

BILL ANALYSIS

Senate Research Center

H.B. 1970
By: Raymond (Zaffirini)
Health & Human Services
5/2/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Persons who are licensed or certified by the state or employees of facilities that are licensed or operated by the state and who come into regular contact with children in the course of their jobs are required to report the abuse or neglect of children. Among others, teachers, nurses, doctors, daycare employees, employees of a clinic or certain health care facilities, juvenile probation officers, and juvenile detention or correctional officers are included in this category.

Teachers have found the current statute vague and they are unsure under what circumstances the Department of Family and Protective Services (DFPS) needs to be informed about suspected abuse, particularly if the teacher making the report is unsure as to who perpetuated the abuse.

H.B. 1970 requires that reports of abuse be made to DFPS, regardless of whether the suspected abuse involves someone responsible for the care, custody, or welfare of the child. H.B. 1970 also requires the report of abuse to be filed with the superintendent of the school district.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

[While the statutory reference in this bill is to the Department of Protective and Regulatory Services, the following amendments affect the Department of Family and Protective Services, as the successor agency to the Department of Protective and Regulatory Services.]

SECTION 1. Amends Section 261.103, Family Code, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Requires a report, except as provided by Subsections (b) and (c) and Section 261.405 (Investigations in Juvenile Justice Programs and Facilities), Family Code, to be made to the Department of Protective and Regulatory Services (department). Deletes existing text requiring a report to be made to the department only if the alleged or suspected abuse involves a person responsible for the care, custody, or welfare of the child.

(c) Requires a report, notwithstanding Subsection (a) and other than a report required to be made to the state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred or a report under Section 261.405, to be made to the department if the alleged or suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child.

SECTION 2. Amends Section 261.406(b), Family Code, to require the department to send a written report of the department's investigation, as appropriate, to the superintendent of the school district.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2005.