

By: Giddings

H.B. No. 2670

Substitute the following for H.B. No. 2670:

By: Rose

C.S.H.B. No. 2670

A BILL TO BE ENTITLED

AN ACT

relating to providing notice to the Department of Family and Protective Services of investigations of family violence at certain foster homes.

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

SECTION 1. Article 5.04, Code of Criminal Procedure, is amended by adding Subsection (a-1) to read as follows:

(a-1) A peace officer who investigates a family violence allegation or who responds to a disturbance call that may involve family violence shall determine whether the address of the persons involved in the allegation or call matches the address of a current licensed foster home or verified agency foster home listed in the Texas Crime Information Center.

SECTION 2. Article 5.05, Code of Criminal Procedure, is amended by amending Subsection (b) and adding Subsection (a-1) to read as follows:

(a-1) In addition to the written report required under Subsection (a), a peace officer who investigates a family violence incident or who responds to a disturbance call that may involve family violence shall make a report to the Department of Family and Protective Services if the location of the incident or call, or the known address of a person involved in the incident or call, matches the address of a current licensed foster home or a verified agency foster home as listed in the Texas Crime Information Center. The

1 report under this subsection may be made orally or electronically
2 and must:

3 (1) include the information required by Subsection
4 (a); and

5 (2) be filed with the Department of Family and
6 Protective Services within 24 hours of the beginning of the
7 investigation or receipt of the disturbance call.

8 (b) Each local law enforcement agency shall establish a
9 departmental code for identifying and retrieving family violence
10 reports as outlined in Subsection (a) of this section. A district
11 or county attorney or an assistant district or county attorney
12 exercising authority in the county where the law enforcement agency
13 maintains records under this section is entitled to access to the
14 records. The Department of Family and Protective Services is
15 entitled to access the records relating to any person who is 14
16 years of age or older and who resides in a licensed foster home or a
17 verified agency foster home.

18 SECTION 3. Subchapter C, Chapter 42, Human Resources Code,
19 is amended by adding Sections 42.0448 and 42.0449 to read as
20 follows:

21 Sec. 42.0448. NOTIFICATION OF FAMILY VIOLENCE CALLS. The
22 department shall notify a child-placing agency of each family
23 violence report the department receives under Article 5.05, Code of
24 Criminal Procedure, that:

25 (1) occurred at an agency foster home verified by the
26 child-placing agency; or

27 (2) involves a person who resides at an agency foster

1 home verified by the child-placing agency.

2 Sec. 42.0449. REQUIRED ACTIONS AFTER NOTICE OF FAMILY
3 VIOLENCE CALL. The executive commissioner shall adopt rules
4 specifying the actions that the department, an independent foster
5 home, and a child-placing agency shall take after receiving notice
6 of a family violence report under Article 5.05, Code of Criminal
7 Procedure, or Section 42.0448 to ensure the health, safety, and
8 welfare of each child residing in the licensed foster home or
9 verified agency foster home.

10 SECTION 4. Section 42.045, Human Resources Code, is amended
11 by adding Subsection (d) to read as follows:

12 (d) An independent foster home and a child-placing agency
13 shall notify the department of any change of address for a licensed
14 foster home or a verified agency foster home. The independent
15 foster home and child-placing agency shall notify the department of
16 the address change within the earlier of two business days or 72
17 hours of the date the foster home changes its address.

18 SECTION 5. Subchapter C, Chapter 42, Human Resources Code,
19 is amended by adding Section 42.0451 to read as follows:

20 Sec. 42.0451. DATABASE OF FOSTER HOMES; INFORMATION
21 PROVIDED TO DEPARTMENT OF PUBLIC SAFETY. (a) The department shall
22 maintain a database of licensed foster homes and verified agency
23 foster homes including the current address for each licensed or
24 verified home as reported to the department. The database must be
25 updated on a regular basis.

26 (b) The department shall make the database available to the
27 Department of Public Safety for the purposes of Subsection (c).

1 (c) The Department of Public Safety shall include the
2 information provided under Subsection (b) in the Texas Crime
3 Information Center database and establish a procedure by which a
4 peace officer or employee of a law enforcement agency who provides
5 the department with a street address is automatically provided
6 information as to whether the address is licensed as a foster home
7 or verified as an agency foster home under this chapter.

8 (d) Information provided to the Department of Public Safety
9 under this section is confidential and not subject to disclosure
10 under Chapter 552, Government Code.

11 SECTION 6. Subchapter C, Chapter 42, Human Resources Code,
12 is amended by adding Section 42.0561 to read as follows:

13 Sec. 42.0561. INFORMATION RELATING TO FAMILY VIOLENCE
14 REPORTS. Before the department may issue a license or registration
15 for a foster home or a child-placing agency may issue a verification
16 certificate for an agency foster home, the department or
17 child-placing agency must obtain information relating to each
18 family violence report at the applicant's residence to which a law
19 enforcement agency responded during the 12 months preceding the
20 date of the application. The applicant shall provide the
21 information on a form prescribed by the department.

22 SECTION 7. The Department of Family and Protective Services
23 shall establish the database and a method for exchanging
24 information required by Section 42.0451, Human Resources Code, as
25 added by this Act, not later than September 1, 2008.

26 SECTION 8. Section 42.0561, Human Resources Code, as added
27 by this Act, applies to an application for a license, registration,

1 or certificate made on or after the effective date of this Act. An
2 application made before the effective date of this Act is governed
3 by the law in effect on the date the application was made, and the
4 former law is continued in effect for that purpose.

5 SECTION 9. This Act takes effect September 1, 2007.