

By: Jetton

H.B. No. 1667

A BILL TO BE ENTITLED

AN ACT

relating to the reporting of child abuse or neglect.

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

SECTION 1. Section 104.007(a), Family Code, is amended to read as follows:

(a) In this section, "professional" has the meaning assigned by Section 261.101(a) [~~261.101(b)~~].

SECTION 2. Section 261.101, Family Code, is amended to read as follows:

Sec. 261.101. PROFESSIONALS [~~PERSONS~~] REQUIRED TO REPORT; TIME TO REPORT. (a) In this section, "professional" means an individual who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, day-care employees, employees of a clinic or health care facility that provides reproductive services, juvenile probation officers, and juvenile detention or correctional officers [~~A person having reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report as provided by this subchapter~~].

(b) Except as provided by Section 261.1031, [~~If~~] a

1 professional shall make a report as provided by this subchapter if  
2 the professional has reasonable cause to believe that a child has  
3 been abused or neglected or may be abused or neglected not later  
4 than the 48th hour after the hour the professional first has  
5 reasonable cause to believe that the child has been or may be abused  
6 or neglected~~[, or that a child is a victim of an offense under~~  
7 ~~Section 21.11, Penal Code, and the professional has reasonable~~  
8 ~~cause to believe that the child has been abused as defined by~~  
9 ~~Section 261.001, the professional shall make a report not later~~  
10 ~~than the 48th hour after the hour the professional first has~~  
11 ~~reasonable cause to believe that the child has been or may be abused~~  
12 ~~or neglected or is a victim of an offense under Section 21.11, Penal~~  
13 ~~Code].~~

14 (b-1) A professional may not delegate to or rely on another  
15 person to make the report required by this section. ~~[In this~~  
16 ~~subsection, "professional" means an individual who is licensed or~~  
17 ~~certified by the state or who is an employee of a facility licensed,~~  
18 ~~certified, or operated by the state and who, in the normal course of~~  
19 ~~official duties or duties for which a license or certification is~~  
20 ~~required, has direct contact with children. The term includes~~  
21 ~~teachers, nurses, doctors, day-care employees, employees of a~~  
22 ~~clinic or health care facility that provides reproductive services,~~  
23 ~~juvenile probation officers, and juvenile detention or~~  
24 ~~correctional officers.]~~

25 (b-2) ~~[(b-1)]~~ In addition to the duty to make a report under  
26 Subsection ~~[(a) or]~~ (b), a ~~[person or]~~ professional shall make a  
27 report in the manner required by Subsection ~~[(a) or]~~ (b) ~~[, as~~

1 ~~applicable,~~ if the [~~person or~~] professional has reasonable cause  
2 to believe that an adult was a victim of abuse or neglect as a child  
3 and the [~~person or~~] professional determines in good faith that  
4 disclosure of the information is necessary to protect the health  
5 and safety of:

- 6 (1) another child; or  
7 (2) an elderly person or person with a disability as  
8 defined by Section 48.002, Human Resources Code.

9 (c) The requirement to report under this section applies  
10 without exception to a professional [~~an individual~~] whose personal  
11 communications may otherwise be privileged, including an attorney,  
12 a member of the clergy, a medical practitioner, a social worker, a  
13 mental health professional, an employee or member of a board that  
14 licenses or certifies a professional, and an employee of a clinic or  
15 health care facility that provides reproductive services.

16 (d) Unless waived in writing by the professional [~~person~~]  
17 making the report, the identity of a professional [~~an individual~~]  
18 making a report under this chapter is confidential and may be  
19 disclosed only:

- 20 (1) as provided by Section 261.201; or  
21 (2) to a law enforcement officer for the purposes of  
22 conducting a criminal investigation of the report.

23 SECTION 3. Subchapter B, Chapter 261, Family Code, is  
24 amended by adding Section 261.1011 to read as follows:

25 Sec. 261.1011. OTHER REPORTS OF ABUSE AND NEGLECT. (a) A  
26 person who is not a professional as defined by Section 261.101 may  
27 make a report as provided by this subchapter if the person has

1 reasonable cause to believe that a child's physical or mental  
2 health or welfare has been adversely affected by abuse or neglect by  
3 any person.

4 (b) The identity of a person making a report under this  
5 section is confidential and may be disclosed only:

6 (1) as provided by Section 261.201;

7 (2) to a law enforcement officer for the purposes of  
8 conducting a criminal investigation of the report; or

9 (3) if the person authorizes the disclosure in  
10 writing.

11 SECTION 4. Section 261.103(a), Family Code, is amended to  
12 read as follows:

13 (a) Except as provided by Subsections (b) and (c) and  
14 Sections 261.1031 and [Section] 261.405, a report shall be made to:

15 (1) any local or state law enforcement agency;

16 (2) the department; or

17 (3) the state agency that operates, licenses,  
18 certifies, or registers the facility in which the alleged abuse or  
19 neglect occurred.

