

1-1 By: Hughes S.B. No. 1269
 1-2 (In the Senate - Filed February 27, 2023; March 9, 2023,
 1-3 read first time and referred to Committee on State Affairs;
 1-4 March 31, 2023, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; March 31, 2023,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
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			X	
1-18			X	
1-19	X			

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 1269 By: Paxton

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to admissibility and disclosure of certain evidence in a
 1-24 suit affecting the parent-child relationship filed by the
 1-25 Department of Family and Protective Services.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-27 SECTION 1. Chapter 104, Family Code, is amended by
 1-28 designating Sections 104.001 through 104.008 as Subchapter A and
 1-29 adding a subchapter heading to read as follows:

1-30 SUBCHAPTER A. GENERAL PROVISIONS

1-31 SECTION 2. Chapter 104, Family Code, is amended by adding
 1-32 Subchapter B to read as follows:

1-33 SUBCHAPTER B. SUITS FILED BY DEPARTMENT OF FAMILY AND PROTECTIVE
 1-34 SERVICES

1-35 Sec. 104.101. DEFINITION. In this subchapter, "department"
 1-36 means the Department of Family and Protective Services.

1-37 Sec. 104.102. STATEMENT BY INDIVIDUAL UNDERGOING SUBSTANCE
 1-38 USE DISORDER TREATMENT OR EVALUATION. In a suit affecting the
 1-39 parent-child relationship filed by the department concerning a
 1-40 child who is alleged in the suit to have been abused or neglected, a
 1-41 statement made by an individual undergoing voluntary or
 1-42 court-ordered treatment for a substance use disorder, or undergoing
 1-43 an evaluation for admission to treatment for a substance use
 1-44 disorder, is not admissible for use against the individual if the
 1-45 statement was made to any person involved in the individual's
 1-46 treatment or evaluation.

1-47 Sec. 104.103. STATEMENT BY INDIVIDUAL UNDERGOING MENTAL
 1-48 HEALTH TREATMENT OR EVALUATION. In a suit affecting the
 1-49 parent-child relationship filed by the department concerning a
 1-50 child who is alleged in the suit to have been abused or neglected, a
 1-51 statement made by an individual undergoing voluntary or
 1-52 court-ordered therapeutic treatment for a mental illness, or
 1-53 undergoing a psychological or psychiatric evaluation for that
 1-54 treatment, is not admissible for use against the individual if the
 1-55 statement was made to any person involved in the individual's
 1-56 treatment or evaluation.

1-57 Sec. 104.104. STATEMENT BY PERSON REQUIRED TO REPORT ABUSE
 1-58 OR NEGLECT OF CHILD. In a suit affecting the parent-child
 1-59 relationship filed by the department concerning a child who is
 1-60 alleged in the suit to have been abused or neglected, an

2-1 out-of-court statement regarding the alleged abuse or neglect made
2-2 to the department under Subchapter B, Chapter 261, is not
2-3 admissible into evidence at any evidentiary proceeding unless the
2-4 statement can be independently corroborated by other evidence.

2-5 SECTION 3. Section 262.014, Family Code, is amended to read
2-6 as follows:

2-7 Sec. 262.014. DISCLOSURE OF CERTAIN EVIDENCE. The [On the
2-8 request of the attorney for a parent who is a party in a suit
2-9 affecting the parent-child relationship filed under this chapter,
2-10 or the attorney ad litem for the parent's child, the] Department of
2-11 Family and Protective Services shall, not later than the seventh
2-12 day before the date of the full adversary hearing, provide to each
2-13 party:

2-14 (1) the name of any person, excluding a department
2-15 employee, whom the department will call as a witness to any of the
2-16 allegations contained in the petition filed by the department and
2-17 any witness statement provided by the person;

2-18 (2) a copy of any offense report relating to the
2-19 allegations contained in the petition filed by the department that
2-20 will be used in court to refresh a witness's memory; ~~and~~

2-21 (3) a copy of any photograph, video, or recording that
2-22 will be presented as evidence;

2-23 (4) a copy of any report submitted to the department by
2-24 a medical provider with the forensic assessment center network
2-25 regarding a child who is the subject of the suit;

2-26 (5) all exculpatory, impeachment, or mitigating
2-27 evidence in the possession, custody, or control of the department
2-28 or its agent that:

2-29 (A) is relevant to a parent who is a party in the
2-30 suit; and

2-31 (B) tends to negate any claim of abuse or neglect
2-32 of a child by the parent; and

2-33 (6) a true and correct copy of the department's
2-34 investigative file, including the intake report with only the name
2-35 of the reporting party redacted.

2-36 SECTION 4. The change in law made by this Act applies to a
2-37 suit affecting the parent-child relationship filed by the
2-38 Department of Family and Protective Services on or after the
2-39 effective date of this Act. A suit affecting the parent-child
2-40 relationship filed by the department before the effective date of
2-41 this Act is governed by the law in effect on the date the suit was
2-42 filed, and the former law is continued in effect for that purpose.

2-43 SECTION 5. This Act takes effect September 1, 2023.

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