

By: Jane Nelson

S.B. No. 434

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the relationship between domestic violence and child
3 abuse and neglect.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Chapter 531, Government Code, is amended by
6 adding Subchapter W to read as follows:

7 SUBCHAPTER W. TASK FORCE TO ADDRESS THE RELATIONSHIP BETWEEN
8 DOMESTIC VIOLENCE AND CHILD ABUSE AND NEGLECT

9 Sec. 531.951. DEFINITIONS. In this subchapter:

10 (1) "Department" means the Department of Family and
11 Protective Services.

12 (2) "Task force" means the Task Force to Address the
13 Relationship Between Domestic Violence and Child Abuse and Neglect.

14 Sec. 531.952. ESTABLISHMENT OF TASK FORCE; COMPOSITION. (a)
15 The task force is established to examine the relationship between
16 family violence and child abuse and neglect, develop policy
17 recommendations, if needed, to address issues and effects resulting
18 from that relationship, and develop comprehensive statewide best
19 practices guidelines for both child protective services and family
20 violence shelter centers.

21 (b) The task force is composed of:

22 (1) one member from the commission's Family Violence
23 Program, appointed by the executive commissioner; and

24 (2) at least 15 members appointed by the presiding

1 officer of the task force as follows:

2 (A) one member from the department;

3 (B) one member from a statewide family violence
4 advocacy organization;

5 (C) one member from a statewide sexual assault
6 advocacy organization;

7 (D) one member from a statewide advocacy
8 organization that serves abused and neglected children in the
9 foster care system;

10 (E) one member from a statewide child abuse
11 advocacy organization;

12 (F) one member who is a mental health
13 professional with experience working with clients affected by child
14 abuse and domestic violence;

15 (G) one member who is a judge with experience
16 working with cases involving child protective services;

17 (H) one member from The University of Texas
18 School of Law domestic violence clinic;

19 (I) one member from The University of Texas
20 School of Law children's rights clinic;

21 (J) one member from each of four different family
22 violence shelter centers as defined by Section 51.002, Human
23 Resources Code, reflecting the geographic diversity of the state;

24 (K) one member from a legal assistance
25 organization involved with child protection and family violence
26 issues;

27 (L) one member from the law enforcement

1 community; and

2 (M) any other member that the presiding officer
3 determines to be appropriate.

4 Sec. 531.953. VACANCY. A vacancy on the task force shall be
5 filled in the same manner as the original appointment.

6 Sec. 531.954. PRESIDING OFFICER. The member representing
7 the commission's Family Violence Program serves as the presiding
8 officer of the task force.

9 Sec. 531.955. MEETINGS. The task force shall meet at the
10 call of the presiding officer.

11 Sec. 531.956. COMPENSATION; REIMBURSEMENT. Members of the
12 task force serve without compensation or reimbursement for
13 expenses.

14 Sec. 531.957. DUTIES. (a) The task force shall:

15 (1) receive reports and testimony from individuals,
16 state and local agencies, community-based organizations, and other
17 public and private organizations, including:

18 (A) adult survivors of family violence that have
19 been impacted by child protective services investigations; and

20 (B) young adults who as children were impacted by
21 both family violence and child protective services intervention;
22 and

23 (2) develop policy recommendations for addressing the
24 relationship between family violence and child abuse and neglect
25 and develop comprehensive statewide best practices guidelines for
26 both child protective services and family violence shelter centers.

27 (b) In developing policy recommendations and best practices

1 guidelines under Subsection (a)(2), the task force shall:

2 (1) examine the findings and recommendations of the
3 National Council of Juvenile and Family Court Judges Family
4 Violence Department's report "Effective Intervention in Domestic
5 Violence & Child Maltreatment Cases: Guidelines for Policy and
6 Practice"; and

7 (2) examine the key concepts regarding child safety
8 plans and decision making found in the 2009 edition of the American
9 Bar Association's "Child Safety: A Guide for Judges and Attorneys."

10 (c) The task force shall prepare a report that includes:

11 (1) a description of the activities of the task force;

12 (2) the findings and recommendations of the task
13 force, including the proposed policy recommendations and
14 guidelines required by Subsection (a)(2); and

15 (3) any legislation or other matter that the task
16 force considers appropriate.

