

By: Hall

S.B. No. 388

A BILL TO BE ENTITLED

AN ACT

relating to court orders to aid an investigation by the Department of Family and Protective Services.

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

SECTION 1. Section 261.303, Family Code, is amended by amending Subsections (b) and (c) and adding Subsection (f) to read as follows:

(b) If admission to the home, school, or any place where the child may be cannot be obtained, and if ~~[then for good cause shown]~~ the court having family law jurisdiction has probable cause to believe that an order is necessary to protect the child from abuse or neglect, then the court shall order the parent, the person responsible for the care of the children, or the person in charge of any place where the child may be to allow entrance for the interview, examination, and investigation.

(c) If a parent or person responsible for the child's care does not consent to release of the child's prior medical, psychological, or psychiatric records or to a medical, psychological, or psychiatric examination of the child that is requested by the department, and if the court having family law jurisdiction has probable cause to believe that releasing the records or conducting an examination of the child is necessary to protect the child from abuse or neglect, then the court shall ~~[, for good cause shown,]~~ order the records to be released or the

1 examination to be made at the times and places designated by the
2 court.

3 (f) A hearing for an order under Subsection (b) or (c) may
4 not be ex parte unless the court has probable cause to believe that
5 an immediate risk to the physical health or safety of the child
6 makes it impracticable to hold a full hearing.

7 SECTION 2. The changes in law made by this Act apply only to
8 an order rendered on or after the effective date of this Act. An
9 order rendered before the effective date of this Act is governed by
10 the law in effect on the date of the order, and the former law is
11 continued in effect for that purpose.

12 SECTION 3. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2023.