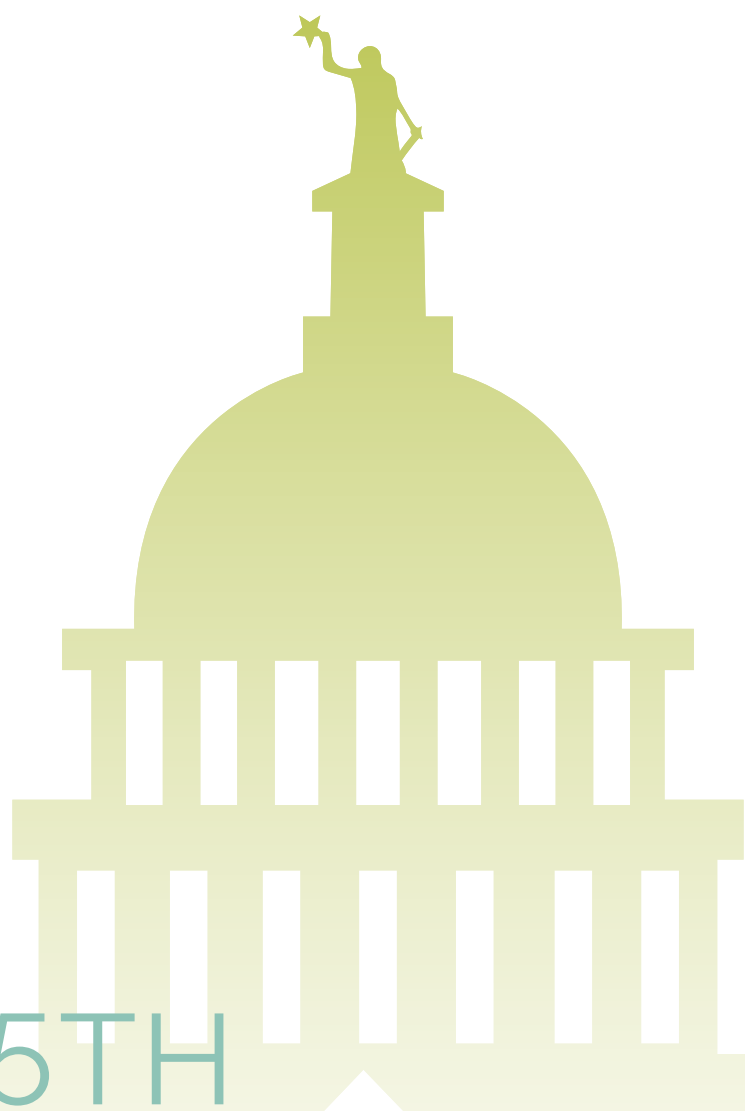


# TEXAS ASSOCIATION AGAINST SEXUAL ASSAULT



85TH

**LEGISLATIVE**

SESSION UPDATE

# INTRODUCTION

The Public Policy Team extends its deepest thanks to TAASA's members, who guide our work at the Capitol, and the many legislators committed to standing with sexual assault survivors year after year.

We are happy to report that the 85th Legislative Session was a resounding success for survivors and the programs who support them. It speaks volumes that in an extremely tight budget year, amid several hotly contested debates along partisan lines, the Legislature's budget writers quickly agreed to prioritize funding items for sexual assault survivors, including level funding for rape crisis centers and a special appropriation to process untested sexual assault evidence kits.

In the pages that follow, you'll find detailed descriptions of the many changes to law that affect survivors' interests. Although TAASA's resources allow us to identify only a few items as top advocacy priorities, the Public Policy Team is proud to have worked closely with legislators, allied organizations, and stakeholders to shape many of the bills included here into the best legislation possible to prevent violence and support survivors.

## SPECIAL THANKS TO TAASA'S PUBLIC POLICY ADVISORY COMMITTEE FOR THE 85TH SESSION

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# TAASA LEGISLA

## SB 1

### Appropriations for Rape Crisis Centers

SB 1, the state budget, includes \$26,173,154 for the Sexual Assault Prevention and Crisis Services grant program during the 2018-2019 fiscal year, which represents **level funding** compared with last biennium.

