

1-1 By: Dukes (Senate Sponsor - Nelson) H.B. No. 943
1-2 (In the Senate - Received from the House April 11, 2011;
1-3 April 20, 2011, read first time and referred to Committee on Health
1-4 and Human Services; May 6, 2011, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 9,
1-6 Nays 0; May 6, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 943 By: Nelson

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to reporting requirements concerning missing persons,
1-11 including missing children in the managing conservatorship of the
1-12 Department of Family and Protective Services.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subchapter B, Chapter 264, Family Code, is
1-15 amended by adding Section 264.123 to read as follows:

1-16 Sec. 264.123. REPORTS CONCERNING MISSING CHILD. (a) If a
1-17 child in the department's managing conservatorship is missing from
1-18 the child's substitute care provider, including a child who is
1-19 abducted or is a runaway, the department shall notify the following
1-20 persons that the child is missing:

1-21 (1) the appropriate law enforcement agencies;

1-22 (2) the court with jurisdiction over the department's
1-23 managing conservatorship of the child;

1-24 (3) the child's attorney ad litem;

1-25 (4) the child's guardian ad litem; and

1-26 (5) the child's parent unless the parent:

1-27 (A) cannot be located or contacted;

1-28 (B) has had the parent's parental rights
1-29 terminated; or

1-30 (C) has executed an affidavit of relinquishment
1-31 of parental rights.

1-32 (b) The department shall provide the notice required by
1-33 Subsection (a) not later than 24 hours after the time the department
1-34 learns that the child is missing or as soon as possible if a person
1-35 entitled to notice under that subsection cannot be notified within
1-36 24 hours.

1-37 (c) If a child has been reported as a missing child under
1-38 Subsection (a), the department shall notify the persons described
1-39 by Subsection (a) when the child returns to the child's substitute
1-40 care provider not later than 24 hours after the time the department
1-41 learns that the child has returned or as soon as possible if a
1-42 person entitled to notice cannot be notified within 24 hours.

1-43 (d) The department shall make continuing efforts to
1-44 determine the location of a missing child until the child returns to
1-45 substitute care, including:

1-46 (1) contacting on a monthly basis:

1-47 (A) the appropriate law enforcement agencies;

1-48 (B) the child's relatives;

1-49 (C) the child's former caregivers; and

1-50 (D) any state or local social service agency that
1-51 may be providing services to the child; and

1-52 (2) conducting a supervisory-level review of the case
1-53 on a quarterly basis if the child is 15 years of age or younger to
1-54 determine whether sufficient efforts have been made to locate the
1-55 child and whether other action is needed.

1-56 (e) The department shall document in the missing child's
1-57 case record:

1-58 (1) the actions taken by the department to:

1-59 (A) determine the location of the child; and

1-60 (B) persuade the child to return to substitute
1-61 care;

1-62 (2) any discussion during, and determination
1-63 resulting from, the supervisory-level review under Subsection

2-1 (d)(2);
2-2 (3) any discussion with law enforcement officials
2-3 following the return of the child regarding the child's absence;
2-4 and

2-5 (4) any discussion with the child described by
2-6 Subsection (f).

2-7 (f) After a missing child returns to the child's substitute
2-8 care provider, the department shall interview the child to
2-9 determine the reasons why the child was missing and where the child
2-10 stayed during the time the child was missing. The department shall
2-11 report to an appropriate law enforcement agency any disclosure made
2-12 by a child that indicates that the child was the victim of a crime
2-13 during the time the child was missing. The department shall make a
2-14 report under this subsection not later than 24 hours after the time
2-15 the disclosure is made. The department is not required to interview
2-16 a missing child under this subsection if, at the time the child
2-17 returns, the department knows that the child was abducted and
2-18 another agency is investigating the abduction.

2-19 SECTION 2. Article 63.009(a), Code of Criminal Procedure,
2-20 is amended to read as follows:

2-21 (a) Local law enforcement agencies, on receiving a report of
2-22 a missing child or a missing person, shall:

2-23 (1) if the subject of the report is a child and the
2-24 well-being of the child is in danger or if the subject of the report
2-25 is a person who is known by the agency to have or is reported to have
2-26 chronic dementia, including Alzheimer's dementia, whether caused
2-27 by illness, brain defect, or brain injury, immediately start an
2-28 investigation in order to determine the present location of the
2-29 child or person;

2-30 (2) if the subject of the report is a child or person
2-31 other than a child or person described by Subdivision (1), start an
2-32 investigation with due diligence in order to determine the present
2-33 location of the child or person;

2-34 (3) immediately, but not later than two hours after
2-35 receiving the report, enter the name of the child or person into the
2-36 clearinghouse, the national crime information center missing
2-37 person file if the child or person meets the center's criteria, and
2-38 the Alzheimer's Association Safe Return crisis number, if
2-39 applicable, with all available identifying features such as dental
2-40 records, fingerprints, other physical characteristics, and a
2-41 description of the clothing worn when last seen, and all available
2-42 information describing any person reasonably believed to have taken
2-43 or retained the missing child or missing person; and

2-44 (4) inform the person who filed the report of the
2-45 missing child or missing person that the information will be
2-46 entered into the clearinghouse, the national crime information
2-47 center missing person file, and the Alzheimer's Association Safe
2-48 Return crisis number, if applicable.

2-49 SECTION 3. This Act takes effect September 1, 2011.

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