17 (d) Not later than September 1, 2012, the task force shall
18 submit to the governor, the lieutenant governor, the speaker of the
19 house of representatives, and the appropriate committees of the
20 senate and the house of representatives the report required by
21 Subsection (c).

22 Sec. 531.958. ADMINISTRATIVE SUPPORT. The commission shall
23 provide reasonably necessary administrative and technical support
24 for task force activities.

25 Sec. 531.959. RULEMAKING ASSISTANCE. The department shall
26 seek the assistance of the task force if the department proposes to
27 adopt or amend a rule as the result of the work done by the task

1 force.

2 Sec. 531.960. APPLICABILITY OF ADVISORY COMMITTEE LAW.

3 Chapter 2110 does not apply to the task force.

4 Sec. 531.961. ABOLITION OF TASK FORCE; EXPIRATION OF
5 SUBCHAPTER. The task force is abolished and this subchapter
6 expires September 1, 2013.

7 SECTION 2. Section 261.301(e), Family Code, is amended to
8 read as follows:

9 (e) As necessary to provide for the protection of the child,
10 the department or designated agency shall determine:

11 (1) the nature, extent, and cause of the abuse or
12 neglect;

13 (2) the identity of the person responsible for the
14 abuse or neglect;

15 (3) the names and conditions of the other children in
16 the home;

17 (4) an evaluation of the parents or persons
18 responsible for the care of the child;

19 (5) the adequacy of the home environment;

20 (6) the relationship of the child to the persons
21 responsible for the care, custody, or welfare of the child; ~~and~~

22 (7) whether a person in the home has been the victim or
23 perpetrator of family violence as defined by Section 71.004(1) or
24 (3);

25 (8) whether a person in the home has a history of
26 violent behavior or criminal involvement;

27 (9) whether there is an imbalance of power in the home

1 between adults that affects the ability of a parent or person
2 responsible for the care of a child to protect the child; and
3 (10) all other pertinent data.

4 SECTION 3. As soon as practicable after the effective date
5 of this Act, the appropriate persons shall appoint the members of
6 the Task Force to Address the Relationship Between Domestic
7 Violence and Child Abuse and Neglect created by this Act.

8 SECTION 4. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2011.



TCFV Supports SB 434: Enhancing Intervention in Child Abuse / Neglect Cases Involving Family Violence

The Co-occurrence of Family Violence and Child Abuse / Neglect Continues to Hurt Women, Children and Families.

- Child Support Services investigators perform life saving and important duties on behalf of children and their families, despite dwindling resources.
- According to the Texas Department of Public Safety, intimate partner violence was indicated in almost one-third of CPS investigations in 2010.
- Yet ineffective and inconsistent responses alienate families from systems and services designed to protect them and their children such as CPS, law enforcement, family violence programs, and other supports. This leaves children and families without the appropriate supports and plans to achieve long term safety and stability.

“I continue to see a great need for better child welfare policies and protocols for families affected by domestic violence. Such policies must be thoughtfully developed to establish a common ground that promotes the safety and rights of children and parents who are victims of domestic violence in order to support real and lasting family stability.”

*Leigh Ann Fry
former CPS contract worker and foster parent, and the
current Executive Director of Noah Project, Inc., a family
violence program in Abilene*

Too often, non-abusing parents who have been victimized by their current or former partners are labeled as *perpetrators* of child abuse / neglect based on their victimization by an intimate partner.

- Well-settled child and domestic violence research and national model practice point to the need for enhanced inter-agency partnerships and specific guidance for CPS workers.
- Enhanced inter-agency partnerships help foster family reunification and better permanent solutions for children and families.
- A body of guidelines for practice and policy around the overlap of domestic violence and child maltreatment and findings from subsequent demonstration projects exist as a resource for states working towards solutions to these challenges (*The Greenbook Initiative*, 1999-2007). Utah, Iowa, New York, North Carolina, Connecticut, Washington and West Virginia have already adopted laws or policies consistent with the *Greenbook* approach.

**The Solution:
SB 434 fosters continued, disciplined and focused collaboration
amongst stakeholders in child abuse and domestic violence prevention
both within state government and in the non-profit sector.**

*For more information, contact the Texas Council on Family Violence Policy Director,
Aaron Selliff at 512-590-9808 or the TCFV's Policy Department at (800) 525-1978.*