As in 2016-2017, the budget includes a \$20,377,092 appropriation from the Sexually Oriented Business Fee earmarked for grants to rape crisis centers from the Office of the Attorney General.

## SB 77

### Establish Sexual Assault as Grounds for Termination of Parental Rights

Jane Nelson, Carol Alvarado

*Effective September 1, 2017*

SB 77 creates a new ground for termination of parental rights, based on a parent's conviction or deferred adjudication for sexual assault against the other parent, if termination is also in the best interest of the child. Unlike most other grounds for termination, which involve abuse or neglect perpetrated directly against the child, this legislation acknowledges violence against a co-parent as inherently harmful to children.

## SB 257

### Eliminate Loopholes in Protective Order Modification Proceedings

Van Taylor, Tony Dale

*Effective September 1, 2017*

SB 257 resolves an evidentiary inconsistency in proceedings to modify or terminate a protective order based on sexual assault, stalking, or human trafficking. In proceedings to modify or terminate an order, the bill exempts those survivors from the requirement to prove a "continuing need" for their orders—an element they did not have to prove to obtain the order in the first place. The bill also limits a person subject to a family violence protective order to only two attempts to modify or terminate the order, rather than an unlimited number of attempts under previous law. Finally, the bill applies the same rule for automatically extending POs that expire while the respondent is confined to orders issued on the basis of family violence, sexual assault or abuse, stalking, and human trafficking.

# LEGISLATIVE AGENDA

## HB 1808

### **Sexual Assault by Coercion**

Sylvia Garcia, Morgan Meyer,  
Charles Perry, Joe Moody  
*Effective September 1, 2017*

HB 1808 amends the Sexual Assault statute to define a lack of consent as including acts compelled by "coercion" or "threat of harm" to the victim.

In the Aggravated Sexual Assault statute, the bill broadens the previous definition of substance-facilitated sexual assault, which was limited to the use of three specific substances, to cover the use of any substance capable of impairing the victim's ability to appraise the nature of the act or to resist the act.

During the legislative process, this bill also accumulated several provisions from other bills. It clarifies that an actor is guilty of Sexual Assault of a Child, Indecency with a Child, Continuous Sexual Abuse of a Child, or Compelling Prostitution regardless of whether the actor knew the child's age at the time of the offense. It also creates a new offense, "Sexual Coercion," covering a threat to commit a sexual offense in order to obtain, in return for not committing that offense, intimate visual material, an act of sexual conduct, or a monetary benefit.

## HB 3052

### **Include Protective Order Information in Family Law Pleadings**

Abel Herrero, Kirk Watson, Charles Perry  
*Effective September 1, 2017*

HB 3052 updates statutory pleading requirements in suits affecting the parent-child relationship, dissolutions of marriage, and suits to adjudicate parentage by requiring parties to inform judges of any protective order in effect to protect a party or child of a party based on family violence, sexual assault, stalking, or human trafficking. Under previous law, this rule applied only in divorce suits and covered only family violence protective orders.

This bill also includes several procedural amendments affecting authorization agreements allowing nonparents to make certain decisions on behalf of a child and such nonparents' ability to obtain identification documents for the child.

# FORENSIC MEDICAL EXAMS & SEXUAL ASSAULT EVIDENCE KITS

## HB 281

Donna Howard, Joan Huffman

*Effective September 1, 2017*

Directs the Department of Public Safety to establish an electronic tracking system to track the location and status of sexual assault evidence kits statewide. Requires all entities in the chain of custody to participate in the system. Requires that the system allow survivors to track their own evidence kits anonymously. The Legislature also appropriated \$1.3 million to implement the system in 2018.

## HB 1729 & HB 4102

Victoria Neave, Sylvia Garcia

*Effective September 1, 2017*

Both bills establish a grant program within the Office of the Governor, Criminal Justice Division, to assist law enforcement agencies in testing sexual assault evidence. Together, the bills allow individuals to contribute voluntarily to the grant fund at the time of driver's license renewal (HB 1729) or vehicle registration (HB 4102).

