

Chapter 253

S.B. No. 949

1 AN ACT

2 relating to the release of certain child fatality and near-fatality
3 information for abused or neglected children.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 261.203(b), Family Code, is amended to
6 read as follows:

7 (b) If, after a child abuse or neglect investigation
8 described by Subsection (a) is completed, the department determines
9 a child's death or a child's near fatality was caused by abuse or
10 neglect, the department on request shall promptly release
11 investigation information not prohibited from release under
12 federal law, including the following information [~~on request~~]:

13 (1) the information described by Subsection (a), if
14 not previously released to the person requesting the information;

15 (2) information on whether a child's death or near
16 fatality:

17 (A) was determined by the department to be
18 attributable to abuse or neglect; or

19 (B) resulted in a criminal investigation or the
20 filing of criminal charges if known at the time the investigation is
21 completed;

22 (3) for cases in which the child's death or near
23 fatality occurred while the child was living with the child's
24 parent, managing conservator, guardian, or other person entitled to

1 possession of the child:

2 (A) a summary of any previous reports of abuse or
3 neglect of the [~~deceased~~] child or another child made while the
4 child was living with that parent, managing conservator, guardian,
5 or other person entitled to possession of the child;

6 (B) the disposition of any report under Paragraph
7 (A);

8 (C) a description of any [~~the~~] services,
9 including family-based safety services [~~if any~~], that were provided
10 or offered by the department to the child or the child's family as a
11 result of any report under Paragraph (A) and whether the services
12 were accepted or declined; and

13 (D) the results of any risk or safety assessment
14 completed by the department relating to the [~~deceased~~] child; and

15 (4) [~~3~~] for a case in which the child's death or near
16 fatality occurred while the child was in substitute care with the
17 department or with a residential child-care provider regulated
18 under Chapter 42, Human Resources Code, the following information:

19 (A) the date the substitute care provider with
20 whom the child was residing at the time of death or near fatality
21 was licensed or verified;

22 (B) a summary of any previous reports of abuse or
23 neglect investigated by the department relating to the substitute
24 care provider, including the disposition of any investigation
25 resulting from a report;

26 (C) any reported licensing violations, including
27 notice of any action taken by the department regarding a violation;

1 and

2 (D) records of any training completed by the
3 substitute care provider while the child was placed with the
4 provider.

5 SECTION 2. Subchapter C, Chapter 261, Family Code, is
6 amended by adding Section 261.204 to read as follows:

7 Sec. 261.204. ANNUAL CHILD FATALITY REPORT. (a) The
8 department shall publish an annual aggregated report using
9 information compiled from each child fatality investigation for
10 which the department made a finding regarding abuse or neglect,
11 including cases in which the department determined the fatality was
12 not the result of abuse or neglect. The report must protect the
13 identity of individuals involved and contain the following
14 information:

15 (1) the age and sex of the child and the county in
16 which the fatality occurred;

17 (2) whether the state was the managing conservator of
18 the child or whether the child resided with the child's parent,
19 managing conservator, guardian, or other person entitled to the
20 possession of the child at the time of the fatality;

21 (3) the relationship to the child of the individual
22 alleged to have abused or neglected the child, if any;

23 (4) the number of any department abuse or neglect
24 investigations involving the child or the individual alleged to
25 have abused or neglected the child during the two years preceding
26 the date of the fatality and the results of the investigations;

27 (5) whether the department offered family-based

1 safety services or conservatorship services to the child or family;

2 (6) the types of abuse and neglect alleged in the
3 reported investigations, if any; and

4 (7) any trends identified in the investigations
5 contained in the report.

6 (b) The report published under Subsection (a) must:

7 (1) accurately represent all abuse-related and
8 neglect-related child fatalities in this state, including child
9 fatalities investigated under Subchapter F, Chapter 264, and other
10 child fatalities investigated by the department; and

11 (2) aggregate the fatalities by investigative
12 findings and case disposition, including the following
13 dispositions:

14 (A) abuse and neglect ruled out;

15 (B) unable to determine cause of death;

16 (C) reason to believe abuse or neglect occurred;

17 (D) reason to believe abuse or neglect
18 contributed to child's death;

19 (E) unable to complete review; and

20 (F) administrative closure.

21 (c) The department may release additional information in
22 the annual report if the release of the information is not
23 prohibited by state or federal law.

