

By: Campos

H.B. No. 1529

A BILL TO BE ENTITLED

AN ACT

relating to procedures in certain suits affecting the parent-child relationship filed by the Department of Family and Protective Services.

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

SECTION 1. Subchapter C, Chapter 262, Family Code, is amended by adding Section 262.2011 to read as follows:

Sec. 262.2011. CONFIRMATION OF REQUIRED NOTICE PROVIDED.

(a) Before commencement of the full adversary hearing, the court shall, in writing and in open court, confirm that:

(1) before interviewing an alleged perpetrator, the Department of Family and Protective Services informed the person of the person's right to:

(A) create an audio or video recording of the interview under Section 261.3027; and

(B) request an administrative review of the Department of Family and Protective Services' findings under Section 261.3091; and

(2) as soon as possible after initiating an investigation of a parent or other person having legal custody of a child, the Department of Family and Protective Services provided the person with the information required by Section 261.307.

(b) Except as provided by Subsection (c), if the court determines that an alleged perpetrator was not fully informed of

1 the person's rights described by Subsection (a)(1) or provided the  
2 information described by Subsection (a)(2), the court may not  
3 consider any evidence gathered from or provided by the alleged  
4 perpetrator during the investigation or interview in the full  
5 adversary hearing.

6 (c) The court may not exclude evidence under Subsection (b)  
7 if the court finds that excluding that evidence may endanger the  
8 child's physical health or significantly impair the child's  
9 emotional development.

10 SECTION 2. The changes in law made by this Act apply to a  
11 suit affecting the parent-child relationship that is filed on or  
12 after the effective date of this Act. A suit filed before the  
13 effective date of this Act is governed by the law in effect on the  
14 date that the suit is filed, and the former law is continued in  
15 effect for that purpose.

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