## HB 3152

Senfronia Thompson, Joan Huffman

*Effective September 1, 2017*

Amends the Health and Safety Code by eliminating references to "facilities designated in the community-wide plan as the primary health care facility in the community for treating sexual assault survivors. Provides that the Department of State Health Services shall designate a health care facility as a "SAFE-ready facility" if the facility notifies the Department that it employs or contracts with a sexual assault forensic examiner or uses a telemedicine system with sexual assault forensic examiners to provide consultation to a nurse or physician when conducting a forensic medical exam. Requires any facility that transfers a survivor to a SAFE-ready facility to verify the availability of a forensic medical examination at the SAFE-ready facility before transferring.

# SCHOOLS

## SB 968

Kirk Watson, Carol Alvarado

*Effective September 1, 2017*

Requires each public and private postsecondary institutions to provide an option for a student or employee to report an incident of sexual assault, sexual harassment, stalking, or dating violence electronically. Requires that the electronic reporting system allow a report to be made anonymously. Expands the requirement that public institutions have sexual assault policies to cover private institutions. Also requires all institutions to implement public awareness campaigns to inform their students of the sexual assault policy and the protocol for reporting incidents of sexual assault. Requires that as a part of the institution's reporting protocol, the institution provide, to the greatest extent practicable, counseling services to survivors, accused students, and individuals reporting sexual assaults. Requires institutions to allow survivors or accused students to drop a course in which both parties are enrolled without academic penalty. Authorizes the Texas Higher Education Coordinating Board to adopt rules to administer these statutes and directs the Board to establish an advisory committee composed of nine chief executive officers of institutions to recommend such rules no later than December 1, 2017.

## HB 822

Terry Canales, Juan Hinojosa

*Effective September 1, 2017*

Designates April as Sexual Assault Awareness Month and authorizes public schools and other places to engage in relevant activities.

## SB 969

Kirk Watson, Jeff Leach

*Effective September 1, 2017*

Prohibits public and private postsecondary institutions from sanctioning a student for a student conduct violation if the violation is discovered as a result of the student reporting in good faith being a victim of or witness to sexual assault, dating violence, stalking, or sexual harassment. The protection does not apply to a student who reports the student's own commission or assistance in the commission of the offense. Authorizes the Texas Higher Education Coordinating Board to adopt rules to administer these statutes and directs the Board to establish an advisory committee composed of nine chief executive officers of institutions to recommend such rules no later than December 1, 2017.

## HB 355

John Raney, Dawn Buckingham

*Effective September 1, 2017*

Prohibits a person required to register as a sex offender from residing on the campus of a public or private postsecondary educational institution, unless the offender has been assigned a numeric risk level of one by the Department of Criminal Justice and the institution approves the person to reside on its campus.

# PROTECTIVE ORDERS & VICTIM PROTECTION

## HB 3321

James Frank, Charles Perry

*Effective September 1, 2017*

Gives county courts within the 50th Judicial District (Baylor, Knox, Cottle, and King Counties) jurisdiction to hear civil protective order proceedings.

## SB 1242

José Rodríguez, Cindy Burkett

*Effective September 1, 2017*

Allows protective order applicants who are not represented by attorneys to designate a third party's mailing address for use by the respondent for service instead of the applicant's own address.

## SB 256

Van Taylor, Todd Hunter

*Effective May 19, 2017*

Broadens eligibility for participation in the Address Confidentiality Program administered by the Office of the Attorney General to include persons protected by a protective order based on family violence, sexual assault, stalking, or human trafficking; persons with an application pending for such order; or persons with documentation of family violence, sexual assault or stalking sufficient to terminate a residential lease under the Property Code. Provides that the home address of any person participating in the Address Confidentiality Program or who is eligible for a protective order based on family violence, sexual assault, stalking, or human trafficking is classified as confidential within tax appraisal or voter registration records.

