

By: Lowe

H.B. No. 3478

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the definitions of child abuse and neglect and the  
3 temporary emergency jurisdiction of a court in this state over a  
4 child at risk of receiving certain prohibited gender transitioning  
5 or gender reassignment procedures or treatments.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. This Act may be cited as the Save James Act.

8 SECTION 2. Section 152.204(a), Family Code, is amended to  
9 read as follows:

10 (a) A court of this state has temporary emergency  
11 jurisdiction if:

12 (1) the child is present in this state and the child  
13 has been abandoned or it is necessary in an emergency to protect the  
14 child because the child, or a sibling or parent of the child, is  
15 subjected to or threatened with mistreatment or abuse; or

16 (2) the child has a parent or person acting as a parent  
17 who is present in this state and it is necessary to protect the  
18 child from receiving a treatment or procedure prohibited under  
19 Section 161.702, Health and Safety Code.

20 SECTION 3. Section 261.001, Family Code, is amended by  
21 amending Subdivisions (1) and (4) and adding Subdivision (1-a) to  
22 read as follows:

23 (1) "Abuse" includes the following acts or omissions  
24 by a person:

1 (A) mental or emotional injury to a child that  
2 results in an observable and material impairment in the child's  
3 growth, development, or psychological functioning;

4 (B) causing or permitting the child to be in a  
5 situation in which the child sustains a mental or emotional injury  
6 that results in an observable and material impairment in the  
7 child's growth, development, or psychological functioning;

8 (C) physical injury that results in substantial  
9 harm to the child, or the genuine threat of substantial harm from  
10 physical injury to the child, including an injury that is at  
11 variance with the history or explanation given and excluding an  
12 accident or reasonable discipline by a parent, guardian, or  
13 managing or possessory conservator that does not expose the child  
14 to a substantial risk of harm;

15 (D) failure to make a reasonable effort to  
16 prevent an action by another person that results in physical injury  
17 that results in substantial harm to the child;

18 (E) sexual conduct harmful to a child's mental,  
19 emotional, or physical welfare, including conduct that constitutes  
20 the offense of continuous sexual abuse of young child or disabled  
21 individual under Section [21.02](#), Penal Code, indecency with a child  
22 under Section [21.11](#), Penal Code, sexual assault under Section  
23 [22.011](#), Penal Code, or aggravated sexual assault under Section  
24 [22.021](#), Penal Code;

25 (F) failure to make a reasonable effort to  
26 prevent sexual conduct harmful to a child;

27 (G) compelling or encouraging the child to engage

1 in sexual conduct as defined by Section 43.01, Penal Code,  
2 including compelling or encouraging the child in a manner that  
3 constitutes an offense of trafficking of persons under Section  
4 20A.02(a)(7) or (8), Penal Code, solicitation of prostitution under  
5 Section 43.021, Penal Code, or compelling prostitution under  
6 Section 43.05(a)(2), Penal Code;

7 (H) causing, permitting, encouraging, engaging  
8 in, or allowing the photographing, filming, or depicting of the  
9 child if the person knew or should have known that the resulting  
10 photograph, film, or depiction of the child is obscene as defined by  
11 Section 43.21, Penal Code, or pornographic;

12 (I) the current use by a person of a controlled  
13 substance as defined by Chapter 481, Health and Safety Code, in a  
14 manner or to the extent that the use results in physical, mental, or  
15 emotional injury to a child;

16 (J) causing, expressly permitting, or  
17 encouraging a child to use a controlled substance as defined by  
18 Chapter 481, Health and Safety Code;

19 (K) causing, permitting, encouraging, engaging  
20 in, or allowing a sexual performance by a child as defined by  
21 Section 43.25, Penal Code;

22 (L) knowingly causing, permitting, encouraging,  
23 engaging in, or allowing a child to be trafficked in a manner  
24 punishable as an offense under Section 20A.02(a)(5), (6), (7), or  
25 (8), Penal Code, or the failure to make a reasonable effort to  
26 prevent a child from being trafficked in a manner punishable as an  
27 offense under any of those sections; [~~or~~]

1 (M) forcing or coercing a child to enter into a  
2 marriage; or

3 (N) causing, permitting, encouraging, engaging  
4 in, or allowing:

5 (i) a medical intervention intended to  
6 affirm a child's perception of the child's gender if that perception  
7 is inconsistent with the child's biological sex, including a  
8 treatment or procedure prohibited under Section 161.702, Health and  
9 Safety Code; or

10 (ii) a psychological or social intervention  
11 intended to affirm a child's perception of the child's gender if  
12 that perception is inconsistent with the child's biological sex and  
13 is:

14 (a) severe or pervasive enough to  
15 cause harm to the child's perception of the child's gender or  
16 identity; or

17 (b) an intervention by an adult  
18 authority figure in the child's life.

