



FLOOR AMENDMENT NO. 29
HOUSE OF REPRESENTATIVES

BY: 

Amend C.S.S.B. No. 200 (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the remaining ARTICLES of the bill as appropriate:

ARTICLE ____ . DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES

SECTION __.01. Subchapter D, Chapter 261, Family Code, is amended by adding Section 261.317 to read as follows:

Sec. 261.317. LIMIT ON USE AND TRANSMISSION OF CERTAIN PHOTOGRAPHIC EVIDENCE. Except as provided by Subsection (b), the department may not request, use, or transmit by electronic means any photograph of a child that depicts the child in any state of undress.

SECTION __.02. Section 262.104, Family Code, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding Subsections (a) and (b), the Department of Family and Protective Services may not request or accept the assistance of a law enforcement officer when taking possession of a child without obtaining a temporary order, temporary restraining order, or attachment under Section 262.102(a).

SECTION __.03. Subchapter B, Chapter 264, Family Code, is amended by adding Section 264.1073 to read as follows:

Sec. 264.1073. OUT-OF-STATE PLACEMENTS. The department may not place a child with a person who lives in another state unless the person is the child's biological parent, brother, sister, aunt, uncle, grandparent, or great-grandparent.

SECTION __.04. Subchapter B, Chapter 40, Human Resources Code, is amended by adding Sections 40.038 and 40.039 to read as follows:

1 Sec. 40.038. DISCIPLINARY ACTION; FALSE REPORTS. The
2 department's rules and procedures relating to disciplinary
3 action taken against department employees must provide for the
4 immediate dismissal of an employee who intentionally falsifies a
5 department document or places false or misleading information in
6 a department report.

7 Sec. 40.039. PROHIBITED ACTIONS. The department may not:

8 (1) retaliate or take any other adverse action
9 against a person who requests assistance from an elected
10 official relating to an action taken by the department;

11 (2) through the actions of a department employee,
12 intimidate a person;

13 (3) take an action against a person with the intent
14 to intimidate the person;

15 (4) through the actions of a department employee,
16 unreasonably delay or discourage a request for adoption; or

17 (5) take an action against a person with the intent
18 to unreasonably delay or discourage a request for adoption.