

By: Plesa

H.B. No. 4088

A BILL TO BE ENTITLED

AN ACT

relating to required training regarding trauma-informed care for certain judges.

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

SECTION 1. Section 22.011, Government Code, is amended to read as follows:

Sec. 22.011. JUDICIAL INSTRUCTION RELATED TO FAMILY VIOLENCE, SEXUAL ASSAULT, TRAFFICKING OF PERSONS, CHILDHOOD TRAUMA, AND CHILD ABUSE. (a) The supreme court shall provide judicial training related to the problems of family violence, sexual assault, trafficking of persons, childhood trauma, and child abuse and to issues concerning sex offender characteristics.

(d) The instruction must include information about:

(1) statutory and case law relating to videotaping a child's testimony and relating to competency of children to testify;

(2) methods for eliminating the trauma to the child caused by the court process;

(3) case law, statutory law, and procedural rules relating to family violence, sexual assault, trafficking of persons, and child abuse;

(4) methods for providing protection for victims of family violence, sexual assault, trafficking of persons, or child abuse;

1 (5) available community and state resources for  
2 counseling and other aid to victims and to offenders;

3 (6) gender bias in the judicial process;

4 (7) dynamics and effects of being a victim of family  
5 violence, sexual assault, trafficking of persons, or child abuse;  
6 ~~[and]~~

7 (8) issues concerning sex offender characteristics;  
8 and

9 (9) issues related to childhood trauma and adverse  
10 childhood experiences.

11 SECTION 2. The heading to Section 22.110, Government Code,  
12 is amended to read as follows:

13 Sec. 22.110. JUDICIAL TRAINING ~~[INSTRUCTION]~~ RELATED TO  
14 FAMILY VIOLENCE, SEXUAL ASSAULT, TRAFFICKING OF PERSONS, CHILDHOOD  
15 TRAUMA, AND CHILD ABUSE AND NEGLECT.

16 SECTION 3. Section 22.110, Government Code, is amended by  
17 amending Subsections (a), (b), and (d) and adding Subsection (d-2)  
18 to read as follows:

19 (a) The court of criminal appeals shall assure that judicial  
20 training related to the problems of family violence, sexual  
21 assault, trafficking of persons, childhood trauma, and child abuse  
22 and neglect is provided.

23 (b) The court of criminal appeals shall adopt the rules  
24 necessary to accomplish the purposes of this section. The rules  
25 must:

26 (1) require each district judge, judge of a statutory  
27 county court, associate judge appointed under Chapter 54A of this

1 code or Chapter 201, Family Code, master, referee, and magistrate  
2 to complete at least 12 hours of the training within the judge's  
3 first term of office, except as provided by Subsection (d-2), or the  
4 judicial officer's first four years of service that includes:

5 (A) at [~~and provide a method for certification of~~  
6 ~~completion of that training. At~~] least four hours of [~~the~~] training  
7 that:

8 (i) is [~~must be~~] dedicated to issues  
9 related to trafficking of persons and child abuse and neglect; and

10 (ii) covers [~~must cover~~] at least two of the  
11 topics described in Subsections (d)(8)-(13);

12 (B) at [~~(d)(8)-(12). At~~] least six hours of  
13 [~~the~~] training [~~must be~~] dedicated to the training described by  
14 Subsections (d)(5), (6), and (7); and

15 (C) for a judge of a court with jurisdiction over  
16 cases involving children in the conservatorship of the Department  
17 of Family and Protective Services or children in the juvenile  
18 justice system, at least three hours of training dedicated to the  
19 training described by Subsection (d)(13);

20 (2) provide a method for certifying the completion of  
21 the training described by Subdivision (1);

22 (3) [The rules must] require each judge and judicial  
23 officer to complete an additional five hours of training during  
24 each additional term in office or four years of service, including:

25 (A) at [~~. At~~] least two hours of [~~the additional~~]  
26 training [~~must be~~] dedicated to issues related to trafficking of  
27 persons and child abuse and neglect; and

1                   (B) for a judge of a court with jurisdiction over  
2 cases involving children in the conservatorship of the Department  
3 of Family and Protective Services or children in the juvenile  
4 justice system, at least one hour of training dedicated to the  
5 training described by Subsection (d)(13); and

6                   (4) [~~—The rules must~~] exempt from the training  
7 requirement of this subsection each judge or judicial officer who  
8 files an affidavit stating that the judge or judicial officer does  
9 not hear any cases involving family violence, sexual assault,  
10 trafficking of persons, childhood trauma, or child abuse and  
11 neglect.

12                 (d) The instruction must include information about:

13                   (1) statutory and case law relating to videotaping a  
14 child's testimony and relating to competency of children to  
15 testify;

16                   (2) methods for eliminating the trauma to the child  
17 caused by the court process;

18                   (3) case law, statutory law, and procedural rules  
19 relating to family violence, sexual assault, trafficking of  
20 persons, and child abuse and neglect;

21                   (4) methods for providing protection for victims of  
22 family violence, sexual assault, trafficking of persons, and child  
23 abuse and neglect;

24                   (5) available community and state resources for  
25 counseling and other aid to victims and to offenders;

26                   (6) gender bias in the judicial process;

27                   (7) dynamics and effects of being a victim of family

1 violence, sexual assault, trafficking of persons, or child abuse  
2 and neglect;

3 (8) dynamics of sexual abuse of children, including  
4 child abuse accommodation syndrome and grooming;

5 (9) impact of substance abuse on an unborn child and on  
6 a person's ability to care for a child;

7 (10) issues of attachment and bonding between children  
8 and caregivers;

9 (11) issues of child development that pertain to  
10 trafficking of persons and child abuse and neglect; ~~and~~

11 (12) medical findings regarding physical abuse,  
12 sexual abuse, trafficking of persons, and child abuse and neglect;  
13 and

14 (13) childhood trauma and adverse childhood  
15 experiences described by Subsection (d-2).

16 (d-2) The training on childhood trauma and adverse  
17 childhood experiences under Subsection (d)(13) must be taken within  
18 the first year of taking office and include information regarding:

19 (1) the symptoms of trauma and the impact that trauma  
20 has on a child, including the effect of trauma on a child's  
21 development, emotions, memories, behavior, and decision-making;

22 (2) attachment and the effect a lack of attachment has  
23 on a child;

24 (3) the role of trauma-informed care and services in  
25 increasing a child's ability to build connections, feel safe, and  
26 regulate the child's emotions to help the child increase resiliency  
27 and overcome the effects of trauma and adverse childhood

1 experiences;

2 (4) the importance of screening children for trauma  
3 and the risk of mislabeling and inappropriate treatment of children  
4 without proper screening, including the risk associated with  
5 increasing the use of psychotropic medication;

6 (5) the potential for re-traumatization of children in  
7 the conservatorship of the Department of Family and Protective  
8 Services; and

9 (6) the availability of:

10 (A) research-supported, trauma-informed,  
11 non-pharmacological interventions; and

12 (B) trauma-informed advocacy to increase a  
13 child's access, while the child is in the conservatorship of the  
14 Department of Family and Protective Services, to:

15 (i) trauma-informed care; and

16 (ii) trauma-informed mental and behavioral  
17 health services.

18 SECTION 4. A judge or judicial officer who is in office on  
19 or after the effective date of this Act must complete the training  
20 required by Section 22.110(b)(1)(C), Government Code, as added by  
21 this Act, not later than September 1, 2024, or the first anniversary  
22 of taking office, whichever is later.

23 SECTION 5. This Act takes effect September 1, 2023.