## SB 843

Charles Perry, Abel Herrero

*Effective September 1, 2017*

Prohibits documents or information maintained by the Office of the Attorney General in connection with the Crime Victims' Compensation Program from being disclosed in response to a Public Information Act request, discovery request, or subpoena. Limits disclosures to those required by court order, where good cause is shown and the court has found the information is not available from another source; to assert restitution or subrogation rights against the defendant; a subpoena related to a criminal proceeding; or for use internally by the OAG or by another crime victims' compensation program as allowable by federal law. Disclosures in response to criminal subpoenas must be limited to the completed CVC application form with any confidential information redacted.



# CRIMINAL JUSTICE

## HB 1655

Ken King, Don Huffines

*Effective September 1, 2017*

Requires court clerks to notify the staff judge advocate general of any conviction or deferred adjudication of an active duty member of the U.S. Armed Forces for family violence or a crime against a person.

## HB 3872

Eddie Lucio III, José Menéndez

*Effective June 15, 2017*

Creates a procedure for a convicted person to request new DNA testing if the person's conviction was based upon DNA that had originally been tested with faulty practices, as determined by an audit performed by the Texas Forensic Science Commission. In order for a court to grant relief, the person must show by a preponderance of the evidence that the person would not have been convicted if the faulty DNA evidence had not been presented.

## SB 291

John Whitmire, Carol Alvarado

*Effective September 1, 2017*

Requires a court to provide a prospective witness in a criminal trial, including a victim, a hearing and appointed counsel before being attached as a witness.

## SB 343

Charles Perry, Joe Moody

*Effective September 1, 2017*

Amends the offense of Improper Sexual Activity with Person in Custody to cover conduct by an employee of a community supervision and corrections department with an individual the employee knows is under the supervision of the community supervision and corrections department.

## SB 966

Kirk Watson, Victoria Neave

*Effective September 1, 2017*

Creates a defense to prosecution for Possession of Alcohol by a Minor and Consumption of Alcohol by a Minor covering minors who were sexually assaulted at the time of the alcohol offense or who reported a sexual assault to law enforcement, a medical provider, or postsecondary educational institution official. The defense to prosecution does not apply to a minor who committed the sexual assault.

## SB 1203

Charles Perry, Senfronia Thompson

*Effective September 1, 2017*

Expands the prior requirement in trials of the offense of Online Solicitation of a Minor that Internet service providers respond within 10 days to a subpoena, search warrant or other court order to all online service providers, and applies that requirement to cases involving human trafficking and any sex offense.

# SEX OFFENDERS

## HB 1111

Senfronia Thompson, José Rodríguez

*Effective September 1, 2017*

Creates an exception for releasees subject to Child Safety Zones pursuant to the Government Code when the releasee is in or going immediately to or from a parole office, a premises at which the releasee is participating in a program as a condition of release, a residence where the releasee is required to reside, or any other location designed to rehabilitate the releasee or authorized by the pardons and paroles division. Also authorizes general-law municipalities to establish by ordinance child safety zones not exceeding one thousand feet. Requires such ordinances to establish procedures for offenders to apply for exemptions and to exempt offenders who established residency within a child safety zone before the date the ordinance was adopted. Provides an affirmative defense to prosecution under such ordinance for offenders who were in, on, or within a specified distance of a child safety zone for a legitimate purpose authorized by the offender's conditions of release or registration.

## SB 613

John Whitmire, Sarah Davis

*Effective September 1, 2017*

Directs the Health and Human Services Commission to provide inpatient mental health services to civilly committed sexually violent predators whom the Texas Civil Commitment Office has determined are unable to effectively participate in the sex offender treatment program because the person's mental illness prevents the person

from understanding and internalizing the concepts presented by the program's treatment material. Establishes that a sexually violent predator's inability to participate in a sex offender treatment program due to mental illness constitutes a substantial risk of serious harm to the person or others for purposes of court-ordered mental health services.

