

BILL ANALYSIS

Senate Research Center

S.B. 1132
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Health & Human Services
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DIGEST AND PURPOSE

With the exception of a pilot program in Harris County, current law does not allow courts to accept videotaped testimony from certain professionals in proceedings regarding alleged abuse or neglect of a child. As proposed, S.B. 1132 amends Chapter 104 of the Family Code to permit courts to accept such videotaped testimony from professionals whose testimony could be important in cases of alleged abuse or neglect of a child. In addition, S.B. 1132 prevents a court from requiring a professional who has provided videotaped testimony to physically appear in the courtroom to provide the same testimony.

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 Chapter 104, Family Code, by adding Section 104.007, as follows:

Sec. 104.007. PRERECORDED VIDEOTAPED TESTIMONY OF CERTAIN PROFESSIONALS. (a) Defines “professional” for the purposes of this section

- (b) Authorizes the court to order that the testimony of a professional be taken outside the courtroom and recorded on videotape, in a proceeding brought by the Department of Protective and Regulatory Services concerning a child who is alleged to have been abused or neglected.
- (c) Requires that the court ensure that the method of videotaping the testimony meets certain requirements.
- (d) Prohibits a professional from being compelled to be physically present in the court during a proceeding to provide the same testimony as provided in a videotape, if the court permits such videotaped testimony to be admitted during the same proceeding.

SECTION 2. (a) Effective date: September 1, 2003.

- (b) Provides that the change in law made by this Act applies to testimony taken on or after the effective date in a proceeding affecting the parent-child relationship involving an allegation of abuse or neglect of a child, regardless of whether:
 - (1) the allegation was made before, on, or after the effective date, or
 - (2) the suit commenced before, on, or after the effective date.