

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

1 [261.3091](#);

2 (6) the investigative standards established under
3 Section [261.310](#), including case file documentation;

4 (7) the required assessment of certain proposed
5 relative or other designated caregiver placements under Section
6 [264.754](#);

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

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

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

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

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

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

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

27 (c) The training program must also provide to department

1 investigators advanced training on investigative techniques and
2 protocols, including:

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

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

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

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

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

18 (6) protocols for collecting and packaging evidence;

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

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

26 (9) procedures for analyzing and applying forensic
27 evidence to statutory standards established in this chapter,

1 including the burden of proof.

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

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

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

15 (2) collaborate with:

16 (A) appropriate Department of Public Safety
17 personnel;

18 (B) licensed attorneys;

19 (C) forensic medical professionals;

20 (D) appropriate law enforcement agency
21 personnel; and

22 (E) any other appropriate professionals.

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

27 (b) Section 261.3105(d), Family Code, as added by this Act,

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1 applies only to investigation of a case assigned to an investigator
2 or investigative supervisor on or after January 1, 2025.

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