

- SUBJECT:** Response to reports of child abuse and neglect by appropriate authorities
- COMMITTEE:** Juvenile Justice and Family Issues — committee substitute recommended
- VOTE:** 5 ayes — Dutton, Goodman, Castro, Nixon, Strama
0 nays
4 absent — Y. Davis, Dunnam, J. Moreno, Thompson
- WITNESSES:** For — None
Against — None
On — Liz Kromrei, Diana Spiser, Department of Family and Protective Services
- BACKGROUND:** Child Protective Services (CPS) is the state’s child welfare service administered by the Department of Family and Protective Services (DFPS). Reports of abuse and neglect are received through a statewide intake system, and CPS determines whether the report meets the statutory definition of abuse or neglect. If so, the report is designated “Priority I” if the abuse or neglect could pose an immediate risk of death or serious harm. An investigation must be initiated within 24 hours of receiving the report, and law enforcement must accompany the CPS caseworker when responding to the report.

All other reports are designated “Priority II,” and investigations must be initiated within 10 days of receiving these reports. DFPS also responds to reports of abuse and neglect in schools.
- DIGEST:** CSHB 2099 would require DFPS to assign priorities and prescribe investigative procedures for investigations of child abuse on the basis of the severity and immediacy of the alleged harm to the child. The rules would require DFPS to respond within 24 hours after receiving a Priority I report and within 72 hours after receiving a Priority II report. DFPS would develop and implement an automated tracking and reporting system that enabled the department to track information on initial contact to monitor compliance with response times.

Law enforcement would be required to conduct a joint investigation with DFPS if the report alleged that a child had been, or may have been, physically or sexually abused in a manner that could result in death or serious harm.

On receipt of a report of alleged abuse or neglect of a child in a public or private school under the jurisdiction of the Texas Education Agency, DFPS would forward the report to law enforcement to conduct the investigation, and the law enforcement agency would be responsible for forwarding the report of its investigation to the appropriate entities.

The bill would take effect September 1, 2006, and would apply only to investigations of a report of abuse made or on after this date.

**SUPPORTERS
SAY:**

CSHB 2099 would require that DFPS respond quickly to ensure the health and safety of children who were alleged victims of abuse or neglect. Ten days is too long to wait to investigate a case in which child abuse allegedly has taken place.

Reports classified as Priority I do not always coincide with criminal offenses. This is because the CPS system of priority designation is risk-based, not incident-based. For example, CPS would investigate if it deemed a child was in immediate threat of sexual abuse, but law enforcement would have no jurisdiction unless such abuse already had occurred. In addition, CPS may classify the case of a child who had been bruised by a parent as Priority II if the child was not in immediate danger because the parent subsequently had been sent to jail. In this instance, law enforcement should investigate because a crime could have been committed, yet current law would not require a joint investigation in this case. CSHB 2099 appropriately would require that law enforcement only conduct a joint investigation with DFPS when law enforcement had authority to act.

CPS does not have jurisdiction in cases in which the abuse is not perpetrated by a direct caregiver. For this reason, it is more appropriate for law enforcement to handle school abuse cases. If upon further investigation law enforcement found cause to believe a home caregiver was perpetrating the abuse, the agency could provide a report to DFPS to initiate a DFPS investigation. Given that caseworkers already are severely overburdened with investigatory caseloads, eliminating the need for them

to conduct in-school investigations would allow them to devote more time to cases upon which they actually could act.

**OPPONENTS
SAY:**

Sometimes cases of abuse identified in schools actually have been perpetrated by an abuser in the home. Investigating cases of abuse in schools allows DFPS investigators to determine whether further department involvement is required. Even if it was determined that a case did not fall under DFPS jurisdiction, the agency could retain the investigation report, which might provide historical evidence of abuse if a child did one day enter the CPS system. CSHB 2099 would exclude DFPS from investigating school abuse cases and would not require that the law enforcement agency provide DFPS with a copy of its investigation report, which could prove relevant to a future investigation.

NOTES:

The original bill would have required that the department respond immediately to a report of abuse or neglect involving a child less than 12 years of age. It did not include specific requirements for response times for cases of different priority levels or provisions for joint investigation with law enforcement.