

By: Dukes

H.B. No. 943

A BILL TO BE ENTITLED

1 AN ACT
2 relating to reporting requirements concerning missing persons,
3 including missing children in the managing conservatorship of the
4 Department of Family and Protective Services.

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

6 SECTION 1. Subchapter B, Chapter 264, Family Code, is
7 amended by adding Section 264.123 to read as follows:

8 Sec. 264.123. REPORTS CONCERNING MISSING CHILD. (a) If a
9 child in the department's managing conservatorship is missing from
10 the child's substitute care provider, including a child who is
11 abducted or is a runaway, the department shall notify the following
12 persons that the child is missing:

- 13 (1) the appropriate law enforcement agencies;
14 (2) the court with jurisdiction over the department's
15 managing conservatorship of the child;
16 (3) the child's attorney ad litem; and
17 (4) the child's parent unless the parent:
18 (A) cannot be located or contacted;
19 (B) has had the parent's parental rights
20 terminated; or
21 (C) has executed an affidavit of relinquishment
22 of parental rights.

23 (b) The department shall provide the notice required by
24 Subsection (a) not later than 24 hours after the time the department

1 learns that the child is missing or as soon as possible if a person
2 entitled to notice under that subsection cannot be notified within
3 24 hours.

4 (c) If a child has been reported as a missing child under
5 Subsection (a), the department shall notify the persons described
6 by Subsection (a) when the child returns to the child's substitute
7 care provider not later than 24 hours after the time the department
8 learns that the child has returned or as soon as possible if a
9 person entitled to notice cannot be notified within 24 hours.

10 (d) The department shall make continuing efforts to
11 determine the location of a missing child until the child returns to
12 substitute care, including:

13 (1) contacting on a monthly basis:

14 (A) the appropriate law enforcement agencies;

15 (B) the child's relatives;

16 (C) the child's former caregivers; and

17 (D) any state or local social service agency that
18 may be providing services to the child; and

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

23 (e) The department shall document in the missing child's
24 case record:

25 (1) the actions taken by the department to:

26 (A) determine the location of the child; and

27 (B) persuade the child to return to substitute

1 care;

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

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

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

10 (f) After a missing child returns to the child's substitute
11 care provider, the department shall interview the child to
12 determine the reasons why the child was missing and where the child
13 stayed during the time the child was missing. The department shall
14 report to an appropriate law enforcement agency any disclosure made
15 by a child that indicates that the child was the victim of a crime
16 during the time the child was missing. The department shall make a
17 report under this subsection not later than 24 hours after the time
18 the disclosure is made. The department is not required to interview
19 a missing child under this subsection if, at the time the child
20 returns, the department knows that the child was abducted and
21 another agency is investigating the abduction.

22 SECTION 2. Article 63.009(a), Code of Criminal Procedure,
23 is amended to read as follows:

24 (a) Local law enforcement agencies, on receiving a report of
25 a missing child or a missing person, shall:

26 (1) if the subject of the report is a child and the
27 well-being of the child is in danger or if the subject of the report

1 is a person who is known by the agency to have or is reported to have
2 chronic dementia, including Alzheimer's dementia, whether caused
3 by illness, brain defect, or brain injury, immediately start an
4 investigation in order to determine the present location of the
5 child or person;

6 (2) if the subject of the report is a child or person
7 other than a child or person described by Subdivision (1), start an
8 investigation with due diligence in order to determine the present
9 location of the child or person;

10 (3) immediately, but not later than two hours after
11 receiving the report, enter the name of the child or person into the
12 clearinghouse, the national crime information center missing
13 person file if the child or person meets the center's criteria, and
14 the Alzheimer's Association Safe Return crisis number, if
15 applicable, with all available identifying features such as dental
16 records, fingerprints, other physical characteristics, and a
17 description of the clothing worn when last seen, and all available
18 information describing any person reasonably believed to have taken
19 or retained the missing child or missing person; and

20 (4) inform the person who filed the report of the
21 missing child or missing person that the information will be
22 entered into the clearinghouse, the national crime information
23 center missing person file, and the Alzheimer's Association Safe
24 Return crisis number, if applicable.

25 SECTION 3. This Act takes effect September 1, 2011.