

By: Hughes

S.B. No. 1269

A BILL TO BE ENTITLED

AN ACT

relating to admissibility of certain evidence in a suit 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. Chapter 104, Family Code, is amended by designating Sections 104.001 through 104.008 as Subchapter A and adding a subchapter heading to read as follows:

SUBCHAPTER A. GENERAL PROVISIONS

SECTION 2. Chapter 104, Family Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. SUITS FILED BY DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES

Sec. 104.101. DEFINITION. In this subchapter, "department" means the Department of Family and Protective Services.

Sec. 104.102. ADMISSIBILITY OF EVIDENCE GENERALLY. In a suit affecting the parent-child relationship filed by the department concerning a child who is alleged in the suit to have been abused or neglected and except as otherwise provided by law, Chapter 38, Code of Criminal Procedure, applies to the admissibility of evidence against the respondent in the same manner as if the respondent were a defendant in a criminal prosecution.

Sec. 104.103. STATEMENT BY INDIVIDUAL UNDERGOING SUBSTANCE USE DISORDER TREATMENT OR EVALUATION. In a suit affecting the

1 parent-child relationship filed by the department concerning a  
2 child who is alleged in the suit to have been abused or neglected, a  
3 statement made by an individual undergoing voluntary or  
4 court-ordered treatment for a substance use disorder, or undergoing  
5 an evaluation for admission to treatment for a substance use  
6 disorder, is not admissible for use against the individual if the  
7 statement was made to any person involved in the individual's  
8 treatment or evaluation.

9 Sec. 104.104. STATEMENT BY INDIVIDUAL UNDERGOING MENTAL  
10 HEALTH TREATMENT OR EVALUATION. In a suit affecting the  
11 parent-child relationship filed by the department concerning a  
12 child who is alleged in the suit to have been abused or neglected, a  
13 statement made by an individual undergoing voluntary or  
14 court-ordered therapeutic treatment for a mental illness, or  
15 undergoing a psychological or psychiatric evaluation for that  
16 treatment, is not admissible for use against the individual if the  
17 statement was made to any person involved in the individual's  
18 treatment or evaluation.

19 Sec. 104.105. STATEMENT BY PERSON REQUIRED TO REPORT ABUSE  
20 OR NEGLECT OF CHILD. In a suit affecting the parent-child  
21 relationship filed by the department concerning a child who is  
22 alleged in the suit to have been abused or neglected, an  
23 out-of-court statement regarding the alleged abuse or neglect made  
24 to the department under Subchapter B, Chapter 261, is not  
25 admissible into evidence at any evidentiary proceeding unless the  
26 statement can be independently corroborated by other evidence.

27 SECTION 3. The change in law made by this Act applies to a

1 suit affecting the parent-child relationship filed by the  
2 Department of Family and Protective Services on or after the  
3 effective date of this Act. A suit affecting the parent-child  
4 relationship filed by the department before the effective date of  
5 this Act is governed by the law in effect on the date the suit was  
6 filed, and the former law is continued in effect for that purpose.

7 SECTION 4. This Act takes effect September 1, 2023.