By: Burkett

H.B. No. 1395

A BILL TO BE ENTITLED

1   AN ACT

2 relating to the protection of certain children through the

3 operation of the child safety check alert list.

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

5   SECTION 1. Section 261.3022, Family Code, is amended to

6 read as follows:

7   Sec. 261.3022. CHILD SAFETY CHECK ALERT LIST. (a) Subject

8 to the availability of funds, the Department of Public Safety of the

9 State of Texas shall create a child safety check alert list as part

10 of the Texas Crime Information Center to help locate a child or the

11 child's family for purposes of:

12   (1) investigating a report of child abuse or neglect;

13 or

14   (2) ensuring the safety of a child who lives at home

15 and is receiving family-based safety services provided by the

16 department.

17   (b) If the child safety check alert list is established and

18 the department is unable to locate a child or the child's family for

19 a purpose stated in Subsection (a) [purposes of investigating a

20 report of child abuse or neglect], after the department has

21 exhausted all means available to the department for locating the

22 child or the child's family, the department may seek assistance

23 under this section from the appropriate [county attorney, district

24 attorney, or criminal district] attorney with responsibility for

1 representing the department as provided by Section 264.009.

2   (c) If the department requests assistance, the [county

3 attorney, district attorney, or criminal district] attorney with

4 responsibility for representing the department [, as applicable,]

5 may file an application with the court requesting the issuance of an

6 ex parte order requiring the Texas Crime Information Center to

7 place a child who is the subject of the report or is receiving

8 services under an active department case and the members of the

9 child's family whom the department is attempting to locate on a

10 child safety check alert list and, as applicable, ordering a law

11 enforcement officer to take temporary possession of the child. The

12 application must include a summary of:

13   (1) either:

14   (A) the report of child abuse or neglect the

15 department is attempting to investigate; or

16   (B) the circumstances that cause a child

17 described by Subsection (a)(2) to be at a substantial risk of harm

18 because the family cannot be located; and

19   (2) the department's efforts to locate the child or the

20 child's family.

21   (d) If the court determines after a hearing that the family

22 cannot be located to investigate a report of child abuse or neglect

23 or that a child is at risk of substantial harm because the family

24 cannot be located and that the department has exhausted all means

25 available to the department for locating the child or the child's

26 family, as applicable, the court shall approve the application and

27 order the appropriate law enforcement agency to notify the Texas

1 Crime Information Center to place the <u>child or the child's</u> family<u>,</u>

2 <u>as applicable,</u> on a child safety check alert list.

3 <u>(e) If the court determines that allowing the child to</u>

4 <u>remain in the child's family's possession presents a substantial</u>

5 <u>risk of harm to the child, the court may order that the law</u>

6 <u>enforcement officer who locates the family shall take temporary</u>

7 <u>possession of the child and allow a department representative to</u>

8 <u>conduct an investigation or take any other action immediately</u>

9 <u>necessary to ensure the child's safety, including taking temporary</u>

10 <u>possession of the child.</u>

11 <u>(f) A law enforcement officer or department representative</u>

12 <u>who is in possession of a child under Subsection (e) is considered</u>

13 <u>to have taken possession of the child in an emergency under Section</u>

14 <u>262.104.</u>

15 <u>(g)</u> The alert list must include:

16 (1) <u>if applicable,</u> the name of the family member

17 alleged to have abused or neglected a child according to the report

18 the department is attempting to investigate;

19 (2) <u>the name of any parent, managing conservator, or</u>

20 <u>guardian of the child who cannot be located for the purposes</u>

21 <u>described by Subsection (a)(2);</u>

22 <u>(3)</u> the name of the child who is the subject of the

23 report <u>or is receiving services under an active department case</u>;

24 <u>(4)</u> [~~(3)~~] a code identifying the type of child abuse

25 or neglect alleged <u>or determined</u> to have been committed against the

26 child <u>or identifying the circumstances that cause the child to be at</u>

27 <u>a substantial risk of harm because the family cannot be located</u>;

1   (5) [(4)] the family's last known address; and

2   (6) [(5)] the minimum criteria for an entry as

3 established by the center.

4   SECTION 2. Section 261.3023(a), Family Code, is amended to

5 read as follows:

6   (a) If a law enforcement officer encounters a person,

7 including a child, listed on the Texas Crime Information Center's

8 child safety check alert list [who is alleged to have abused or

9 neglected a child, or encounters a child listed on the alert list

10 who is the subject of a report of child abuse or neglect the

11 department is attempting to investigate], the officer shall:

12   (1) request information from the person or the child

13 regarding the child's well-being and current residence; and

14   (2) if the child is the subject of an order to take

15 temporary possession of the child under Section 261.3022(e), take

16 temporary possession of the child.

17   SECTION 3. Section 261.3024(a), Family Code, is amended to

18 read as follows:

19   (a) A law enforcement officer who locates a child listed on

20 the Texas Crime Information Center's child safety check alert list

21 [who is the subject of a report of child abuse or neglect the

22 department is attempting to investigate] and who takes temporary

23 possession of the child or reports the child's current address and

24 other relevant information to the department under Section 261.3023

25 shall report to the Texas Crime Information Center that the child

26 has been located.

27   SECTION 4. This Act takes effect September 1, 2015.