

## **BILL ANALYSIS**

Senate Research Center  
87R17668 MCK-D

H.B. 3379  
By: Leman et al. (Kolkhorst)  
Health & Human Services  
5/20/2021  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

There are concerns that the current standard for reporting suspected child abuse or neglect, which is simply having any cause to believe reportable conduct has occurred, is overly broad and could lead to a person submitting a false report that would only distress the child in question and waste investigatory resources. Additionally, this overly broad reporting standard could also lead to a person who did not submit an initial report being charged for failing to do so even though they had no real information to indicate abuse or neglect had taken place.

H.B. 3379 seeks to address these issues by changing the reporting standard so that a person has a duty to report child abuse or neglect only when there is reasonable cause to believe reportable conduct has occurred.

H.B. 3379 amends current law relating to the duty to report child abuse and neglect.

### **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 Section 261.101, Family Code, by amending Subsections (a), (b), and (b-1) and adding Subsection (b-2), as follows:

(a) Requires a person having reasonable cause to believe, rather than cause to believe, that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person to immediately make a report as provided by Subchapter B (Report of Abuse or Neglect; Immunities).

(b) Makes conforming changes.

(b-1) Makes a conforming change.

(b-2) Provides that a person who with due diligence in good faith timely determines whether the person is required to make a report under this section does not commit an offense under Section 261.109(a) (relating to a person committing an offense by failing to make a report) or (a-1) (relating to a person who is a professional committing an offense by failing to make a report) if the person reasonably determines the person lacks reasonable cause to make the report. Provides that this subsection does not require the person to act with due diligence to determine whether a report is required to be made under this section.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2021.