## SB 1553

José Menéndez, Diego Bernal

*Effective September 1, 2017*

Requires a registered sex offender, other than a student enrolled at the school, a student from another school who is participating in an event at the school, or a person who has entered into a written agreement with the school that exempts the person from this legislation's requirements, to immediately notify the school's administrative office of the person's presence and the person's registration status. Authorizes the school to assign a chaperon to accompany the person while on the school's premises. Authorizes a school administrator, school resource officer, or school district peace officer to refuse to allow a person to enter school premises or to eject a person from the premises if the person refuses to leave peaceably, if the person poses a substantial risk of harm to any person or behaves in a manner inappropriate for a school setting, and the school official first issues a verbal warning that the person may be refused entry or ejected. Requires independent school districts' student codes of conduct to include an explanation of its the refusal of entry or ejection policy, as well as the appeal process established by the Education Commissioner. Requires each school district to maintain a record of each verbal warning issued to a person under this statute,

including the name of the person subject to the warning and the date of issuance. Requires the Department of Criminal Justice and Juvenile Justice Department to notify releasees required to register as sex offenders of their duty to notify the administrative office of a school immediately upon entering the school's premises.

## SB 1576

Charles Perry, Ken King

*Effective September 1, 2017*

Privileges from discovery the personally identifying information of an employee or officer of the Texas Civil Commitment Office (TCCO) by a civilly committed sexually violent predator under the employee's or officer's management. Exempts personally identifying information of TCCO employees and officers from disclosure under the Public Information Act. Requires sworn peace officers to execute emergency detention orders upon issuance by the TCCO for the purpose of returning a committed person to more restrictive housing following the offender's release or transfer to less restrictive housing. Prohibits magistrates from releasing on personal bond a person who is a civilly committed sexually violent predator. Requires a civilly committed sexually violent predator to verify to the local registration authority the information in the offender's registration form at least once per year if the offender resides at a civil commitment center and at least once every 30 days if the offender does not reside at a civil commitment center. Authorizes criminal justice agencies to disclose criminal history information subject to orders of nondisclosure to the TCCO. Amends the timing and duration of TCCO board members. Changes TCCO's administrative attachment from the Department of State Health

Services to the Health and Human Services Commission. Imposes heightened tracking and monitoring requirements for certain civilly committed sexually violent predators and protects TCCO's procedures for security and monitoring of committed persons from disclosure under the Public Information Act. Authorizes TCCO to determine a county of release for a committed person released from commitment housing other than the county in which the person's most recent offense was committed, if that county does not provide adequate opportunities for the person's treatment, housing, or supervision. Authorizes certain trained employees of TCCO to use mechanical or chemical restraints on a committed person residing in a civil commitment center or while transporting a committed person, if necessary to stop or prevent certain dangerous behavior or absconson from the center, and the restraint is the least restrictive and last resort available. Makes a committed person who is not indigent responsible for the cost of damaged or lost tracking equipment if the person intentionally caused the damage or loss. Authorizes the special prosecution unit to assist in the trial of an offense based on a violation of civil commitment requirements, if requested by a local prosecuting attorney. Makes the offense of Assault a third degree felony if committed by a committed person against a TCCO employee or officer. Broadens the offense of Harassment by Persons in Certain Correctional Facilities to cover acts by committed persons against TCCO employees or officers. Broadens the offense of Prohibited Substances and Items in Correctional Facilities to cover civil commitment facilities. Adds TCCO employees to the list of persons eligible to remove personal information from public tax assessment records.

# HUMAN TRAFFICKING

## HB 2529

Morgan Meyer, Joan Huffman  
*Effective September 1, 2017*

Amends the definition of "coercion" as it applies in the Trafficking of Persons statute to include destroying, concealing, confiscating, or withholding from the trafficked person, or threatening to destroy, conceal, confiscate, or withhold, the trafficked person's actual or purported government records or identifying information or documents.

