

By: Swanson, Noble, Hull, Oliverson, Klick

H.B. No. 63

Substitute the following for H.B. No. 63:

By: Hull

C.S.H.B. No. 63

A BILL TO BE ENTITLED

1 AN ACT
2 relating to reports of child abuse or neglect and certain
3 preliminary investigations of those reports.

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

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

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

9 (1) the name and address of the child;

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

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

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

16 (5) the individual's:

17 (A) home address; or

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

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

23 (b) If the individual making a report of child abuse or
24 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 calling 9-1-1 or making a report to any local or state law
9 enforcement agency; and

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

12 (A) as provided by Section 261.201; or

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

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

18 (d) If a report of abuse or neglect is made orally, the
19 department representative or other person receiving the report
20 shall:

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

22 (A) the report is being recorded; and

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

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

27 SECTION 2. Section 261.201, Family Code, is amended by

1 adding Subsections (m) and (n) to read as follows:

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

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

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

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

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

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

20 (a) If an individual makes [~~the department receives~~] an
21 anonymous report of child abuse or neglect by a person responsible
22 for a child's care, custody, or welfare to a 9-1-1 service or a
23 local or state law enforcement agency and the service or agency
24 refers the report to the department, the department shall conduct a
25 preliminary investigation to determine whether there is any
26 evidence to corroborate the report.

27 SECTION 4. Section 261.307, Family Code, is amended by

1 adding Subsection (c) to read as follows:

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

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

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

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

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