24 (d) The department shall post the annual report on the
25 department's Internet website and otherwise make the report
26 available to the public.

27 (e) The executive commissioner of the Health and Human

1 Services Commission may adopt rules to implement this section.

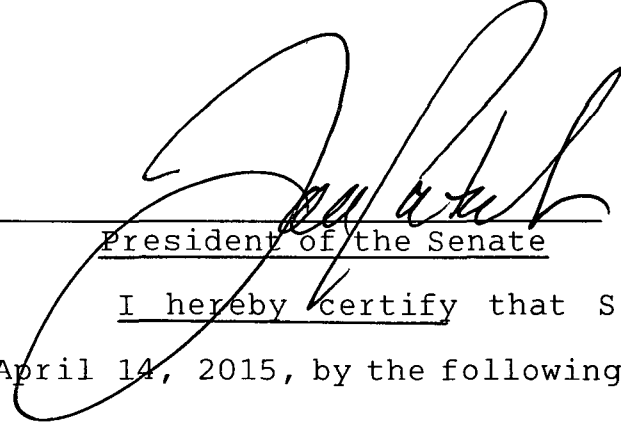
2 (f) At least once every 10 years, the department shall use
3 the information reported under this section to provide guidance for
4 possible department policy changes.

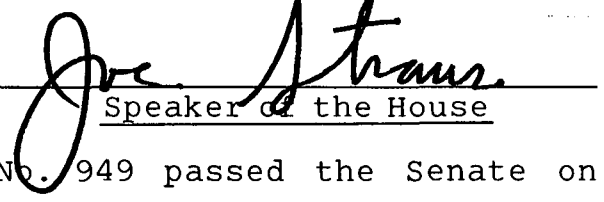
5 SECTION 3. Section 261.203(b), Family Code, as amended by
6 this Act, applies only to a child fatality or near fatality that
7 occurs on or after the effective date of this Act.

8 SECTION 4. Not later than March 1, 2016, the Department of
9 Family and Protective Services shall publish on its Internet
10 website the initial report required by Section 261.204, Family
11 Code, as added by this Act.

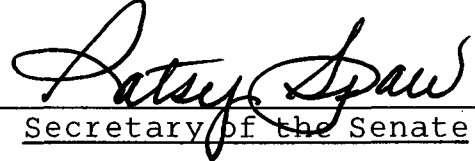
12 SECTION 5. This Act takes effect September 1, 2015.

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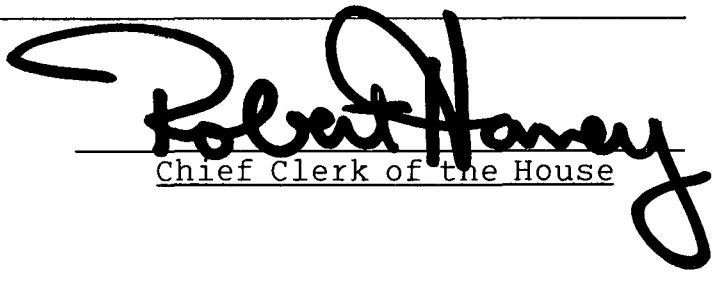

President of the Senate


Speaker of the House

I hereby certify that S.B. No. 949 passed the Senate on April 14, 2015, by the following vote: Yeas 31, Nays 0.

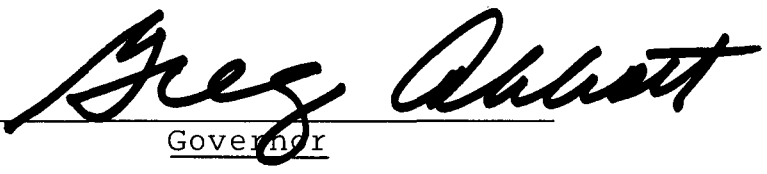

Secretary of the Senate

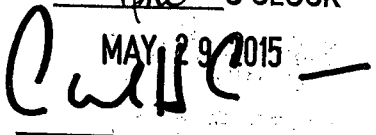
I hereby certify that S.B. No. 949 passed the House on May 19, 2015, by the following vote: Yeas 146, Nays 0, two present not voting.