## SB 1196

Lois Kolkhorst, John Smithee  
*Effective May 18, 2017*

Directs the Texas Higher Education Coordinating Board to require all public junior colleges offering commercial driver's license training programs to include as part of those programs education and training on the recognition and prevention of human trafficking. Directs the Texas Workforce Commission to require all career schools or colleges offering commercial driver's license training programs to include in those programs education and training on the recognition and prevention of human trafficking. Requires the Department of Public Safety to provide informational materials on the recognition and prevention of human trafficking to applicants for commercial driver's licenses and authorizes DPS to coordinate with organizations specializing in recognizing and preventing human trafficking in providing those materials.

## HB 2552

Senfronia Thompson, Joan Huffman  
*Effective September 1, 2017*

Establishes that a website or computer network that operates in connection with organized criminal activity or various sexual offenses is a common nuisance. Authorizes any individual, prosecutor, or the Attorney General to bring a suit to declare a common nuisance and, if such suit prevails, authorizes the Attorney General to notify Internet service providers, search engine operators, browsing or hosting companies, or device manufacturers to determine whether they can offer assistance consistent with Section 230 of Communications Decency Act. Incorporates references to these amendments to common nuisance statutes into the statute governing suits to abate common nuisances.

## SB 128

Sylvia Garcia, Senfronia Thompson  
*Effective September 1, 2017*

Amends the Deceptive Trade Practices Consumer-Protection Act to include among the acts constituting false, misleading, or deceptive acts owning, operating, maintaining, or advertising a massage establishment that is not appropriately licensed or is not in compliance with a local ordinance relating to the licensing or regulation of massage establishments. Also amends the Civil Practice and Remedies Code to establish that in suits to abate a common nuisance, proof of prostitution-related activity, or massage services in violation of state law, at a place licensed as a massage establishment constitutes prima facie evidence that the defendant knowingly tolerated such activity. Amends the criminal offense of Promotion of Prostitution to include knowingly providing premises for prostitution purposes. Amends the Property Code to establish that a commercial tenant's right of possession terminates if the tenant uses the premises or allows the premises to be used for purposes of Prostitution, Promotion of Prostitution, Compelling Prostitution, or Trafficking of Persons. Directs the Department of Public Safety to collect information and create a statistical breakdown of concerning Prostitution and Promotion of Prostitution.

## SB 2039

Judith Zaffirini, Senfronia Thompson  
*Effective for 2017-2018 school year*

Directs the Education Commissioner, in cooperation with the Human Trafficking Prevention Task Force and other persons the Commissioner deems appropriate, to develop one or more sexual abuse and sex trafficking instructional modules that a school district may use in its health curriculum. Requires that a school district chooses to use the instructional modules, it must notify the parent of each student enrolled in the district of the instruction, of the material that will be used, and of the parent's right to review the material and remove the parent's student from the instruction. Requires each school district and open-enrollment charter school to adopt and implement a policy addressing sex trafficking and authorizes school districts to collaborate with local law enforcement and outside consultants with expertise in the prevention of sexual abuse and sex trafficking to create policies addressing sexual abuse and sex trafficking, and to create referral protocols for high-

# FAMILY VIOLENCE

## HB 3649

Abel Herrero, Juan Hinojosa

*Effective September 1, 2017*

Provides that a victim of family violence has a privilege to refuse to disclose or prevent the disclosure of any written or oral communication between an advocate and a victim of family violence made in the course of advising, advocating for, counseling, or assisting the victim. Provides that the privilege may be asserted by a victim, a parent or guardian of a victim younger than 18 years of age, or an advocate on a victim's behalf. Provides that otherwise privileged communications may be disclosed for the purpose of seeking evidence to establish a defendant's forfeiture by wrongdoing, following an in camera review and determination that the communication is admissible for that purpose; to another employee or volunteer of a family violence center for the purpose of furthering advocacy for the victim; to persons in the context of a support or counseling group in which the victim is participating; or for purposes of making a report of abuse or neglect of a child, elderly person, or person with a disability. Requires that if a family violence center discloses a communication at the request of a victim for the purpose of a civil or criminal proceeding, the center shall disclose the communication to all parties to the proceeding. Provides that, if an expert witness relies on an otherwise privileged communication to form the basis of the expert's opinion in a legal proceeding, the Texas Rules of Evidence shall govern the admissibility of the communication notwithstanding the privilege established by this legislation.

