

AN ACT

relating to the definitions of child abuse and neglect.

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

SECTION 1. Section 261.001, Family Code, is amended by adding Subdivision (1-a) and amending Subdivision (4) to read as follows:

(1-a) "Abuse" does not include the refusal by a person responsible for a child's care, custody, or welfare to affirm:

(A) a child's perception of the child's gender, including a refusal to use a child's preferred name or pronouns, regardless of whether the child's name has been legally changed; or

(B) a child's expressed sexual orientation.

(4) "Neglect" means an act or failure to act by a person responsible for a child's care, custody, or welfare evidencing the person's blatant disregard for the consequences of the act or failure to act that results in harm to the child or that creates an immediate danger to the child's physical health or safety and:

(A) includes:

(i) the leaving of a child in a situation where the child would be exposed to an immediate danger of physical or mental harm, without arranging for necessary care for the child, and the demonstration of an intent not to return by a parent, guardian, or managing or possessory conservator of the child;

(ii) the following acts or omissions by a person:

(a) placing a child in or failing to remove a child from a situation that a reasonable person would realize requires judgment or actions beyond the child's level of maturity, physical condition, or mental abilities and that results in bodily injury or an immediate danger of harm to the child;

(b) failing to seek, obtain, or follow through with medical care for a child, with the failure resulting in or presenting an immediate danger of death, disfigurement, or bodily injury or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child;

(c) the failure to provide a child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability unless relief services had been offered and refused;

(d) placing a child in or failing to remove the child from a situation in which the child would be exposed to an immediate danger of sexual conduct harmful to the child; or

(e) placing a child in or failing to remove the child from a situation in which the child would be exposed to acts or omissions that constitute abuse under Subdivision (1)(E), (F), (G), (H), or (K) committed against another child;

1 (iii) the failure by the person responsible
2 for a child's care, custody, or welfare to permit the child to
3 return to the child's home without arranging for the necessary care
4 for the child after the child has been absent from the home for any
5 reason, including having been in residential placement or having
6 run away; or

7 (iv) a negligent act or omission by an
8 employee, volunteer, or other individual working under the auspices
9 of a facility or program, including failure to comply with an
10 individual treatment plan, plan of care, or individualized service
11 plan, that causes or may cause substantial emotional harm or
12 physical injury to, or the death of, a child served by the facility
13 or program as further described by rule or policy; and

14 (B) does not include:

15 (i) the refusal by a person responsible for
16 a child's care, custody, or welfare to permit the child to remain in
17 or return to the child's home resulting in the placement of the
18 child in the conservatorship of the department if:

19 (a) the child has a severe emotional
20 disturbance;

21 (b) the person's refusal is based
22 solely on the person's inability to obtain mental health services
23 necessary to protect the safety and well-being of the child; and

24 (c) the person has exhausted all
25 reasonable means available to the person to obtain the mental
26 health services described by Sub-subparagraph (b);

27 (ii) allowing the child to engage in

1 independent activities that are appropriate and typical for the
2 child's level of maturity, physical condition, developmental
3 abilities, or culture; ~~or~~

4 (iii) a decision by a person responsible
5 for a child's care, custody, or welfare to:

6 (a) obtain an opinion from more than
7 one medical provider relating to the child's medical care;

8 (b) transfer the child's medical care
9 to a new medical provider; or

10 (c) transfer the child to another
11 health care facility; or

12 (iv) the refusal by a person responsible
13 for a child's care, custody, or welfare to affirm:

14 (a) a child's perception of the
15 child's gender, including a refusal to use a child's preferred name
16 or pronouns, regardless of whether the child's name has been
17 legally changed; or

18 (b) a child's expressed sexual
19 orientation.

20 SECTION 2. This Act takes effect September 1, 2025.

President of the Senate

Speaker of the House

I certify that H.B. No. 1106 was passed by the House on May 14, 2025, by the following vote: Yeas 85, Nays 59, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1106 was passed by the Senate on May 28, 2025, by the following vote: Yeas 20, Nays 11.

Secretary of the Senate

APPROVED: _____

Date

Governor