

By: Noble

H.B. No. 3635

A BILL TO BE ENTITLED

1 AN ACT

2 relating to definition of abuse of a child, the reporting of child
3 abuse and neglect, and certain required notifications about reports
4 of child abuse and neglect.

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

6 SECTION 1. Section [261.001](#), Family Code, is amended by
7 amending Subdivision (1) and adding Subdivision (3-a) to read as
8 follows:

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

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

18 (C) physical injury that results in substantial
19 harm to the child, or the genuine threat of substantial harm from
20 physical injury to the child, including an injury that is at
21 variance with the history or explanation given and excluding an
22 accident or reasonable discipline by a parent, guardian, or
23 managing or possessory conservator that does not expose the child
24 to a substantial risk of harm;

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

4 (E) sexual conduct harmful to a child's mental,
5 emotional, or physical welfare, including conduct that constitutes
6 the offense of continuous sexual abuse of young child or disabled
7 individual under Section 21.02, Penal Code, indecency with a child
8 under Section 21.11, Penal Code, improper relationship between
9 educator and student under Section 21.12, Penal Code, sexual
10 assault under Section 22.011, Penal Code, or aggravated sexual
11 assault under Section 22.021, Penal Code;

12 (F) failure to make a reasonable effort to
13 prevent sexual conduct harmful to a child;

14 (G) compelling or encouraging the child to engage
15 in sexual conduct as defined by Section 43.01, Penal Code,
16 including compelling or encouraging the child in a manner that
17 constitutes an offense of trafficking of persons under Section
18 20A.02(a)(7) or (8), Penal Code, solicitation of prostitution under
19 Section 43.021, Penal Code, or compelling prostitution under
20 Section 43.05(a)(2), Penal Code;

21 (H) causing, permitting, encouraging, engaging
22 in, or allowing the photographing, filming, or depicting of the
23 child if the person knew or should have known that the resulting
24 photograph, film, or depiction of the child is obscene as defined by
25 Section 43.21, Penal Code, or pornographic;

26 (I) the current use by a person of a controlled
27 substance as defined by Chapter 481, Health and Safety Code, in a

1 manner or to the extent that the use results in physical, mental, or
2 emotional injury to a child;

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

6 (K) causing, permitting, encouraging, engaging
7 in, or allowing a sexual performance by a child as defined by
8 Section 43.25, Penal Code;

9 (L) knowingly causing, permitting, encouraging,
10 engaging in, or allowing a child to be trafficked in a manner
11 punishable as an offense under Section 20A.02(a)(5), (6), (7), or
12 (8), Penal Code, or the failure to make a reasonable effort to
13 prevent a child from being trafficked in a manner punishable as an
14 offense under any of those sections; or

15 (M) forcing or coercing a child to enter into a
16 marriage.

17 (3-a) "Law enforcement agency" means:

18 (A) the Department of Public Safety;

19 (B) the police department of a municipality;

20 (C) the sheriff's office of a county; or

21 (D) a constable's office of a county.

22 SECTION 2. Section 261.103(a), Family Code, is amended to
23 read as follows:

24 (a) Except as provided by Subsections (b) and (c) and
25 Section 261.405, a report shall be made to:

26 (1) a [any local or state] law enforcement agency;

27 (2) the department; or

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4 SECTION 3. Sections 261.104(b) and (d), Family Code, are
5 amended to read as follows:

12 (1) the department is not authorized to accept an
13 anonymous report of abuse or neglect;

17 (3) the identity of an individual making a report
18 under this subchapter is confidential and may be disclosed only:

19 (A) as provided by Section 261.201; or

20 (B) to a law enforcement officer for the purposes
21 of conducting a criminal investigation of the report.

22 (d) If a report of abuse or neglect is made orally, the
23 department or [local or state] law enforcement agency receiving the
24 report shall:

25 (1) notify the individual making the report that:

26 (A) the report is being recorded; and

27 (B) making a false report is a criminal offense

1 under Section [261.107](#) punishable as a state jail felony or a third
2 degree felony; and

3 (2) make an audio recording of the report.

4 SECTION 4. Sections [261.105\(a\), \(b\), and \(d\)](#), Family Code,
5 are amended to read as follows:

6 (a) All reports received by a ~~local or state~~ law
7 enforcement agency that allege abuse or neglect by a person
8 responsible for a child's care, custody, or welfare shall be
9 referred immediately to the department.

10 (b) The department shall immediately notify the appropriate
11 ~~state or local~~ law enforcement agency of any report it receives,
12 other than a report from a law enforcement agency, that concerns the
13 suspected abuse or neglect of a child or death of a child from abuse
14 or neglect.

15 (d) If the department initiates an investigation and
16 determines that the abuse or neglect does not involve a person
17 responsible for the child's care, custody, or welfare, the
18 department shall refer the report to the appropriate ~~a~~ law
19 enforcement agency for further investigation. If the department
20 determines that the abuse or neglect involves an employee of a
21 public or private elementary or secondary school, ~~and that the~~
22 ~~child is a student at the school,~~ the department shall ~~orally~~
23 notify, in writing, the superintendent of the school district, the
24 director of the open-enrollment charter school, or the chief
25 executive officer of the private school in which the employee is
26 employed about the investigation. The written notice required by
27 this subsection may be provided by e-mail to the official e-mail

1 address of the appropriate official, if that e-mail address is
2 publicly available.

3 SECTION 5. Sections 261.301(a) and (c), Family Code, are
4 amended to read as follows:

5 (a) With assistance from the appropriate [state or local]
6 law enforcement agency as provided by this section, the department
7 shall make a prompt and thorough investigation of a report of child
8 abuse or neglect allegedly committed by a person responsible for a
9 child's care, custody, or welfare. The investigation shall be
10 conducted without regard to any pending suit affecting the
11 parent-child relationship.

12 (c) The department is not required to investigate a report
13 that alleges child abuse, neglect, or exploitation by a person
14 other than a person responsible for a child's care, custody, or
15 welfare. The appropriate [state or local] law enforcement agency
16 shall investigate that report if the agency determines an
17 investigation should be conducted.

18 SECTION 6. Section 261.304(a), Family Code, is amended to
19 read as follows:

20 (a) If an individual makes an anonymous report of child
21 abuse or neglect by a person responsible for a child's care,
22 custody, or welfare to a [local or state] law enforcement agency and
23 the agency refers the report to the department, the department
24 shall conduct a preliminary investigation to determine whether
25 there is any evidence to corroborate the report.

26 SECTION 7. Section 261.402(b), Family Code, is amended to
27 read as follows:

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9 SECTION 8. This Act takes effect September 1, 2025.