Chief Clerk of the House

Approved:

5-29-2015
Date


Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
9 O'CLOCK
MAY 29 2015

Secretary of State

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 27, 2015

TO: Honorable Harold V. Dutton, Jr., Chair, House Committee on Juvenile Justice & Family Issues

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB949 by Uresti (Relating to the release of certain child fatality and near-fatality information for abused or neglected children.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Family Code to require the Department of Family and Protective Services (DFPS) to release all investigation information not prohibited from release under federal law, for child fatalities or near fatalities caused by abuse or neglect. The bill would also require DFPS to publish an annual report on child fatality investigations for which DFPS made a finding regarding abuse or neglect, including cases in which the department determined the fatality was not the result of abuse or neglect. The report must include certain information and protect the identity of individuals involved. The bill would also require DFPS to post the annual report on the department's Internet website and otherwise make the report available to the public. The executive commissioner of the Health and Human Services Commission (HHSC) is authorized to adopt rules for the annual child fatality report. The bill would only apply to requests for information related to child fatalities or near fatalities submitted after September 1, 2015. The annual child fatality report must be published on the DFPS website by March 1, 2016.

DFPS indicates they would be able to implement the bill within existing resources. DFPS assumes that they would be able to handle the increase in redactor requests with existing staff. DFPS indicates that required child protective services data will be tracked through manual data entry. The only system change required to support this function would be to add text fields to IMPACT, which the agency anticipates can be accomplished with internal DFPS staff.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 530 Family and Protective Services, Department of

LBB Staff: UP, ESi, NB, WP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 8, 2015

TO: Honorable Charles Schwertner, Chair, Senate Committee on Health & Human Services

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB949 by Uresti (relating to the release of certain child fatality and near-fatality information for abused or neglected children.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

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Local Government Impact

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Source Agencies: 530 Family and Protective Services, Department of

LBB Staff: UP, NB, WP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

March 29, 2015

TO: Honorable Charles Schwertner, Chair, Senate Committee on Health & Human Services

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB949 by Uresti (Relating to the release of certain child fatality and near fatality information for abused or neglected children.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB949, As Introduced: a negative impact of (\$1,956,209) through the biennium ending August 31, 2017.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	(\$1,904,608)
2017	(\$51,601)
2018	(\$51,601)
2019	(\$51,601)
2020	(\$51,601)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1	Probable Savings/(Cost) from <i>Federal Funds</i> 555	Change in Number of State Employees from FY 2015
2016	(\$1,904,608)	(\$276,041)	1.0
2017	(\$51,601)	(\$6,115)	1.0
2018	(\$51,601)	(\$6,115)	1.0
2019	(\$51,601)	(\$6,115)	1.0
2020	(\$51,601)	(\$6,115)	1.0

Fiscal Analysis

The bill would amend the Family Code to require the Department of Family and Protective Services (DFPS) to release all investigation information not prohibited from release under federal law, for child fatalities or near fatalities caused by abuse or neglect. The bill would also require

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 the department determined the fatality was not the result of abuse or neglect. The report must include certain information and protect the identity of individuals involved. The bill would also require DFPS to post the annual report on the department's Internet website and otherwise make the report available to the public.

The executive commissioner of the Health and Human Services Commission (HHSC) is authorized to adopt rules for the annual child fatality report.

The bill would only apply to requests for information related to child fatalities or near fatalities submitted after September 1, 2015. The annual child fatality report must be published on the DFPS website by March 1, 2016.

Methodology

Under the provisions of the bill, cases in which a child sustains a critical injury that reasonably could have resulted in the child's death are added as an additional category of cases in which public reports are produced.

DFPS estimates costs of \$2,115,911 for changes to its Information Management Protecting Adults and Children in Texas (IMPACT) system, which is the agency's automated casework system and CLASS (the agency's child care licensing casework systems) in order to track and report on near-fatal investigations as well as cases where the child's death resulted in a criminal investigation or the filing of criminal charges. DFPS also estimates that approximately 271 cases per year representing 74,525 pages will need to be redacted, requiring 1.0 FTE in each fiscal year. The costs associated with this 1.0 FTE is \$64,738 in fiscal year 2016 and \$57,716 in each fiscal year after. That includes salary, benefits, and other operating costs. The total costs is \$2,180,649 in fiscal year 2016, and \$57,716 in each year after.

The Health and Human Services Commission (HHSC) does not anticipate any significant fiscal impact from implementing the provisions of the bill.

Technology

A total technology cost of \$2,115,911 is anticipated to implement the provisions of the bill.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission, 530 Family and Protective Services, Department of

LBB Staff: UP, NB, WP, SJ