

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1543
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Health & Human Services
4/30/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Department of Family and Protective Services (DFPS) handles very delicate and time-sensitive cases. In the course of their investigations, DFPS often interacts with a variety of individuals, from caregivers to siblings. Due to the nature of these cases, several obstacles arise in determining the validity of certain cases. Often, caseworkers will voice record investigations to ensure clarity and transparency. Under current DFPS policy, several investigations pertaining to interviewing a child are required to record the interview.

In Texas, all individuals have the right to record interactions with government agencies. However, many Texans remain unaware of this fact, and therefore unable to exercise their right to record interviews.

Solution

S.B. 1543 requires that investigators from DFPS orally notify interviewees of their right to record the interview, and document such notice. This bill helps to ensure the safety of caseworkers, caregivers, and the child or children involved in the ongoing investigation. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 1543 amends current law relating to notice requirements regarding the right to record certain interviews conducted by the Department of Family and Protective Services.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 40, Human Resources Code, by adding Section 40.045, as follows:

Sec. 40.045. NOTICE REGARDING RECORDING OF INVESTIGATIVE INTERVIEWS. (a) Provides that this section applies to all investigations conducted by the Department of Family and Protective Services (DFPS), including investigations conducted by the adult protective services division and the child protective services division.

(b) Requires a DFPS employee, except as provided by Subsection (c), before the employee conducts an interview as part of a DFPS investigation, to:

(1) orally notify the person who is the subject of the interview that the person has the right to record the interview using an audio recording device; and

(2) obtain written verification from the person who is the subject of the interview that the DFPS employee provided the notice required by Subdivision (1).

(c) Provides that a DFPS employee is not required to provide the notice described by Subsection (b) to an alleged victim of self-neglect or a person who the DFPS employee suspects is incapacitated.

SECTION 2. Effective date: upon passage or September 1, 2019.