

BILL ANALYSIS

Senate Research Center
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S.B. 949
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Health & Human Services
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1050, 81st Legislature, Regular Session, 2009, required the Department of Family and Protective Services (DFPS) to release certain non-identifying information following a child fatality. DFPS has released data, but child abuse advocates believe Texas is not publicly reporting hundreds of abuse-related and neglect-related child deaths each year. S.B. 949 requires DFPS to release as much information as the federal Child Abuse Prevention and Treatment Act statute allows. The additional disclosure includes whether a family was offered services by Child Protective Services (CPS), whether they accepted or took advantage of those services, and if any criminal investigations resulted from the child fatality.

S.B. 949 also codifies the "Strategic Plan to Reduce Child Abuse and Neglect Fatalities" report. The report, released in 2015, is the first time DFPS has worked with the Department of State Health Services (DSHS) to analyze non-casework-related information to determine which child abuse-related triggers are more prevalent in which parts of the state. The report links geographic, socioeconomic, and health related information to CPS case histories and fatality investigations. S.B. 949 ensures that the release of this report will continue unless the legislature specifies otherwise.

As proposed, S.B. 949 amends current law relating to the release of certain child fatality and near fatality information for abused or neglected children.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 2 (Section 261.204, Family Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 261.203(b), Family Code, as follows:

(b) Requires the Department of Family and Protective Services (DFPS), on request, if, after a child abuse or neglect investigation described by Subsection (a) is completed, DFPS determines a child's death, or a child's critical injury that reasonably could have resulted in the child's death, was caused by abuse or neglect, to promptly release all investigation information not prohibited from release under federal law, including certain information on whether a child's death was determined by DFPS to be attributable to abuse or neglect or resulted in a criminal investigation or the filing of criminal charges and a description of any services, including family-based safety services, that were provided or offered by DFPS to the child or the child's family as a result of any report under Paragraph (A) and whether the services were accepted or declined. Makes nonsubstantive changes.

SECTION 2. Amends Subchapter C, Chapter 261, Family Code, by adding Section 261.204, as follows:

Sec. 261.204. ANNUAL CHILD FATALITY REPORT. (a) Requires DFPS to compile and publish an annual report on child fatality investigations for which DFPS made a finding regarding abuse or neglect, including cases in which DFPS determined the fatality was not the result of abuse or neglect. Requires the report to protect the identity of individuals involved and contain for each case the following information:

- (1) the age and sex of the child and the county in which the fatality occurred;
- (2) whether the state was the managing conservator of the child or whether the child resided with the child's parent, managing conservator, guardian, or other person entitled to the possession of the child at the time of the fatality;
- (3) the relationship to the child of the individual alleged to have abused or neglected the child, if any;
- (4) the number of any DFPS abuse or neglect investigations involving the child or the individual alleged to have abused or neglected the child during the two years preceding the date of the fatality and the results of the investigations;
- (5) whether DFPS offered family-based safety services or conservatorship services to the child or family;
- (6) the types of abuse and neglect alleged in the reported investigations, if any; and
- (7) any trends identified in the investigations contained in the report.

(b) Authorizes DFPS to release additional information in the annual report if the release of the information is not prohibited by state or federal law.

(c) Requires DFPS to post the annual report on the DFPS Internet website and otherwise make the report available to the public.

(d) Authorizes the executive commissioner of the Health and Human Services Commission to adopt rules to implement this section.

SECTION 3. Provides that Section 261.203(b), Family Code, as amended by this Act, applies only to a request for information related to a child fatality or near fatality submitted to DFPS on or after the effective date of this Act.

SECTION 4. Requires DFPS to publish on its Internet website the initial report required by Section 261.204, Family Code, as added by this Act, not later than March 1, 2016.

SECTION 5. Effective date: September 1, 2015.