

By: Hall

S.B. No. 1693

A BILL TO BE ENTITLED

AN ACT

relating to the reporting of child abuse or neglect.

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

SECTION 1. Section 104.007(a), Family Code, is amended to read as follows:

(a) In this section, "professional" has the meaning assigned by Section 261.101(a) [~~261.101(b)~~].

SECTION 2. Section 261.101, Family Code, is amended to read as follows:

Sec. 261.101. PROFESSIONALS [~~PERSONS~~] REQUIRED TO REPORT; TIME TO REPORT. (a) In this section, "professional" means an individual who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, day-care employees, employees of a clinic or health care facility that provides reproductive services, juvenile probation officers, and juvenile detention or correctional officers [~~A person having reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report as provided by this subchapter~~].

(b) Except as provided by Section 261.1031, [~~If~~] a

1 professional shall make a report as provided by this subchapter if
 2 the professional has reasonable cause to believe that a child has
 3 been abused or neglected or may be abused or neglected not later
 4 than the 48th hour after the hour the professional first has
 5 reasonable cause to believe that the child has been or may be abused
 6 or neglected~~[, or that a child is a victim of an offense under~~
 7 ~~Section 21.11, Penal Code, and the professional has reasonable~~
 8 ~~cause to believe that the child has been abused as defined by~~
 9 ~~Section 261.001, the professional shall make a report not later~~
 10 ~~than the 48th hour after the hour the professional first has~~
 11 ~~reasonable cause to believe that the child has been or may be abused~~
 12 ~~or neglected or is a victim of an offense under Section 21.11, Penal~~
 13 ~~Code].~~

14 (b-1) A professional may ~~[not]~~ delegate to or rely on
 15 another person to make the report required by this section only if
 16 multiple professionals would be responsible for a report arising
 17 from the same incident or occurrence and a delegated professional
 18 makes the report on behalf of and includes the contact information
 19 for the other professionals. ~~[In this subsection, "professional"~~
 20 ~~means an individual who is licensed or certified by the state or who~~
 21 ~~is an employee of a facility licensed, certified, or operated by the~~
 22 ~~state and who, in the normal course of official duties or duties for~~
 23 ~~which a license or certification is required, has direct contact~~
 24 ~~with children. The term includes teachers, nurses, doctors,~~
 25 ~~day-care employees, employees of a clinic or health care facility~~
 26 ~~that provides reproductive services, juvenile probation officers,~~
 27 ~~and juvenile detention or correctional officers.]~~

1 (b-2) [~~(b-1)~~] In addition to the duty to make a report under
2 Subsection [~~(a) or~~] (b), a [~~person or~~] professional shall make a
3 report in the manner required by Subsection [~~(a) or~~] (b) [~~, as~~
4 ~~applicable,~~] if the [~~person or~~] professional has reasonable cause
5 to believe that an adult was a victim of abuse or neglect as a child
6 and the [~~person or~~] professional determines in good faith that
7 disclosure of the information is necessary to protect the health
8 and safety of:

9 (1) another child; or

10 (2) an elderly person or person with a disability as
11 defined by Section 48.002, Human Resources Code.

12 (c) The requirement to report under this section applies
13 without exception to a professional [~~an individual~~] whose personal
14 communications may otherwise be privileged, including an attorney,
15 a member of the clergy, a medical practitioner, a social worker, a
16 mental health professional, an employee or member of a board that
17 licenses or certifies a professional, and an employee of a clinic or
18 health care facility that provides reproductive services.

19 (d) Unless waived in writing by the professional [~~person~~]
20 making the report, the identity of a professional [~~an individual~~]
21 making a report under this chapter is confidential and may be
22 disclosed only:

23 (1) as provided by Section 261.201; or

24 (2) to a law enforcement officer for the purposes of
25 conducting a criminal investigation of the report.

26 SECTION 3. Subchapter B, Chapter 261, Family Code, is
27 amended by adding Section 261.1011 to read as follows:

1 Sec. 261.1011. OTHER REPORTS OF ABUSE AND NEGLECT. (a) A
2 person who is not a professional as defined by Section 261.101:

3 (1) shall make a report as provided by this subchapter
4 not later than the 48th hour after the person witnesses the sexual
5 abuse, sexual assault, or physical abuse of a child by any person;
6 and

7 (2) may make a report as provided by this subchapter if
8 the person has reasonable cause to believe that a child's physical
9 or mental health or welfare has been adversely affected by abuse or
10 neglect by any person.

11 (b) The identity of a person making a report under this
12 section is confidential and may be disclosed only:

13 (1) as provided by Section 261.201;

14 (2) to a law enforcement officer for the purposes of
15 conducting a criminal investigation of the report; or

16 (3) if the person authorizes the disclosure in
17 writing.

18 SECTION 4. Section 261.103(a), Family Code, is amended to
19 read as follows:

20 (a) Except as provided by Subsections (b) and (c) and
21 Sections 261.1031 and [Section] 261.405, a report shall be made to:

22 (1) any local or state law enforcement agency;

23 (2) the department; or

24 (3) the state agency that operates, licenses,
25 certifies, or registers the facility in which the alleged abuse or
26 neglect occurred.

