

By: Burkett

H.B. No. 2039

Substitute the following for H.B. No. 2039:

By: Raymond

C.S.H.B. No. 2039

A BILL TO BE ENTITLED

AN ACT

relating to the exclusion of certain information from the Department of Family and Protective Services central registry of child abuse or neglect cases and the report of certain information regarding those cases to the legislature.

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

SECTION 1. Section 261.002(b), Family Code, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(b) The executive commissioner may adopt rules necessary to carry out this section. The rules shall:

(1) prohibit the department from making a finding of abuse or neglect against a person in a case in which the department is named managing conservator of a child who has a severe emotional disturbance only because the child's family is unable to obtain mental health services for the child; and

(2) establish guidelines for reviewing the records in the registry and removing those records in which the department was named managing conservator of a child who has a severe emotional disturbance only because the child's family was unable to obtain mental health services for the child ~~[provide for cooperation with local child service agencies, including hospitals, clinics, and schools, and cooperation with other states in exchanging reports to effect a national registration system]~~.

SECTION 2. Section 262.352, Family Code, is amended to read as follows:

Sec. 262.352. JOINT MANAGING CONSERVATORSHIP OF CHILD. (a) Before the department files a suit affecting the parent-child relationship requesting managing conservatorship [~~a person relinquishes custody~~] of a child who suffers from a severe emotional disturbance in order to obtain mental health services for the child, the department must, unless [~~if~~] it is not in the best interest of the child, discuss with the child's parent or legal guardian [~~person relinquishing custody of the child~~] the option of seeking a court order for joint managing conservatorship of the child with the department.

(b) Not later than November 1 of each even-numbered year, the department shall report the following information to the legislature:

(1) with respect to children described by Subsection (a):

(A) the number of children for whom the department has been appointed managing conservator;

(B) the number of children for whom the department has been appointed joint managing conservator; and

(C) the number of children who were diverted to community or residential mental health services through another agency; and

(2) the number of persons whose names were entered into the central registry of cases of child abuse and neglect only because the department was named managing conservator of a child

1 who has a severe emotional disturbance because the child's family
2 was unable to obtain mental health services for the child.

3 (c) Subsection (b) and this subsection expire September 1,
4 2019.

5 SECTION 3. Section 262.353, Family Code, is repealed.

6 SECTION 4. The Department of Family and Protective Services
7 shall implement the changes in law made by this Act using funds
8 appropriated to the department for the state fiscal biennium ending
9 August 31, 2017.

10 SECTION 5. This Act takes effect September 1, 2015.