

- SUBJECT:** Requirements for judicial training on child abuse and neglect
- COMMITTEE:** Judiciary — committee substitute recommended
- VOTE:** 6 ayes — Hartnett, Hopson, Alonzo, Gonzales, Goolsby, Hughes
0 nays
3 absent — Homer, R. Cook, Krusee
- WITNESSES:** For — Sarah Hinshaw-Fuselier; Jodie Smith, Texans Care for Children; Patricia Hogue, Tex Protects

Against — (*Registered, but did not testify:* Brian Quinn)
- BACKGROUND:** Under Government Code, sec. 22.110, the Court of Criminal Appeals assures that judicial training related to family violence, sexual assault, and child abuse is provided to each district judge, judge of a statutory county court, associate judge, or other specified judicial officer. The majority of this required training is conducted by the Texas Center for the Judiciary or paid for through a scholarship provided by the center.
- DIGEST:** CSHB 3505 would amend Government Code, sec. 22.110 to add child neglect to the required content for the Court of Criminal Appeals judicial training. It also would increase the number of required training hours on family violence, sexual assault, and child abuse and neglect from eight to 10, with at least two hours dedicated to child abuse and neglect, for a judge's first term in office or a judicial officer's first four years of service.
- The bill also would add the following topics to the required training content, and at least two hours of training would have to cover at least two of these topics:
- 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 physical abuse, sexual abuse, and child abuse and neglect.

For a judge's subsequent terms in office or during each additional four years of service for a judicial officer, the hours of required training in family violence, sexual assault, and child abuse and neglect would increase from three to four. At least one hour of the additional training would be dedicated to issues of child abuse and neglect.

The sponsoring organization for training on issues of child abuse and neglect would be required to have had at least three years' experience in training professionals on child abuse and neglect issues and have personnel or planning committee members with at least five years' experience in working directly in the field of child abuse and neglect prevention and treatment.

The bill would take effect September 1, 2007, and would apply only to a judge or judicial officer who had not completed training on family violence, sexual assault, and child abuse and neglect before that date.

**SUPPORTERS
SAY:**

CSHB 3505 would provide judges with additional, invaluable education for handling child abuse and neglect cases. Abused and neglected children face an increased risk of mental illness, substance abuse, and perpetuation of cycles of abuse. The education requirements in the bill simply would require an extra two hours of commitment from a judge over the judge's term – a small price for the benefits of the education and the effect it would have on judges making decisions in the best interests of children in the court system. Judges who did not hear cases of child abuse and neglect could be exempted from the training.

CSHB 3505 would reduce inconsistencies in the decision-making process in child abuse and neglect cases. Currently, well-meaning judges in different districts may review substantially similar cases, yet issue different rulings. These rulings have life-changing impacts on children and families, determining whether or not a child should be removed from a home or what services a family should receive. If judges could make better decisions initially, the result would be more positive family outcomes and a more efficient use of the justice system.

The bill would enhance the quality of judicial training programs by ensuring experts in child abuse and neglect were personnel or planning committee members for the training organization. The training organization could select people who could provide objective perspectives of their experiences in the field of child abuse and neglect prevention and treatment. Such expert input would increase the credibility of a training program.

OPPONENTS
SAY:

Additional mandates for judicial training are not needed. Even well-intentioned mandatory training can be a frustration for judges to whom the training is not relevant. For example, the current mandatory training on available community and state resources for counseling and aid are a frustration to judges who live in rural areas without access to any of the resources upon which they are educated. Judges understand the unique needs of their districts and independently will seek out the training necessary to perform their duties.

CSHB 3505 should not impose requirements on the training organization with respect to the experience of personnel and planning committee members. Judges prefer being trained by other judges and unbiased participants in the legal field. Many individuals who have worked in the field of child abuse and neglect prevention and treatment are either advocates or have their own personal biases. Nevertheless, the bill would require that such individuals act as personnel or planning committee members of training organizations. Such participants in the training process would introduce a perception of bias and reduce a judge's credibility in the eyes of the public. Training bodies are better served by having their curriculum created by judges or other actors in the judicial process who could consult experts in family violence and health care and incorporate these facts into an unbiased curriculum.

Finally, this bill would impose an administrative burden on the Texas Center for the Judiciary without providing any financial support. The center provides the majority of training to Texas judges. Given the impact of the effective date of this bill, the center would have to revise its software to run two simultaneous tracking systems for at least three years in order to track judges' training hours until terms realigned.

NOTES:

HB 3505 as filed would not have specified that the additional two hours of training be dedicated to the new child abuse and neglect training content added by the bill.

A similar bill, SB 1411 by West, was heard on April 11 in the Senate Jurisprudence committee. SB 1411 differs from CSHB 3505 in that it would require 12 hours of judicial training related to family violence, sexual assault, and child abuse and neglect rather than 10. It also would require a greater number of these training hours to be devoted to child abuse and neglect issues.