27 SECTION 5. Subchapter B, Chapter 261, Family Code, is

amended by adding Section 261.1031 to read as follows:

Sec. 261.1031. REFERRAL TO COMMUNITY-BASED PREVENTION OR FAMILY PRESERVATION SERVICES PROVIDER. (a) Except as provided by Subsection (d), a professional required to make a report under Section 261.101(b) may refer the family to a community-based prevention or family preservation services provider instead of the entities listed under Section 261.103(a).

(b) A professional who makes a referral under this section shall make reasonable efforts to ensure that the family who is the subject of the referral is connected with an appropriate community-based prevention or family preservation services provider.

(c) A community-based prevention or family preservation services provider that receives a referral under Subsection (a) shall make reasonable efforts to provide appropriate resources or referrals to enhance the parents' ability to provide a safe and stable home environment for a child who is the subject of the referral.

(d) This section does not apply to cases in which a professional has reasonable cause to believe that a child has been or may be subjected to aggravated circumstances as described by Section 262.2015.

(e) Nothing in this section may be construed to require a community-based prevention or family preservation services provider to provide services that the provider does not have the resources, including funding, to provide.

SECTION 6. Sections 261.104(b) and (c), Family Code, are

1 amended to read as follows:

2 (b) If the individual making a report of child abuse or
3 neglect uses the toll-free telephone number the department operates
4 for reporting child abuse or neglect and the individual is
5 unwilling to provide the information described by Subsection
6 (a)(4), the department representative receiving the report shall
7 notify the individual that:

8 (1) the individual is required to provide the
9 individual's name and contact information to the department [~~is not~~
10 ~~authorized to accept an anonymous report of abuse or neglect~~];

11 (2) the individual may report the abuse or neglect by
12 making a report to any local or state law enforcement agency; and

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

15 (A) as provided by Section 261.1011(b) or
16 261.201; or

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

19 (c) The department representative or other person receiving
20 a report of child abuse or neglect shall make reasonable efforts
21 [~~use the person's best efforts~~] to obtain the information described
22 by Subsection (a). If the department is unable to obtain the
23 reporting individual's name and contact information, the
24 department may investigate the report as provided by Section
25 261.304.

26 SECTION 7. Section 261.109, Family Code, is amended to read
27 as follows:

Sec. 261.109. FAILURE TO REPORT; PENALTY. (a) A person who is a professional as defined by Section 261.101(a) commits an offense if the person is required to make a report under Section 261.101(b) ~~[261.101(a)]~~ and knowingly fails to make a report as provided in this chapter.

(a-1) A person who is a professional as defined by Section 261.101(a) ~~who [261.101(b) commits an offense if the person]~~ is required to make a report under Section 261.101(b) does not commit an offense if the person refers the child's family to an appropriate community-based prevention or family preservation services provider as provided by Section 261.1031 instead of making the required ~~[and knowingly fails to make a]~~ report ~~[as provided in this chapter]~~.

(b) An offense under Subsection (a) is a Class A misdemeanor, except that the offense is a state jail felony if it is shown on the trial of the offense that:

(1) the child was a person with an intellectual disability who resided in a state supported living center, the ICF-IID component of the Rio Grande State Center, or a facility licensed under Chapter 252, Health and Safety Code, and the actor knew that the child had suffered serious bodily injury as a result of the abuse or neglect; or

(2) ~~[-~~

~~[(c) An offense under Subsection (a-1) is a Class A misdemeanor, except that the offense is a state jail felony if it is shown on the trial of the offense that]~~ the actor intended to conceal the abuse or neglect.

1 SECTION 8. Section 261.110(a)(2), Family Code, is amended
2 to read as follows:

3 (2) "Professional" has the meaning assigned by Section
4 261.101(a) [~~261.101(b)~~].

5 SECTION 9. Section 261.201(b-1), Family Code, is amended to
6 read as follows:

7 (b-1) On a motion of one of the parties in a contested case
8 before an administrative law judge relating to the license or
9 certification of a professional, as defined by Section 261.101(a)
10 [~~261.101(b)~~], or an educator, as defined by Section 5.001,
11 Education Code, the administrative law judge may order the
12 disclosure of information that is confidential under this section
13 that relates to the matter before the administrative law judge
14 after a hearing for which notice is provided as required by
15 Subsection (b)(2) and making the review and determination required
16 by Subsection (b)(3). Before the department may release
17 information under this subsection, the department must edit the
18 information to protect the confidentiality of the identity of any
19 person who makes a report of abuse or neglect.

20 SECTION 10. The changes in law made by this Act apply only
21 to a report of suspected abuse or neglect of a child that is made on
22 or after the effective date of this Act. A report of suspected
23 abuse or neglect that is made before that date is governed by the
24 law in effect on the date the report was made, and that law is
25 continued in effect for that purpose.

26 SECTION 11. This Act takes effect immediately if it
27 receives a vote of two-thirds of all the members elected to each

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1 house, as provided by Section 39, Article III, Texas Constitution.
2 If this Act does not receive the vote necessary for immediate
3 effect, this Act takes effect September 1, 2025.