

1-1 By: Shaheen, et al. (Senate Sponsor - Hall) H.B. No. 1106
1-2 (In the Senate - Received from the House May 14, 2025;
1-3 May 16, 2025, read first time and referred to Committee on Health &
1-4 Human Services; May 23, 2025, reported favorably by the following
1-5 vote: Yeas 6, Nays 3; May 23, 2025, 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 the definitions of child abuse and neglect.
1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-21 SECTION 1. Section 261.001, Family Code, is amended by
1-22 adding Subdivision (1-a) and amending Subdivision (4) to read as
1-23 follows:

1-24 (1-a) "Abuse" does not include the refusal by a person
1-25 responsible for a child's care, custody, or welfare to affirm:

1-26 (A) a child's perception of the child's gender,
1-27 including a refusal to use a child's preferred name or pronouns,
1-28 regardless of whether the child's name has been legally changed; or

1-29 (B) a child's expressed sexual orientation.

1-30 (4) "Neglect" means an act or failure to act by a
1-31 person responsible for a child's care, custody, or welfare
1-32 evidencing the person's blatant disregard for the consequences of
1-33 the act or failure to act that results in harm to the child or that
1-34 creates an immediate danger to the child's physical health or
1-35 safety and:

1-36 (A) includes:

1-37 (i) the leaving of a child in a situation
1-38 where the child would be exposed to an immediate danger of physical
1-39 or mental harm, without arranging for necessary care for the child,
1-40 and the demonstration of an intent not to return by a parent,
1-41 guardian, or managing or possessory conservator of the child;

1-42 (ii) the following acts or omissions by a
1-43 person:

1-44 (a) placing a child in or failing to
1-45 remove a child from a situation that a reasonable person would
1-46 realize requires judgment or actions beyond the child's level of
1-47 maturity, physical condition, or mental abilities and that results
1-48 in bodily injury or an immediate danger of harm to the child;

1-49 (b) failing to seek, obtain, or follow
1-50 through with medical care for a child, with the failure resulting in
1-51 or presenting an immediate danger of death, disfigurement, or
1-52 bodily injury or with the failure resulting in an observable and
1-53 material impairment to the growth, development, or functioning of
1-54 the child;

1-55 (c) the failure to provide a child
1-56 with food, clothing, or shelter necessary to sustain the life or
1-57 health of the child, excluding failure caused primarily by
1-58 financial inability unless relief services had been offered and
1-59 refused;

1-60 (d) placing a child in or failing to
1-61 remove the child from a situation in which the child would be

exposed to an immediate danger of sexual conduct harmful to the child; or

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

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

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

(B) does not include:

(i) the refusal by a person responsible for a child's care, custody, or welfare to permit the child to remain in or return to the child's home resulting in the placement of the child in the conservatorship of the department if:

(a) the child has a severe emotional disturbance;

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

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

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

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

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

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

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

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

(a) a child's perception of the child's gender, including a refusal to use a child's preferred name or pronouns, regardless of whether the child's name has been legally changed; or

(b) a child's expressed sexual orientation.

SECTION 2. This Act takes effect September 1, 2025.

* * * * *