

## **BILL ANALYSIS**

S.B. 949  
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Juvenile Justice & Family Issues  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Recently enacted legislation required the Department of Family and Protective Services (DFPS) to release certain non-identifying information following certain child fatalities. Despite DFPS having released this data, child abuse advocates contend that hundreds of abuse-related and neglect-related child fatalities are not being publicly reported each year. S.B. 949 seeks to ensure the release of certain child fatality and near fatality information for abused or neglected children and to provide for a related report.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 2 of this bill.

### **ANALYSIS**

S.B. 949 amends the Family Code to specify, for purposes of the requirement that the Department of Family and Protective Services (DFPS) release certain information regarding a child abuse or neglect investigation relating to a child fatality after which DFPS determines that the child's death was caused by abuse or neglect, that DFPS is required to release all investigation information not prohibited from release under federal law and to include information on whether a child's death or near fatality was determined by DFPS to be attributable to abuse or neglect or resulted in a criminal investigation or the filing of criminal charges if known at the time the investigation is completed among the information required to be released. The bill makes the requirement to release the information applicable also to an investigation after which it is determined that a child's near fatality was caused by abuse or neglect.

S.B. 949 requires DFPS to publish an annual aggregated report using information compiled from each child fatality investigation 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. The bill requires the report to protect the identity of individuals involved and to contain the following information: the age and sex of the child and the county in which the fatality occurred; 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; the relationship to the child of the individual alleged to have abused or neglected the child, if any; 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; whether DFPS offered

family-based safety services or conservatorship services to the child or family; the types of abuse and neglect alleged in the reported investigations, if any; and any trends identified in the investigations contained in the report. The bill requires the report to accurately represent all abuse-related and neglect-related child fatalities in Texas and to aggregate the fatalities by investigative findings and case disposition. The bill authorizes DFPS to release additional information in the annual report if the release of the information is not prohibited by state or federal law. The bill requires DFPS, not later than March 1, 2016, to post the annual report on the DFPS website and otherwise make the report available to the public. The bill authorizes the executive commissioner of the Health and Human Services Commission to adopt rules to implement these provisions. The bill requires DFPS, at least once every 10 years, to use the information reported under these provisions to provide guidance for possible DFPS policy changes.

**EFFECTIVE DATE**

September 1, 2015.