

BILL ANALYSIS

Senate Research Center
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S.B. 2785
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

County and district attorneys play a critical role in investigating and prosecuting cases of child abuse and neglect. Under current law, there is inconsistent and sometimes delayed communication between the Texas Department of Family and Protective Services (DFPS) and prosecuting attorneys regarding reports of child abuse or neglect. This can create challenges in ensuring timely and effective legal action to protect children at risk.

Currently, district attorneys must request reports of suspected abuse or neglect from DFPS, creating gaps where critical cases may not be immediately flagged for prosecutorial review. Furthermore, when such requests are made, delays in receiving full investigative information can hinder the ability of prosecutors to act swiftly. These delays also curb the ability of the defense to properly prepare for cases which could deprive the defendant of due process.

S.B. 2785 would require DFPS to provide the county or district attorney a notice whenever DFPS receives a report of abuse or neglect. DFPS is also required to forward a copy of the report of abuse or neglect case upon the request of county or district attorney within 30 days and include all information, including confidential information. The released information is not subject to public information requests.

As proposed, S.B. 2785 amends current law relating to notification and disclosure of records and information concerning an investigation of a report of child abuse or neglect to county or district attorneys.

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 Section 261.1055, Family Code, as follows:

Sec. 261.1055. New heading: NOTIFICATION AND RELEASE OF CERTAIN INFORMATION TO COUNTY OR DISTRICT ATTORNEYS. (a) Redesignates existing Subsection (b) as Subsection (a). Requires the Department of Family and Protective Services (DFPS), rather than requires DFPS if the district attorney makes the notification under this section, on receipt of a report of suspected abuse or neglect, to immediately notify a county or district attorney with jurisdiction to investigate or prosecute the reported abuse or neglect of the report. Deletes existing text authorizing a district attorney to inform DFPS that the district 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. Makes nonsubstantive changes.

(b) Creates this subsection from existing text. Requires DFPS, on request by the county or district attorney, to forward a copy of the report of abuse or neglect and all information concerning the investigation of the reported abuse or neglect, including information that is confidential under Section 261.201 (Confidentiality

and Disclosure of Information), to the county or district attorney not later than the 30th day after the date DFPS receives the request. Makes nonsubstantive changes.

(c) Provides that the information released by DFPS to a county or district attorney under Subsection (b) is not subject to public release by the county or district attorney under Chapter 552 (Public Information), Government Code, and is authorized only to be disclosed for purposes consistent with certain provisions of the Code of Criminal Procedure.

SECTION 2. Effective date: September 1, 2025.