## SB 539

Juan Hinojosa, Todd Hunter

*Effective September 1, 2017*

Requires a person, in order to qualify for appointment as a mediator, to complete a minimum of four hours of family violence dynamics training developed in consultation with a statewide family violence advocacy organization.

## SB 920

John Whitmire, Eddie Lucio III

*Effective September 1, 2017*

Permits a court to issue a writ authorizing a party's entry to a residence to retrieve property if the current occupant of the residence poses a clear and present danger of family violence to the party or the party's dependent. Broadens the writ to cover retrieval of electronic records containing legal or financial documents. Authorizes a justice of the peace to issue a temporary ex parte writ (without notice and hearing), and to waive ordinary bond requirements, if the justice finds at a hearing that the personal harm to the applicant or applicant's dependent will be immediate or irreparable if the application is not granted. A temporary ex parte writ must state the duration of the writ, not to exceed five days.

## SB 1250

Royce West, Joe Moody

*Effective September 1, 2017*

Broadens the rule permitting introduction of testimony or other evidence concerning all relevant facts and circumstances that would assist the trier of fact in the prosecution of a family violence offense to apply in prosecutions of Assault, Aggravated Assault, and Injury to a Child, Elderly Individual, or Disabled Individual.



# CHILD PROTECTION

## HB 249

Ana Hernandez, Van Taylor  
*Effective September 1, 2017*

Applies standard definitions of child abuse and neglect for use by all divisions of the Department of Family and Protective Services. Exclusively authorizes Child Protective Services to investigate alleged abuse or neglect in any child-care facility and directs DFPS to adopt standardized practices for investigating allegations in any child-care facility. Directs DFPS to review its records retention policies, to develop a quality oversight and assurance division to monitor case management vendors, and to develop an office of data analytics to monitor various trends, including employee management and performance, workforce needs, and use of evaluations. Requires DFPS's departmental strategic plan to encompass the goals of ending the abuse and neglect of children in DFPS's conservatorship and of increasing the capacity of foster, relative, and kinship placements. Requires contracts for residential child-care services to provide for monetary penalties for failure to satisfy performance outcomes and financial incentives for exceeding those outcomes. Directs DFPS to develop performance-quality metrics family-based safety services and post-adoption support services, to include those metrics in each contract with those providers, and to compile and distribute reports of those measures to appropriate conservatorship and adoption caseworkers.

## HB 1549

Cindy Burkett, Paul Bettencourt  
*Effective September 1, 2017*

Improves CPS workforce development through retention and staffing strategies, increasing foster care recruitment and placements, better evaluation of Prevention and Early Intervention (PEI) services and outcomes, and other provisions designed to strengthen the capacity and capability of DFPS to protect children.

## HB 2124

Ina Minjarez, Lois Kolkhorst  
*Effective September 1, 2017*

Requires the Department of Family and Protective Services to notify the U.S. Department of Defense Family Advocacy Program about any investigation of an active duty member of the U.S. Armed Forces, or his/her spouse, on a report of abuse or neglect.



## HB 2848

Cindy Burkett, Charles Perry

*Effective September 1, 2017*

Requires any agreement to assist with abuse and neglect investigations between the Department of Family and Protective Services (DFPS) and the Forensic Assessment Center Network (FACN) or between DFPS and Texas Medical Child Abuse Resources and Education System (MEDCARES) grant recipients to provide the ability for those entities to obtain consultations with physicians who specialize in identifying unique health conditions. Also requires a peer-review process to resolve disputes about the cause of an injury.

## HB 2849

Cindy Burkett, Charles Perry

*Effective September 1, 2017*

Requires the Department of Family and Protective Services (DFPS) to remove a person's name from the child abuse and neglect central registry by the 10th business day after any finding of abuse or neglect is overturned in an administrative review, hearing or appeal. Also requires DFPS to make necessary updates to relevant DFPS files within 10 business days to reflect the finding was overturned.

