

## **BILL ANALYSIS**

Senate Research Center  
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H.B. 1534  
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Health & Human Services  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Individuals involved in child protective services (CPS) investigations are often unaware of their rights before being interviewed by the Department of Family and Protective Services (DFPS), which can lead to procedural unfairness and the unintentional waiver of critical rights, such as the ability to record interviews or request an administrative review of DFPS findings.

To protect due process and the rights of those under investigation, DFPS should be required to inform individuals of their rights prior to interviews. Courts must verify in writing and in open court that this notice was given before considering any evidence from these interviews. If DFPS fails to provide the required notice, the court should exclude any evidence from improperly conducted interviews, unless there is imminent danger to the child.

H.B. 1534 amends the Family Code to mandate that, before a full adversary hearing, courts confirm that DFPS informed individuals of their rights. If DFPS fails to do so, any evidence obtained from the investigation cannot be considered, unless the court finds the child is in imminent danger. This ensures procedural fairness and protects individuals from unfair treatment during CPS investigations.

H.B. 1534 amends current law relating to confirming the provision of certain notices before the full adversary hearing in a suit affecting the parent-child relationship filed by the Department of Family and Protective Services.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter C, Chapter 262, Family Code, as follows:

Sec. 262.2011. CONFIRMATION OF REQUIRED NOTICE PROVIDED. Requires the court, before commencement of the full adversary hearing, in writing and in open court, to confirm that:

- (1) before interviewing an alleged perpetrator, the Department of Family and Protective Services (DFPS) informed the person of the person's right to create an audio or video recording of the interview under Section 261.3027 (Notice of Right to Record Interview) and request an administrative review of DFPS's findings under Section 261.3091 (Notice of Right to Request Administrative Review); and
- (2) as soon as possible after initiating an investigation of a parent or other person having legal custody of a child, DFPS provided the person with the information required by Section 261.307 (Information Relating to Investigation Procedure and Child Placement Resources).

SECTION 2. Makes application of this act prospective.

SECTION 3. Effective date: September 1, 2025.