88R14241 AMF-D

By:  Gervin-Hawkins H.B. No. 4163

A BILL TO BE ENTITLED

AN ACT

relating to an external audit of investigations conducted by the Department of Family and Protective Services; authorizing a civil penalty.

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

SECTION 1.  Subchapter D, Chapter 261, Family Code, is amended by adding Section 261.3092 to read as follows:

Sec. 261.3092.  EXTERNAL AUDIT OF DEPARTMENT INVESTIGATIONS. (a) If the number of complaints filed relating to abuse or neglect investigations conducted by the department annually is equal to 15 percent or more of the total number of investigations conducted by the department during that year, the department shall select an external auditor to conduct an audit of the department's investigative procedures. The external auditor shall be independent and not subject to direction from the department.

(b)  An audit under Subsection (a) must:

(1)  determine the number of reports of abuse or neglect the department received during the 30-day period immediately preceding the audit, and the number of reports of abuse or neglect for which the department conducted an investigation;

(2)  determine, if the department did not conduct an investigation in response to a report of abuse or neglect, the reason the department did not conduct an investigation in response to the report;

(3)  assess any deficiencies in the department's response to reports of abuse or neglect, including failure to conduct an investigation when an investigation was warranted;

(4)  assess the department's compliance with procedures relating to the reporting and investigation of reports of abuse or neglect;

(5)  make recommendations regarding any necessary revisions to the department's procedures relating to the reporting and investigation of reports of abuse or neglect, including revisions necessary to correct deficiencies in the department's response to reports of abuse or neglect; and

(6)  make recommendations regarding any other changes to be implemented by the department, including workforce or organizational improvements or additional training.

(c)  The department shall pay the costs associated with an audit under this section using existing resources.

(d)  The auditor shall submit an audit report containing the information under Subsection (b) to the department, the legislature, and the governor.

(e)  The department shall develop a plan to address all concerns and implement all recommendations from the audit not later than the 90th day after receiving the audit report under Subsection (b).

(f)  If the legislature or the governor determines the department has failed to address the concerns and implement the recommendations of the audit report under Subsection (b) before the end of the 15th working day after the date the department develops the plan under Subsection (e), the department shall be liable for a penalty of $500 and must select an external auditor to conduct an additional audit under this section not later than the 30th day after the date the legislature or the governor makes the determination.

SECTION 2.  This Act takes effect September 1, 2023.