

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

1 for reporting child abuse or neglect and the individual is  
2 unwilling to provide the information described by Subsection  
3 (a)(4), the department representative receiving the report shall  
4 notify the individual that:

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

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

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

11 (A) as provided by Section 261.201; or

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

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

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

20 (1) notify the individual making the report that:

21 (A) the report is being recorded; and

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

25 (2) make an audio recording of the report.

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

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

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

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

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

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

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

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

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

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

4            (1) information regarding the representative's  
5 identity;

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

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

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

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. 63 was passed by the House on April 26, 2023, by the following vote: Yeas 94, Nays 51, 2 present, not voting.

\_\_\_\_\_  
Chief Clerk of the House

I certify that H.B. No. 63 was passed by the Senate on May 18, 2023, by the following vote: Yeas 20, Nays 11.

\_\_\_\_\_  
Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

\_\_\_\_\_  
Governor