

BILL ANALYSIS

C.S.H.B. 1637
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Reports indicate a clear desire across Texas for the child welfare system to become more trauma-informed. It has been suggested that the most prevalent inadequacy seen within the Department of Family and Protective Services in providing trauma-informed care is the lack of education and training with regard to recognizing and distinguishing the behaviors that children exhibit. There are concerns that the maladaptive coping skills and behaviors exhibited by traumatized children are intimidating without appropriate levels of education and that those making judicial decisions on behalf of children may not have the training necessary to deal with these situations. C.S.H.B. 1637 seeks to address this issue by requiring judges, judicial officers, and attorneys who handle Child Protective Services cases to receive trauma-informed care training.

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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1637 amends the Family Code to require the Department of Family and Protective Services (DFPS) to ensure that each attorney who DFPS employs or contracts with to represent the state in a child protection suit filed by a governmental entity seeking termination of the parent-child relationship or the appointment of a conservator for the child completes a training program regarding trauma-informed care and the effect of trauma on children in DFPS conservatorship. The bill requires such an attorney to complete the training before the attorney may represent the state in such a suit and sets out the information required to be included in the training. An attorney employed by or under contract with DFPS on the bill's effective date must complete the training not later than September 1, 2020.

C.S.H.B. 1637 amends the Government Code to include the problems of childhood trauma and issues related to childhood trauma and adverse childhood experiences among the information required to be included in the judicial training provided by the Texas Supreme Court.

C.S.H.B. 1637 requires the Texas Court of Criminal Appeals to assure that judicial training related to childhood trauma is provided. The bill requires the judicial instruction related to family violence, sexual assault, trafficking of persons, and child abuse and neglect provided by the court of criminal appeals to also include instruction on childhood trauma and adverse childhood experiences and sets out the information that instruction must include. The bill revises

requirements for the rules adopted by the court of criminal appeals regarding the judicial instruction to:

- include the instruction on childhood trauma and adverse childhood experiences among the topics of instruction at least two of which must comprise the minimum four hours of training dedicated to issues related to trafficking of persons and child abuse and neglect that make up part of the minimum 12 hours of training required of each district judge, judge of a statutory county court, associate judge, master, referee, and magistrate within the judge's first term of office or the judicial officer's first four years of service;
- require a judge of a court with jurisdiction over cases involving children in DFPS conservatorship or children in the juvenile justice system to complete at least three hours of training dedicated to the training on childhood trauma and adverse childhood experiences as part of that minimum 12 hours of training provided within the judge's first term of office;
- require a judge of such a court to complete at least one hour of training dedicated to that training as part of the additional five hours of training required during each additional term in office; and
- except from the additional training requirements on childhood trauma each judge or judicial officer who files an affidavit stating that the judge or judicial officer does not hear any cases involving childhood trauma.

The bill requires a judge or judicial officer who is in office on the bill's effective date to complete the three hours of training dedicated to the training on childhood trauma and adverse childhood experiences not later than December 1, 2021.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1637 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes the means by which judges and associate judges with jurisdiction related to child protection complete certain trauma-informed care training from a requirement to complete the same training program as applicable attorneys employed by or contracted with DFPS to inclusion of childhood trauma among the topics the judicial training provided by the supreme court and the court of criminal appeals must cover. The substitute revises related training requirements for judges and judicial officers.

The substitute sets a different deadline by which an applicable judge who is in office on the bill's effective date must complete the training requirements and includes training deadlines for applicable judicial officers and certain attorneys employed by or under contract with DFPS who are in office on the bill's effective date.

The substitute does not include provisions that:

- require the supreme court to adopt rules to provide for the trauma-informed care training provided to the attorneys, judges, and associate judges;
- allow for the training provided to judges and associate judges to be used to satisfy certain training requirements; and
- require the State Bar of Texas to provide continuing legal education credit for attorneys that complete the training.