

## **BILL ANALYSIS**

H.B. 943  
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Human Services  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Recent reporting suggests that many states do not have a policy in place to expediently identify and report missing children. In Texas, the Department of Family and Protective Services (DFPS) has agency protocols in place for responding to a report of a missing child who is in the managing conservatorship of DFPS. However, current law does not adequately detail those procedures to allow for utilization across all agencies. In an effort to better respond to reports of missing children who are in the state's managing conservatorship, H.B. 943 establishes certain reporting requirements and procedures to be used in responding to a report of a missing child and entering certain information into an applicable missing persons database within a specified time period.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 943 amends the Family Code to require the Department of Family and Protective Services (DFPS), if a child in DFPS's managing conservatorship is missing from the child's substitute care provider, including a child who is abducted or is a runaway, to notify the following persons that the child is missing: the appropriate law enforcement agencies; the court with jurisdiction over DFPS's managing conservatorship of the child; the child's attorney ad litem; and the child's parent unless the parent cannot be located or contacted, the parent has had parental rights terminated, or the parent has executed an affidavit of relinquishment of parental rights. The bill requires DFPS to provide such notice not later than 24 hours after the time DFPS learns that the child is missing or as soon as possible if a person entitled to notice cannot be notified within 24 hours and to provide notice when the child returns to the child's substitute care provider not later than 24 hours after the time DFPS learns that the child has returned or as soon as possible if a person entitled to notice cannot be notified within 24 hours.

H.B. 943 requires DFPS to make continuing efforts to determine the location of a missing child until the child returns to substitute care and sets out actions that are included in those efforts. The bill requires DFPS, after a missing child returns to the child's substitute care provider, to interview the child to determine the reasons why the child was missing and where the child stayed during the time the child was missing. The bill requires DFPS to report to an appropriate law enforcement agency any disclosure made by a child that indicates that the child was the victim of a crime during the time the child was missing. The bill requires DFPS to make a report not later than 24 hours after the time the disclosure is made. The bill clarifies that DFPS is not required to interview a missing child if, at the time the child returns, DFPS knows that the child was abducted and another agency is investigating the abduction.

H.B. 943 requires DFPS to document the following in the missing child's case record: the actions taken by DFPS to determine the location of the child and to persuade the child to return to

substitute care; any discussion during, and determination resulting from, a supervisory-level review conducted in an effort to determine the location of the missing child; any discussion with law enforcement officials following the return of the child regarding the child's absence; and any discussion with the child during the department's interview with the child after the missing child returns.

H.B. 943 amends the Code of Criminal Procedure, in provisions relating to certain information local law enforcement agencies are required to immediately enter into an applicable missing persons database, to require the agencies to enter that information immediately but not later than two hours after receiving a report of a missing child or other missing person.

**EFFECTIVE DATE**

September 1, 2011.