

- SUBJECT:** Clarifying medical exam requirements for children in DFPS custody
- COMMITTEE:** Human Services — favorable, without amendment
- VOTE:** 6 ayes — Frank, Hull, Klick, Neave, Noble, Shaheen
- 3 nays — Hinojosa, Meza, Rose
- WITNESSES:** For — Julia Hatcher, Texas Association of Family Defense Attorneys; (*Registered, but did not testify*: Monica Ayres, Citizens Commission on Human Rights Texas; Mia McCord, Texas Conservative Coalition; Meagan Corser, Texas Home School Coalition; Andrew Brown, Texas Public Policy Foundation; Brandon Logan)
- Against — Valerie Smith, Texas Pediatric Society; (*Registered, but did not testify*: Linda Nuno, Dem District Chair #268)
- On — Stacy Wilson, Children's Hospital Association of Texas; Liz Kromrei, Department of Family and Protective Services; (*Registered, but did not testify*: Ryan Van Ramshorst, Health and Human Services Commission)
- BACKGROUND:** Family Code sec. 264.1076(b) requires the Department of Family and Protective Services (DFPS) to ensure that each child taken into the department's conservatorship receive an initial medical examination from an authorized physician or other health care provider by the end of the third business day after the date the child is removed from the child's home if:
- the child is removed as the result of sexual abuse, physical abuse, or an obvious physical injury; or
 - if the child has a chronic medical condition, a medically complex condition, or a diagnosed mental illness.
- Concerns have been raised that when implementing Family Code sec. 264.1076(b), DFPS created a manual and implementation guide that

requires all children placed in department conservatorship to undergo a medical examination, which presents an unnecessary expense and can be traumatizing for the child.

DIGEST: HB 2983 would specify that only children described by Family Code sec. 264.1076(b) (1) and (2) may receive an initial medical examination after being taken into the conservatorship of the Department of Family and Protective Services (DFPS).

The bill also would require DFPS to submit a report by December 31, 2022, to the standing committees of the House and Senate with primary jurisdiction over child protective services and foster care that evaluated the statewide implementation of the required medical examination. The report would have to include for each region of the state:

- the level of compliance with the requirements of Family Code sec. 264.1076; and
- the number of medical examinations conducted and the reason for each examination.

The bill would apply only to a child who entered DFPS conservatorship on or after the bill's effective date.

The bill would take effect September 1, 2021.