



Harvey Hilderbran

MEMBER

The Texas House of Representatives

State Representative • District 53

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Hilderbran bill seeks strong protection for victims of child abuse

AUSTIN – Rep. Harvey Hilderbran (R-Kerrville) filed child-protective legislation Friday that would require courts to consider the actions of all adults in the household before determining whether the child or the alleged abuser should be the one removed from the home.

“In the Eldorado incident last year, in my view we should have removed the suspected perpetrator, not the victim,” Hilderbran said. “But we have to know for sure that the remaining parent would really be protecting the child. If they are going to let the alleged abuser back in the home, then keeping the child there isn’t a viable option.”

The bill (HB 4255) follows last year’s raid on a polygamist compound in Eldorado, where over 400 children were removed from the camp amid sexual abuse allegations. The Texas Supreme Court later determined that Child Protective Services did not make all reasonable efforts to keep the children in their homes by considering an option to remove the alleged perpetrator rather than the children.

However, for many families in the Eldorado case, evidence showed that both parents were aware of the child abuse and took no reasonable steps to prevent it.

Hilderbran’s bill would modify the Family Code to state that the court may only issue an order to remove the alleged perpetrator from the home, rather than the child, if all available facts indicate that the remaining parent or guardian is likely to abide by the terms of the temporary restraining order.

According to the Texas Department of Family and Protective Services, there were numerous incidents where the parents remaining with the children were observed coaching them on what to say to DFPS staff. The continuous coaching raised concerns that the children were not providing department staff with truthful answers about the alleged abuse.

“The safety of the child should always be considered first, and we are working with the Attorney General’s office on language for the committee substitute that will ensure that,” Hilderbran said. “At the same time, we have to know that keeping the child with their parent isn’t doing them more harm than good.”

The bill also amends the code to state that a second failure to report child abuse or neglect is a Class A Misdemeanor. Currently, the charge is a Class B Misdemeanor. For medical professionals, a second strike would up the charge to a state jail felony.

“One of the men indicted in connection with the Eldorado law enforcement investigation was a medical doctor who had delivered numerous babies to underage children, but never reported suspected sexual abuse to the department,” Hilderbran explained.

HB 4255 would also make it a Class A Misdemeanor to inaccurately fill out or file a birth certificate for the purpose of hiding abuse.

“If a doctor or midwife lies on a birth certificate to cover up the sexual abuse of a child, we are going to make sure they are punished at every turn,” Hilderbran said.

Hilderbran added, “Without H.B. 3006, which we passed during the 79th Legislative Session, none of the indictments that law enforcement got against these men would have been possible. This session, we are coming full circle to make sure we protect the children from anyone who might be complacent in abuse.”