

**House Bill 943**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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

Sec. 264.123. REPORTS CONCERNING MISSING CHILD.

(a) If a child in the department's managing conservatorship is missing from the child's substitute care provider, including a child who is abducted or is a runaway, the department shall notify the following persons that the child is missing:

- (1) the appropriate law enforcement agencies;
- (2) the court with jurisdiction over the department's managing conservatorship of the child;
- (3) the child's attorney ad litem; and

(4) the child's parent unless the parent:

- (A) cannot be located or contacted;
- (B) has had the parent's parental rights terminated; or
- (C) has executed an affidavit of relinquishment of parental rights.

(b) The department shall provide the notice required by Subsection (a) not later than 24 hours after the time the department 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) If a child has been reported as a missing child under Subsection (a), the department shall 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 the department learns that the child has returned or as soon as possible if a person entitled to notice cannot be notified within 24 hours.

(d) The department shall 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:

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(5) the child's parent unless the parent:

- (A) cannot be located or contacted;
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(b) The department shall provide the notice required by Subsection (a) not later than 24 hours after the time the department 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.

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(A) the appropriate law enforcement agencies;  
(B) the child's relatives;  
(C) the child's former caregivers; and  
(D) 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) The department shall document in the missing child's case record:  
(1) the actions taken by the department to:  
(A) determine the location of the child; and  
(B) 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) After a missing child returns to the child's substitute care provider, the department shall 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 department shall 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 department shall make a report under this subsection not later than 24 hours after the time the disclosure is made. The department is not required to interview a missing child under this subsection if, at the time the child returns, the department knows that the child was abducted and another agency is investigating the abduction.

SENATE VERSION (CS)

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(C) the child's former caregivers; and  
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(e) The department shall document in the missing child's case record:  
(1) the actions taken by the department to:  
(A) determine the location of the child; and  
(B) 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) After a missing child returns to the child's substitute care provider, the department shall 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 department shall 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 department shall make a report under this subsection not later than 24 hours after the time the disclosure is made. The department is not required to interview a missing child under this subsection if, at the time the child returns, the department knows that the child was abducted and another agency is investigating the abduction.

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

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

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

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

(3) immediately, but not later than two hours after receiving the report, enter 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; and

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

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SECTION 2. Same as House version.

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

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