

BILL ANALYSIS

Senate Research Center
80R17564 MCK-D

C.S.H.B. 3505
By: Hartnett (West, Royce)
Jurisprudence
5/10/2007
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

It is necessary to establish a level of consistency as it relates to how judges make judgments concerning cases that involve child abuse and neglect in order to ensure that the Department of Family and Protective Services (DFPS) is conducting child removals, placements, and parental terminations consistently from region to region.

C.S.H.B. 3505 requires judicial training for certain judges by the court of criminal appeals to include at least four hours of training dedicated to issues related to child abuse and neglect.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Court of Criminal Appeals is modified in SECTION 2 (Section 22.110, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Section 22.110, Government Code, to read as follows:

Sec. 22.110. JUDICIAL INSTRUCTION RELATED TO FAMILY VIOLENCE, SEXUAL ASSAULT, AND CHILD ABUSE AND NEGLECT.

SECTION 2. Amends Section 22.110, Government Code, by amending Subsections (a), (b), (c), and (d) and adding Subsection (d-1), as follows:

(a) Includes the issue of child neglect as part of the judicial training the court of criminal appeals is required to provide.

(b) Requires the rules to require each district judge, judge of a statutory county court, associate judge appointed under Chapter 54 (Masters, Magistrates, Referees, Associated Judges) of this code or Chapter 201 (Associated Judge), Family Code, master, referee, and magistrate to complete within the judge's first term of office or the judicial officer's first four years of service, at least 12 hours, rather than eight hours, of training. Requires at least four hours of the training to be dedicated to issues related to child abuse and neglect and to cover at least two of the topics described in Subsection (d)(8)-(12). Requires the rules to require each judge and judicial officer to complete an additional five, rather than three, hours of training during each additional term in office or four years of service. Requires at least two hours of the additional training to be dedicated to issues related to child abuse and neglect. Makes a conforming change.

(c) Authorizes the court of appeals, in adopting the rules, to consult with the supreme court and with professional groups and associations in the state that have expertise in the subject matter to obtain the recommendation of those groups or association for the instruction content.

(d) Includes instruction regarding case law, statutory law and procedural rules relating to child abuse and neglect, dynamics of sexual abuse of children, including child abuse accommodation syndrome and grooming; impact of substance abuse on an unborn child and on a person's ability to care for a child; issues of attachment and bonding between children and caregivers; issues of child development that pertain to child abuse and

neglect; and medical findings regarding certain types of abuse and neglect among the information required to be included in the instruction. Makes conforming changes.

(d-1) Requires the sponsoring organization for any training on issues related to child abuse and neglect to have at least three years' experience in training professionals on child abuse and neglect issues and have personnel or planning committee members who have at least five years' experience in working directly in the field of child abuse and neglect prevention and treatment.

SECTION 3. Makes application of the changes in law made by this Act to Section 22.110, Government Code, prospective.

SECTION 4. Effective date: September 1, 2007.