

CHAPTER 158

S.B. No. 311

AN ACT

relating to certain investigations regarding the physical health or safety of a child.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 17.031, Family Code, is amended to read as follows:

Sec. 17.031. NOTICE TO PARENT OR GUARDIAN. *(a) If during a preliminary investigation regarding the possibility of taking possession of a child under Section 17.02 or 17.03 of this code a representative of the Texas Department of Human Services or other agency conducts an interview with or an examination of a child, the department or other agency must make a reasonable effort within 24 hours after the interview or examination to notify each parent of the child and the child's legal guardian if one has been appointed that the interview or examination was conducted.*

(b) When a representative of the Texas Department of Human Services or other agency takes possession of a child under Section 17.02 or 17.03 of this code, the department or other agency must give written notice as prescribed by this subsection to the child's parent or a legal guardian. The written notice must be given as soon as practicable, but in any event before the latter of the first working day after the child is taken into possession or the date of the hearing required by Subsection (c) of Section 17.03 of this code. The written notice may be waived by the court at the hearing held under Subsection (c) of Section 17.03 of this code on a showing by the Texas Department of Human Services or other agency taking possession of the child that the parents or legal guardian of the child could not be located. The written notice must include:

(1) the reasons why the department or agency is taking possession of the child and the facts that led the department to believe that the child should be taken into custody;

(2) the name of the person at the department or agency that the parent or other custodian may contact for information relating to the child or any legal proceeding relating to the child;

(3) a summary of legal rights of parents or other custodians under this chapter and an explanation of the probable legal procedures relating to the child; and

(4) a statement that the parent or other custodian has the right to hire an attorney.

SECTION 2. Subchapter A, Chapter 34, Family Code, is amended by adding Section 34.055 to read as follows:

Sec. 34.055. NOTICE OF INTERVIEW OR EXAMINATION. If during an investigation under this subchapter a representative of the Texas Department of Human Services or of the agency designated by the court to be responsible for the protection of children conducts an interview with or an examination of a child, the department or other agency must make a reasonable effort within 24 hours after the interview or examination to notify each parent of the child and the child's legal guardian if one has been appointed that the interview or examination was conducted.

SECTION 3. This Act takes effect September 1, 1993.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on March 4, 1993, by a viva-voce vote; passed the House on May 7, 1993, by a non-record vote.

Approved May 16, 1993.

Effective Sept. 1, 1993.