

1-1 By: Swanson, et al. (Senate Sponsor - Sparks) H.B. No. 63
 1-2 (In the Senate - Received from the House April 26, 2023;
 1-3 April 27, 2023, read first time and referred to Committee on Health
 1-4 & Human Services; May 11, 2023, reported favorably by the following
 1-5 vote: Yeas 6, Nays 3; May 11, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10		X		
1-11	X			
1-12	X			
1-13	X			
1-14		X		
1-15		X		
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to reports of child abuse or neglect and certain
 1-20 preliminary investigations of those reports.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 261.104, Family Code, is amended to read
 1-23 as follows:

1-24 Sec. 261.104. CONTENTS OF REPORT; NOTICE. (a) The
 1-25 individual [person] making a report shall identify, if known:

- 1-26 (1) the name and address of the child;
- 1-27 (2) the name and address of the person responsible for
 1-28 the care, custody, or welfare of the child; ~~and~~
- 1-29 (3) the facts that caused the individual to believe
 1-30 the child has been abused or neglected and the source of the
 1-31 information;

1-32 (4) the individual's name and telephone number;

1-33 (5) the individual's:

- 1-34 (A) home address; or
- 1-35 (B) if the individual is a professional as
 1-36 defined by Section 261.101(b), the individual's business address
 1-37 and profession; and

1-38 (6) any other pertinent information concerning the
 1-39 alleged or suspected abuse or neglect.

1-40 (b) If the individual making a report of child abuse or
 1-41 neglect uses the toll-free telephone number the department operates
 1-42 for reporting child abuse or neglect and the individual is
 1-43 unwilling to provide the information described by Subsection
 1-44 (a)(4), the department representative receiving the report shall
 1-45 notify the individual that:

1-46 (1) the department is not authorized to accept an
 1-47 anonymous report of abuse or neglect;

1-48 (2) the individual may report the abuse or neglect by
 1-49 making a report to any local or state law enforcement agency; and

1-50 (3) the identity of an individual making a report
 1-51 under this subchapter is confidential and may be disclosed only:

1-52 (A) as provided by Section 261.201; or

1-53 (B) to a law enforcement officer for the purposes
 1-54 of conducting a criminal investigation of the report.

1-55 (c) The department representative or other person receiving
 1-56 a report of child abuse or neglect shall use the person's best
 1-57 efforts to obtain the information described by Subsection (a).

1-58 (d) If a report of abuse or neglect is made orally, the
 1-59 department or local or state law enforcement agency receiving the
 1-60 report shall:

1-61 (1) notify the individual making the report that:

2-1 (A) the report is being recorded; and
2-2 (B) making a false report is a criminal offense
2-3 under Section 261.107 punishable as a state jail felony or a third
2-4 degree felony; and

2-5 (2) make an audio recording of the report.

2-6 SECTION 2. Section 261.201, Family Code, is amended by
2-7 adding Subsections (m) and (n) to read as follows:

2-8 (m) An employee of the department may only have access to
2-9 the identity of the person making a report of alleged or suspected
2-10 abuse or neglect under this chapter if:

2-11 (1) the employee is directly involved with an
2-12 investigation, case, or other process involving the child who is
2-13 the subject of the report or the child's parent or other person
2-14 having legal custody of the child;

2-15 (2) the employee supervises, directly or indirectly,
2-16 an employee described by Subdivision (1); or

2-17 (3) the employee has any other legitimate professional
2-18 interest in an investigation, case, or other process involving the
2-19 child who is the subject of the report or the child's parent or
2-20 other person having legal custody of the child that necessitates
2-21 access to the identity of the person who made the report.

2-22 (n) The department shall adopt rules to implement
2-23 Subsection (m).

2-24 SECTION 3. Section 261.304(a), Family Code, is amended to
2-25 read as follows:

2-26 (a) If an individual makes [~~the department receives~~] an
2-27 anonymous report of child abuse or neglect by a person responsible
2-28 for a child's care, custody, or welfare to a local or state law
2-29 enforcement agency and the agency refers the report to the
2-30 department, the department shall conduct a preliminary
2-31 investigation to determine whether there is any evidence to
2-32 corroborate the report.

2-33 SECTION 4. Section 261.307, Family Code, is amended by
2-34 adding Subsection (c) to read as follows:

2-35 (c) Before taking any action under Section 261.304, a
2-36 department representative must provide to a parent or other person
2-37 having legal custody of a child who is under investigation:

2-38 (1) information regarding the representative's
2-39 identity;

2-40 (2) the summary described by Subsection (a)(1); and

2-41 (3) a reasonable amount of time to read or review the
2-42 summary.

2-43 SECTION 5. This Act takes effect immediately if it receives
2-44 a vote of two-thirds of all the members elected to each house, as
2-45 provided by Section 39, Article III, Texas Constitution. If this
2-46 Act does not receive the vote necessary for immediate effect, this
2-47 Act takes effect September 1, 2023.

2-48 * * * * *