

BILL ANALYSIS

Senate Research Center

S.B. 116
By: Zaffirini
Health and Human Services
1-23-96
As Filed

DIGEST

In 1996, the Texas Department of Mental Health and Mental Retardation experienced an increase in the number of investigations of abuse and neglect. This increase was due in part to the fact that each health and human services agency has its own set of definitions of abuse, neglect, and exploitation which could have hampered certain investigative processes. S.B. 116 makes the definition of abuse, neglect, and exploitation consistent throughout all health and human services agencies and any subsequent investigations dealing with alleged abuse, neglect, and exploitation.

PURPOSE

As proposed, S.B. 116 requires a state agency that operates, licenses, certifies, or registers a facility in which children are located to investigate alleged instances of abuse, neglect, or exploitation.

RULEMAKING AUTHORITY

Rulemaking authority is granted to a state agency that operates, licenses, certifies, or registers a facility in which children are located in SECTION 2 (Sec. 261.401(b), Family Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 261.001(1) and (4), Family Code, to redefine "abuse" and "neglect."

SECTION 2. Amends Section 261.401, Family Code, to require a state agency that operates, licenses, certifies, or registers a facility in which children are located to investigate a report that a child has been abused, exploited, or neglected in the facility. Requires an agency to adopt rules that describe conduct that constitutes abuse, exploitation, or neglect for purposes of the investigation and resolution of the reports and to afford a child the same or greater standard of protection as prescribed by the definitions of those terms under Section 261.001. Makes a conforming change.

SECTION 3. Amends Sections 261.402(b), (d), and (e), Family Code, to make conforming changes.

SECTION 4. Amends Section 261.403(b), Family Code, to make a conforming change.

SECTION 5. Amends Section 261.404, Family Code, to make a conforming change.

SECTION 6. Amends Section 48.036(a), Human Resources Code, to require a person who believes that an elderly or disabled person is in the state of abuse, exploitation, or neglect to immediately report the information to the Department of Protective and Regulatory Services.

SECTION 7. Amends Section 48.082(a), Human Resources Code, to make a conforming change.

SECTION 8. Makes application of this Act prospective.

SECTION 9. Makes application of Sections 6 and 7 of this Act prospective.

SECTION 10. Effective date: September 1, 1997.

SECTION 11. Emergency clause.