20 SECTION 5. Subchapter B, Chapter 261, Family Code, is  
21 amended by adding Section 261.1031 to read as follows:

22 Sec. 261.1031. REPORT MADE TO COMMUNITY-BASED PREVENTION OR  
23 FAMILY PRESERVATION SERVICES PROVIDER. (a) Except as provided by  
24 Subsection (c), a professional required to make a report under  
25 Section 261.101(b) may make the report to a community-based  
26 prevention or family preservation services provider instead of the  
27 entities listed under Section 261.103(a) if the professional has

1 reasonable cause to believe the child is at low risk of abuse or  
2 neglect.

3 (b) A community-based prevention or family preservation  
4 services provider that receives a report under Subsection (a) shall  
5 make a home visit and offer family social services to enhance the  
6 parents' ability to provide a safe and stable home environment for a  
7 child who is the subject of the report. If the parent elects to use  
8 the family services offered under this subsection, a case manager  
9 from the provider shall monitor the case and ensure that the  
10 services are delivered.

11 (c) This section does not apply to cases in which a  
12 professional has reasonable cause to believe that a child has been  
13 or may be subjected to aggravated circumstances as described by  
14 Section 262.2015.

15 SECTION 6. Section 261.104, Family Code, is amended to read  
16 as follows:

17 Sec. 261.104. CONTENTS OF REPORT. The person making a  
18 report shall provide the following information [~~identify~~], if  
19 known, to the agency to which the report is made:

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

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

23 (3) the reporting person's name and contact  
24 information; and

25 (4) any other pertinent information concerning the  
26 alleged or suspected abuse or neglect.

27 SECTION 7. Subchapter B, Chapter 261, Family Code, is

1 amended by adding Section 261.1041 to read as follows:

2 Sec. 261.1041. REQUIRED DISCLOSURES. An agency or  
3 organization receiving a report of child abuse or neglect shall  
4 inform the person making the report that:

5 (1) the person is required to provide the person's name  
6 and contact information to the agency or organization;

7 (2) the person's identity is confidential and may be  
8 disclosed only as provided by Section 261.101(d) or 261.1011(b);  
9 and

10 (3) knowingly making a false report with the intent to  
11 deceive is a criminal offense under Section 261.107.

12 SECTION 8. Section 261.109, Family Code, is amended to read  
13 as follows:

14 Sec. 261.109. FAILURE TO REPORT; PENALTY. (a) A person who  
15 is a professional as defined by Section 261.101(a) commits an  
16 offense if the person is required to make a report under Section  
17 261.101(b) [~~261.101(a)~~] and knowingly fails to make a report as  
18 provided in this chapter.

19 (a-1) A person who is a professional as defined by Section  
20 261.101(a) who [~~261.101(b) commits an offense if the person]~~ is  
21 required to make a report under Section 261.101(b) does not commit  
22 an offense if the person refers the child's family to an appropriate  
23 community-based prevention or family preservation services  
24 provider as provided by Section 261.1031 instead of making the  
25 required [~~and knowingly fails to make a]~~ report [~~as provided in this~~  
26 chapter].

27 (b) An offense under Subsection (a) is a Class A

1 misdemeanor, except that the offense is a state jail felony if it is  
2 shown on the trial of the offense that:

3           (1) the child was a person with an intellectual  
4 disability who resided in a state supported living center, the  
5 ICF-IID component of the Rio Grande State Center, or a facility  
6 licensed under Chapter 252, Health and Safety Code, and the actor  
7 knew that the child had suffered serious bodily injury as a result  
8 of the abuse or neglect; or

9           (2) [~~—~~

10           ~~[(c) An offense under Subsection (a-1) is a Class A~~  
11 ~~misdemeanor, except that the offense is a state jail felony if it is~~  
12 ~~shown on the trial of the offense that]~~ the actor intended to  
13 conceal the abuse or neglect.

14           SECTION 9. Section 261.110(a)(2), Family Code, is amended  
15 to read as follows:

16           (2) "Professional" has the meaning assigned by Section  
17 261.101(a) [~~261.101(b)~~].

18           SECTION 10. Section 261.201(b-1), Family Code, is amended  
19 to read as follows:

20           (b-1) On a motion of one of the parties in a contested case  
21 before an administrative law judge relating to the license or  
22 certification of a professional, as defined by Section 261.101(a)  
23 [~~261.101(b)~~], or an educator, as defined by Section 5.001,  
24 Education Code, the administrative law judge may order the  
25 disclosure of information that is confidential under this section  
26 that relates to the matter before the administrative law judge  
27 after a hearing for which notice is provided as required by

1 Subsection (b)(2) and making the review and determination required  
2 by Subsection (b)(3). Before the department may release  
3 information under this subsection, the department must edit the  
4 information to protect the confidentiality of the identity of any  
5 person who makes a report of abuse or neglect.

6 SECTION 11. Section [261.304](#), Family Code, is repealed.

7 SECTION 12. The changes in law made by this Act apply only  
8 to a report of suspected abuse or neglect of a child that is made on  
9 or after the effective date of this Act. A report of suspected  
10 abuse or neglect that is made before that date is governed by the  
11 law in effect on the date the report was made, and that law is  
12 continued in effect for that purpose.

13 SECTION 13. This Act takes effect September 1, 2023.