.754;

(8)  the department's policies on investigation dispositions and risk findings appropriate to the type of investigation;

(9)  the department's policy on identifying a potential relative placement before an adversary hearing;

(10)  the department's policy on notifying a kinship provider of the appeal process for a denied home assessment for potential placement with the provider;

(11)  the procedures for defining, identifying, and supporting protective capabilities of youths 13 years of age or older;

(12)  the burdens of proof applied to the evaluation and production of evidence;

(13)  the rights provided by the Fourth Amendment to the United States Constitution, the appropriate manner of informing an alleged perpetrator of those rights, and the search and seizure elements of those rights; and

(14)  information on available community resources for a child's identified risk factors to avoid delay in referrals for services and to resources.

(c)  The training program must also provide to department investigators advanced training on investigative techniques and protocols, including:

(1)  techniques and protocols for conducting interviews with alleged perpetrators of and witnesses to alleged child abuse or neglect that ensure department investigators are able to provide accurate information to appropriate experts;

(2)  techniques for searching for and identifying witnesses and collateral sources who may potentially provide information regarding an allegation of child abuse or neglect;

(3)  protocols for accurately scaling alleged abuse or neglect markings and injuries that ensure department investigators are able to accurately and appropriately present information to medical experts;

(4)  protocols for photographing alleged abuse or neglect markings and scenes;

(5)  techniques for reconstructing events and statements using timelines;

(6)  protocols for collecting and packaging evidence;

(7)  protocols for using notes, photographs, and timelines to accurately represent an allegation of abuse or neglect;

(8)  methods for analyzing and applying forensic evidence to the statutory definitions of abuse and neglect under Section 261.001 and to possible signs and symptoms of abuse and neglect; and

(9)  procedures for analyzing and applying forensic evidence to statutory standards established in this chapter, including the burden of proof.

(d)  The department shall administer to each investigator and investigative supervisor an examination to test the individual's knowledge and competency of the information provided in the training program. An investigator or investigative supervisor may not be assigned to investigate or supervise the investigation of any case until the investigator or supervisor successfully completes the training program and passes the examination.

(e)  In developing and implementing the training program, the department shall:

(1)  encourage professionalism, procedural standardization, and investigative disposition accuracy in the investigations of suspected child abuse or neglect; and

(2)  collaborate with:

(A)  appropriate Department of Public Safety personnel;

(B)  licensed attorneys;

(C)  forensic medical professionals;

(D)  appropriate law enforcement agency personnel; and

(E)  any other appropriate professionals.

SECTION 2.  (a) As soon as practicable after the effective date of this Act, the commissioner of the Department of Family and Protective Services shall adopt the rules necessary to implement the changes in law made by this Act.

(b)  Section 261.3105(d), Family Code, as added by this Act, applies only to investigation of a case assigned to an investigator or investigative supervisor on or after January 1, 2025.

SECTION 3.  This Act takes effect September 1, 2023.