

## **BILL ANALYSIS**

S.B. 2785  
By: Birdwell  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Currently, only district attorneys are authorized to request to receive notice of reports of suspected child abuse or neglect from the Department of Family and Protective Services (DFPS). The bill sponsor has informed the committee that this can create gaps leading to critical cases not being immediately flagged for prosecutorial review. The bill sponsor has also informed the committee that when such requests are made, delays in receiving full investigative information can hinder the ability of prosecutors to act swiftly, which can also curb the ability of the defense to properly prepare for cases, depriving them of the right to due process. S.B. 2785 addresses these issues by authorizing both a county and district attorney to request DFPS to provide notice when DFPS receives a report of child abuse or neglect and requiring DFPS to forward a copy of the report on the request of the county or district attorney within 30 days.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

S.B. 2785 amends the Family Code to make the following provisions that currently apply to a district attorney applicable to a county attorney as well:

- the authorization for the applicable attorney to inform the Department of Family and Protective Services (DFPS) that the attorney wishes to receive notification of some or all reports of suspected abuse or neglect of children who were in the county at the time the report was made or who were in the county at the time of the alleged abuse or neglect;
- the requirement for DFPS, on receipt of a report of suspected abuse or neglect, to immediately notify the attorney as requested if the attorney makes such a notification; and
- the requirement for DFPS to forward a copy of the reports of suspected abuse or neglect to the attorney on request.

S.B. 2785 authorizes a country or district attorney, on the arrest of a person for one of the following criminal offenses against a child, to request a copy of the report of the abuse or neglect investigation prepared by DFPS and all available information concerning the investigation, as applicable:

- murder;
- capital murder;
- manslaughter;

- trafficking of a child or disabled individual, benefitting from the participation in such an activity, or engaging in sexual conduct with such a trafficked individual;
- continuous sexual abuse of a young child or disabled individual;
- indecency with a child;
- sexual assault;
- aggravated assault;
- aggravated sexual assault;
- injury to a child, elderly individual, or disabled individual;
- abandoning or endangering a child, elderly individual, or disabled individual;
- prohibited sexual conduct;
- compelling prostitution of a child;
- sexual performance by a child; or
- possession or promotion of child pornography.

S.B. 2785 requires DFPS, if a county or district attorney makes such a request, to forward a copy of the investigation report and any available information requested, including information that is confidential under an investigation of a report of child abuse or neglect, not later than the 30th day after the date of the request. The bill establishes that the investigation report and information released by DFPS to a county or district attorney is not subject to public release by the applicable attorney under state public information law and limits disclosure for purposes consistent with statutory provisions governing discovery, discovery of evidence depicting or describing abuse or sexual conduct by a child or minor, and discovery of evidence depicting an invasive visual recording of a child.

#### **EFFECTIVE DATE**

September 1, 2025.