19 (1-a) "Abuse" does not include the refusal by a person  
20 responsible for a child's care, custody, or welfare to affirm:

21 (A) a child's perception of the child's gender if  
22 that perception is inconsistent with the child's biological sex,  
23 including a refusal to use a child's preferred name or pronouns if  
24 the name or pronouns are inconsistent with the child's biological  
25 sex, regardless of whether the child's name has been legally  
26 changed; or

27 (B) a child's expressed sexual orientation.

1           (4) "Neglect" means an act or failure to act by a  
2 person responsible for a child's care, custody, or welfare  
3 evidencing the person's blatant disregard for the consequences of  
4 the act or failure to act that results in harm to the child or that  
5 creates an immediate danger to the child's physical health or  
6 safety and:

7                   (A) includes:

8                           (i) the leaving of a child in a situation  
9 where the child would be exposed to an immediate danger of physical  
10 or mental harm, without arranging for necessary care for the child,  
11 and the demonstration of an intent not to return by a parent,  
12 guardian, or managing or possessory conservator of the child;

13                           (ii) the following acts or omissions by a  
14 person:

15                                   (a) placing a child in or failing to  
16 remove a child from a situation that a reasonable person would  
17 realize requires judgment or actions beyond the child's level of  
18 maturity, physical condition, or mental abilities and that results  
19 in bodily injury or an immediate danger of harm to the child;

20                                   (b) failing to seek, obtain, or follow  
21 through with medical care for a child, with the failure resulting in  
22 or presenting an immediate danger of death, disfigurement, or  
23 bodily injury or with the failure resulting in an observable and  
24 material impairment to the growth, development, or functioning of  
25 the child;

26                                   (c) the failure to provide a child  
27 with food, clothing, or shelter necessary to sustain the life or

1 health of the child, excluding failure caused primarily by  
2 financial inability unless relief services had been offered and  
3 refused;

4 (d) placing a child in or failing to  
5 remove the child from a situation in which the child would be  
6 exposed to an immediate danger of sexual conduct harmful to the  
7 child; or

8 (e) placing a child in or failing to  
9 remove the child from a situation in which the child would be  
10 exposed to acts or omissions that constitute abuse under  
11 Subdivision (1)(E), (F), (G), (H), or (K) committed against another  
12 child;

13 (iii) the failure by the person responsible  
14 for a child's care, custody, or welfare to permit the child to  
15 return to the child's home without arranging for the necessary care  
16 for the child after the child has been absent from the home for any  
17 reason, including having been in residential placement or having  
18 run away; or

19 (iv) a negligent act or omission by an  
20 employee, volunteer, or other individual working under the auspices  
21 of a facility or program, including failure to comply with an  
22 individual treatment plan, plan of care, or individualized service  
23 plan, that causes or may cause substantial emotional harm or  
24 physical injury to, or the death of, a child served by the facility  
25 or program as further described by rule or policy; and

26 (B) does not include:

27 (i) the refusal by a person responsible for

1 a child's care, custody, or welfare to permit the child to remain in  
2 or return to the child's home resulting in the placement of the  
3 child in the conservatorship of the department if:

4 (a) the child has a severe emotional  
5 disturbance;

6 (b) the person's refusal is based  
7 solely on the person's inability to obtain mental health services  
8 necessary to protect the safety and well-being of the child; and

9 (c) the person has exhausted all  
10 reasonable means available to the person to obtain the mental  
11 health services described by Sub-subparagraph (b);

12 (ii) allowing the child to engage in  
13 independent activities that are appropriate and typical for the  
14 child's level of maturity, physical condition, developmental  
15 abilities, or culture; ~~or~~

16 (iii) a decision by a person responsible  
17 for a child's care, custody, or welfare to:

18 (a) obtain an opinion from more than  
19 one medical provider relating to the child's medical care;

20 (b) transfer the child's medical care  
21 to a new medical provider; or

22 (c) transfer the child to another  
23 health care facility; or

24 (iv) the refusal by a person responsible  
25 for a child's care, custody, or welfare to affirm:

26 (a) a child's perception of the  
27 child's gender if that perception is inconsistent with the child's

1 biological sex, including a refusal to use a child's preferred name  
2 or pronouns if the name or pronouns are inconsistent with the  
3 child's biological sex, regardless of whether the child's name has  
4 been legally changed; or

5 (b) a child's expressed sexual  
6 orientation.

7 SECTION 4. This Act takes effect September 1, 2025.