

BILL ANALYSIS

Senate Research Center

C.S.H.B. 943
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Health & Human Services
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.H.B. 943 codifies Department of Family and Protective Services policy for reporting missing children in the state's conservatorship. This bill also requires law enforcement agencies to enter a missing child's information into the state's missing children and missing person information clearinghouse within two hours of receiving the report.

C.S.H.B. 943 amends current law relating to reporting requirements concerning missing persons, including missing children in the managing conservatorship of the Department of Family and Protective Services.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 264, Family Code, by adding Section 264.123, as follows:

Sec. 264.123. **REPORTS CONCERNING MISSING CHILD.** (a) Requires 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:

- (1) the appropriate law enforcement agencies;
- (2) the court with jurisdiction over DFPS's managing conservatorship of the child;
- (3) the child's attorney ad litem;
- (4) the child's guardian ad litem; and
- (5) the child's parent unless the parent cannot be located or contacted, has had the parent's parental rights terminated, or has executed an affidavit of relinquishment of parental rights.

(b) Requires DFPS to provide the notice required by Subsection (a) 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 under that subsection cannot be notified within 24 hours.

(c) Requires DFPS, if a child has been reported as a missing child under Subsection (a), to notify the persons described by Subsection (a) 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.

(d) Requires DFPS to make continuing efforts to determine the location of a missing child until the child returns to substitute care, including:

(1) contacting on a monthly basis the appropriate law enforcement agencies, the child's relatives, the child's former caregivers, and any state or local social service agency that may be providing services to the child; and

(2) conducting a supervisory-level review of the case on a quarterly basis if the child is 15 years of age or younger to determine whether sufficient efforts have been made to locate the child and whether other action is needed.

(e) Requires DFPS to document in the missing child's case record:

(1) the actions taken by DFPS to determine the location of the child, and persuade the child to return to substitute care;

(2) any discussion during, and determination resulting from, the supervisory-level review under Subsection (d)(2);

(3) any discussion with law enforcement officials following the return of the child regarding the child's absence; and

(4) any discussion with the child described by Subsection (f).

(f) 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. 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. Requires DFPS to make a report under this subsection not later than 24 hours after the time the disclosure is made. Provides that DFPS is not required to interview a missing child under this subsection if, at the time the child returns, DFPS knows that the child was abducted and another agency is investigating the abduction.

SECTION 2. Amends Article 63.009(a), Code of Criminal Procedure, to require local law enforcement agencies, on receiving a report of a missing child or a missing person, to perform certain actions, including immediately, but not later than two hours after receiving the report, entering the name of the child or person into the clearinghouse, the national crime information center missing person file if the child or person meets the center's criteria, and the Alzheimer's Association Safe Return crisis number, if applicable, with all available identifying features such as dental records, fingerprints, other physical characteristics, and a description of the clothing worn when last seen, and all available information describing any person reasonably believed to have taken or retained the missing child or missing person.

SECTION 3. Effective date: September 1, 2011.