

1-1 By: Miles S.B. No. 1447
 1-2 (In the Senate - Filed March 2, 2023; March 16, 2023, read
 1-3 first time and referred to Committee on Health & Human Services;
 1-4 April 18, 2023, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 18, 2023,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1447 By: Hughes

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to a training program for persons investigating suspected
 1-22 child abuse or neglect.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subchapter D, Chapter 261, Family Code, is
 1-25 amended by adding Section 261.3105 to read as follows:

1-26 Sec. 261.3105. TRAINING PROGRAM FOR PERSONS INVESTIGATING
 1-27 SUSPECTED CHILD ABUSE OR NEGLECT. (a) The department shall develop
 1-28 a training program for each person who investigates any instance of
 1-29 suspected child abuse or neglect at the state or local level and the
 1-30 investigative supervisor of the person.

1-31 (b) The training program must include instruction on:

1-32 (1) the definitions of abuse and neglect under Section
 1-33 261.001;

1-34 (2) the option for an abbreviated investigation or
 1-35 administrative closure of certain reported cases under Section
 1-36 261.3018;

1-37 (3) the required notice to an alleged perpetrator of
 1-38 the right to record an interview under Section 261.3027;

1-39 (4) the required provision of information on
 1-40 investigation procedures and child placement resources under
 1-41 Section 261.307;

1-42 (5) the required notice of the right to request an
 1-43 administrative review of the department's findings under Section
 1-44 261.3091;

1-45 (6) the investigative standards established under
 1-46 Section 261.310, including case file documentation;

1-47 (7) the required assessment of certain proposed
 1-48 relative or other designated caregiver placements under Section
 1-49 264.754;

1-50 (8) the department's policies on investigation
 1-51 dispositions and risk findings appropriate to the type of
 1-52 investigation;

1-53 (9) the department's policy on identifying a potential
 1-54 relative placement before an adversary hearing;

1-55 (10) the department's policy on notifying a kinship
 1-56 provider of the appeal process for a denied home assessment for
 1-57 potential placement with the provider placement;

1-58 (11) the procedures for defining, identifying, and
 1-59 supporting protective capabilities of youths 13 years of age or
 1-60 older;

2-1 (12) the burdens of proof applied to the evaluation
2-2 and production of evidence;

2-3 (13) the rights provided by the Fourth Amendment to
2-4 the United States Constitution, the appropriate manner of informing
2-5 an alleged perpetrator of those rights, and the search and seizure
2-6 elements of those rights; and

2-7 (14) information on available community resources for
2-8 a child's identified risk factors to avoid delay in referrals for
2-9 services and to resources.

2-10 (c) The training program must also provide to department
2-11 investigators training on forensic investigative techniques and
2-12 protocols, including:

2-13 (1) techniques for conducting investigative
2-14 interviews with alleged perpetrators of and witnesses to alleged
2-15 child abuse or neglect;

2-16 (2) techniques for searching for and identifying
2-17 witnesses and collateral sources who may potentially provide
2-18 information regarding an allegation of child abuse or neglect;

2-19 (3) protocols for accurately scaling alleged abuse or
2-20 neglect markings and injuries;

2-21 (4) protocols for photographing alleged abuse or
2-22 neglect markings and scenes;

2-23 (5) techniques for reconstructing events and
2-24 statements using timelines;

2-25 (6) protocols for collecting and packaging evidence;

2-26 (7) protocols for using notes, photographs, and
2-27 timelines to accurately represent an allegation of abuse or
2-28 neglect;

2-29 (8) methods for analyzing and applying forensic
2-30 evidence to the statutory definitions of abuse and neglect under
2-31 Section 261.001 and to possible signs and symptoms of abuse and
2-32 neglect; and

2-33 (9) procedures for analyzing and applying forensic
2-34 evidence to statutory standards established in this chapter,
2-35 including the burden of proof.

2-36 (d) The department shall administer to each investigator
2-37 and investigative supervisor an examination to test the
2-38 individual's knowledge and competency of the information provided
2-39 in the training program. An investigator or investigative
2-40 supervisor may not be assigned to investigate or supervise the
2-41 investigation of any case until the investigator or supervisor
2-42 successfully completes the training program and passes the
2-43 examination.

2-44 (e) In developing and implementing the training program,
2-45 the department shall:

2-46 (1) encourage professionalism, procedural
2-47 standardization, and investigative disposition accuracy in the
2-48 investigations of suspected child abuse or neglect; and

2-49 (2) collaborate with:

2-50 (A) appropriate Department of Public Safety
2-51 personnel;

2-52 (B) licensed attorneys;

2-53 (C) forensic medical professionals;

2-54 (D) appropriate law enforcement agency
2-55 personnel; and

2-56 (E) any other appropriate professionals.

2-57 SECTION 2. (a) As soon as practicable after the effective
2-58 date of this Act, the commissioner of the Department of Family and
2-59 Protective Services shall adopt the rules necessary to implement
2-60 the changes in law made by this Act.

2-61 (b) Section 261.3105(d), Family Code, as added by this Act,
2-62 applies only to investigation of a case assigned to an investigator
2-63 or investigative supervisor on or after January 1, 2025.

2-64 SECTION 3. This Act takes effect September 1, 2023.

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