

By: Burkett

H.B. No. 2039

A BILL TO BE ENTITLED

AN ACT

relating to the disclosure and use of certain information in 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, Family Code, is amended by adding Subsections (b-1) and (d) and amending Subsection (c) to read as follows:

(b-1) The department may not disclose the name of a person who is included in the registry due to a finding of abuse or neglect that was based solely on the fact that the person relinquished custody of a child who suffers from a severe emotional disturbance in order to obtain mental health services for the child.

(c) Except as provided by Subsection (d), the ~~[The]~~ department may enter into agreements with other states to allow for the exchange of reports of child abuse and neglect in other states' central registry systems. The department shall use information obtained under this subsection in performing the background checks required under Section 42.056, Human Resources Code. The department shall cooperate with federal agencies and shall provide information and reports of child abuse and neglect to the appropriate federal agency that maintains the national registry for child abuse and neglect, if a national registry exists.

1        (d) The department may not provide to another state or a  
2 federal agency information regarding a person who is included in  
3 the registry due to a finding of abuse or neglect that was based  
4 solely on the fact that the person relinquished custody of a child  
5 who suffers from a severe emotional disturbance in order to obtain  
6 mental health services for the child.

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

9        Sec. 262.352. JOINT MANAGING CONSERVATORSHIP OF CHILD. (a)  
10 Before a person relinquishes custody of a child who suffers from a  
11 severe emotional disturbance in order to obtain mental health  
12 services for the child, the department must, if it is in the best  
13 interest of the child, discuss with the person relinquishing  
14 custody of the child the option of seeking a court order for joint  
15 managing conservatorship of the child with the department.

16        (b) Not later than December 31 of each year, the department  
17 shall report the following information to the legislature with  
18 respect to persons described by Subsection (a):

19                (1) the number of persons to whom the department has  
20 offered the option of seeking a court order for joint managing  
21 conservatorship of a child with the department; and

22                (2) the number of persons with whom the department  
23 shares joint managing conservatorship of a child.

24        SECTION 3. This Act takes effect September 1, 2015.