

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 1490  
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Jurisprudence  
4/22/2003  
Committee Report (Substituted)

### **DIGEST AND PURPOSE**

Currently, Child Protective Services (CPS) is required to videotape or audiotape an interview with a child alleged to be a victim of physical or sexual abuse unless good cause exists for not audiotaping or videotaping the interview. Choosing not to video or audiotape an interview or to bar a parent from the interview may cause problems for both CPS and a parent who is under investigation. When CPS investigation procedures are called into question, one of the main arguments presented is that CPS conducts its interviews improperly by posing leading questions to the child being interviewed or by misinterpreting the child's responses. In cases in which a child has been removed from the home, a full adversarial hearing may take place as late as 14 days after the child is removed. C.S.S.B. 1490 requires an investigating agency, other than the Department of Protective and Regulatory Services, to videotape or audiotape any interview unless a parent of the child is able to observe the interview or agrees in writing to allow the interview to proceed without being taped. This bill also creates a process to allow a parent to petition a court for expedited hearing after initial removal of a child by the court.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 261.302(e), Family Code, to require an interview by an investigating agency, other than the Department of Protective and Regulatory Services (DPRS), with a child alleged to be a victim of physical abuse or sexual abuse to be audiotaped or videotaped unless the investigating agency determines that good cause exists for not audiotaping or videotaping the interview in accordance with rules of the agency. Requires an interview by DPRS with a child alleged to be the victim of physical abuse or sexual abuse to be audiotaped or videotaped unless a parent of the child observes the interview or agrees in writing that DPRS is authorized to proceed with the interview without taping the interview or a court, on finding of good cause, waives the requirement. Requires that nothing in this subsection be construed as prohibiting DPRS or other investigating agency from audiotaping or videotaping an interview of a child on any case for which such audiotaping or videotaping is not required under this subsection. Makes a conforming change.

SECTION 2. Amends Section 261.201(a), Family Code, to authorize the parent, managing conservator, possessory conservator, guardian, caretaker, or custodian entitled to possession of the child to petition the court to hold the hearing on a date earlier than the date set by the court under this subsection.

SECTION 3. (a) Effective date: upon passage or September 1, 2003.

(b) and (c) Make application of this Act prospective.