## SB 11

Charles Schwertner, James Frank

*Effective September 1, 2017*

Directs the Department of Family and Protective Services to implement a new community-based care system to contract with local nonprofit organizations, called single source continuum contractors, to handle case management services for children within a specified geographic area. Directs the human trafficking prevention task force to develop standard training curriculum for SSCC caseworkers and requires those caseworkers to receive the training. Directs DFPS to develop a readiness review process and performance measures for family-based safety services. Creates a pilot program for nonprofit organizations to handle behavioral health for children, including comprehensive assessments at least once every 90 days and mandatory medical examinations for children under DFPS conservatorship within three days of evicting the system. Increases the length of time DFPS must maintain abuse and neglect records and requires DFPS to collect and analyze data on recurring reports of abuse or neglect of the same child by the same person. Requires courts to issue immediate dismissal of parental termination suits filed by DFPS after one year from the date DFPS is named temporary managing conservator. Creates a grant program providing for two-year grants up to \$300,000 to faith-based community programs that collaborate with DFPS and HHSC to improve foster care.

# CHILD PROTECTION CO

## SB 190

Carlos Uresti, Gene Wu

*Effective June 9, 2017*

Provides for an abbreviated investigation or administrative closure of a child abuse or neglect case within 60 days of receipt of the report if (1) there was no prior report of abuse or neglect for the child who was the subject of the report; (2) the department had not received an additional report of abuse or neglect for the child following the first report; and (3) the caseworker determined either that no abuse or neglect had occurred or, after contacting a professional or credible source, that the child's safety could be assured without further investigation, response, services, or assistance. Requires that cases remaining open for longer than 60 days be reviewed by a supervisor for administrative closure or reassignment to another caseworker.

## SB 323

Jane Nelson, Cindy Burkett

*Effective September 1, 2017*

Amends offense of Female Genital Mutilation to cover not only an actor who performs FGM, but also an actor who knowingly consents to or permits the act or who knowingly transports or facilitates the transportation of a person younger than 18 for the purpose of FGM. Also provides that it is not a defense to prosecution if a person authorized to consent to medical treatment of the person on whom the act was performed consented to the act, if the act was required by a custom or practice of any group, or if the act was performed in connection with a religious or other ritual.

## SB 495

Carlos Uresti, Senfronia Thompson

*Effective September 1, 2017*

Amends Family Code provisions governing unsupervised visitation by providing a rebuttable presumption against a parent's unsupervised visitation with a child if credible evidence is presented of a history or pattern of past or present child neglect or abuse or family violence by the parent or by any person who resides in the parent's household or who is permitted by the parent to have unsupervised access to the child during the parent's periods of possession of or access to the child. Also authorizes a court to decline to enter a judgment on a mediated settlement agreement if the court finds the agreement would allow a registered sex offender or a person with a history or pattern of past or present physical or sexual abuse against any person to reside in the same household as the child or to have unsupervised access to the child, and that the agreement is not in the child's best interest.

## SB 1063

Charles Perry, Stephanie Klick

*Effective September 1, 2017*

Provides that Child Protective Services investigations of anonymous reports of child abuse or neglect may include a visit to a child's home, except in instances when the alleged abuse or neglect can be confirmed or clearly ruled out without a home visit.

## SB 1705

Van Taylor, Senfronia Thompson

*Effective September 1, 2017*

Prohibits a court from granting a marriage license to a person younger than 18, unless the minor has previously been granted a court order removing the disabilities of minority. The change in law effectively prohibits marriage by minors younger than 16 and requires a court to first consider the interests of 16- and 17-year-olds at emancipation hearings with representation by an attorney ad litem.

## SB 1806

Joan Huffman, Rick Miller

*Effective September 1, 2017*

Requires the Department of Family and Protective Services to refer any case involving a report of child sexual abuse made by a professional reporter or a child fatality to a children's advocacy center for a multidisciplinary joint investigation. The requirement applies only in counties served by a CAC, though DFPS is authorized to refer a case to a CAC in an adjacent county if appropriate.

