

BILL ANALYSIS

C.S.H.B. 2552
By: Dutton
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been suggested that certain procedures of the Department of Family and Protective Services (DFPS) during an investigation of child abuse or neglect are outdated. For instance, an interview with a child in which the allegations of such an investigation are discussed must be recorded, unless the recording equipment malfunctions or is unavailable. Given the abundance of cell phones that can record these interviews, there are very few valid instances in which a recording is unable to be made, such as the child not consenting to the interview. In addition, there have been calls to ensure that an interview with a parent in which those allegations are discussed is also recorded. C.S.H.B. 2552 seeks to address these issues by revising the conditions under which certain DFPS interviews may be recorded and admitted as evidence in a judicial proceeding in a suit affecting the parent-child relationship.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2552 amends the Family Code to authorize an interview conducted by the Department of Family and Protective Services (DFPS) with a child as part of an investigation of a report of child abuse or neglect to not be recorded only if:

- the child was unwilling to allow the interview to be recorded; and
- DFPS made a reasonable effort consistent with the child's age and development and the circumstances of the case to convince the child to allow the recording.

The bill authorizes the interview to be admitted into evidence in a judicial proceeding in a suit affecting the parent-child relationship if the court finds that the interview met these two prerequisites. The bill requires such an interview with a parent to be audiotaped or videotaped.

C.S.H.B. 2552 prohibits DFPS from doing the following during an investigation of a report of child abuse or neglect:

- requiring a parent or child to submit to a drug test; or
- threatening or coercing a parent to consent to a drug test, including by notifying the parent that the child will be removed if the parent fails to consent to a drug test.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2552 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a requirement absent from the original for an interview with a parent conducted under certain circumstances to be audiotaped or videotaped.