

CHAPTER 620

H.B. No. 1742

AN ACT

relating to the investigation of anonymous reports of child abuse.

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

SECTION 1. Section 34.02(d), Family Code, is amended to read as follows:

(d) An oral report shall be made immediately on learning of the abuse or neglect, or likelihood of abuse or neglect, as prescribed in Subsection (a) of this section. If a professional has cause to believe that a child has been or may be abused or neglected, the professional shall make an oral report as prescribed by Subsection (a) of this section not later than the 48th hour after the hour the professional first suspects that the child has been or may be abused or neglected. In all instances a written report shall be made within five days to the same agency or department. Anonymous reports, while not encouraged, will be received and acted on *as prescribed by Section 34.051 of this code [in the same manner as acknowledged reports]*. In this subsection, "professional" means an individual who is licensed or certified by the state, or who is an employee of a facility licensed, certified, or operated by the state, and who in the normal course of official duties, or duties for which a license or certification is required, has direct contact with children. "Professional" includes teachers, nurses, doctors, and day-care employees.

SECTION 2. Section 34.05(a), Family Code, is amended to read as follows:

(a) The Texas Department of Human Services or the agency designated by the court to be responsible for the protection of children shall make a thorough investigation promptly after receiving either the oral or written report *or, if the report is anonymous, after determining that there is some evidence to corroborate the report as prescribed by Section 34.051 of this code*. The primary purpose of the investigation shall be the protection of the child.

SECTION 3. Chapter 34, Family Code, is amended by adding Section 34.051 to read as follows:

Sec. 34.051. INVESTIGATION OF ANONYMOUS REPORTS. (a) If the department receives an anonymous report of child abuse, the department shall conduct a preliminary investigation to determine if there is any evidence to corroborate the report.

(b) An investigation under this section may include a visit to the child's home and an interview with the child and the child's parents. In addition, the department may interview any other person the department believes may have relevant information.

(c) Unless the department determines that there is some evidence to corroborate the report of abuse, the department may not conduct the thorough investigation required by Section 34.05 of this code or take any action against the person accused of abuse.

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, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 12, 1987, by a non-record vote. Passed by the Senate on May 29, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 19, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment.