

By: Farney

H.B. No. 2053

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the protection of certain children who may be subject to  
3 child abuse or neglect through the operation of the child safety  
4 check alert list.

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

6 SECTION 1. Section 261.301, Family Code, is amended by  
7 adding Subsection (i) to read as follows:

8 (i) If at any time during an investigation of a report of  
9 child abuse or neglect to which the department has assigned the  
10 highest priority the department is unable to locate the child who is  
11 the subject of the report of abuse or neglect or the child's  
12 family, the department shall notify the Department of Public Safety  
13 that the location of the child and the child's family is unknown.  
14 The Department of Public Safety shall conduct an investigation to  
15 determine the location of the child and the child's family using all  
16 available resources to locate the child and the child's family,  
17 including use of the child safety check alert list under Section  
18 261.3022. If the Department of Public Safety locates the child and  
19 the child's family, the Department of Public Safety shall notify  
20 the department of the location of the child and the child's family.

21 SECTION 2. Section 261.3022, Family Code, is amended to  
22 read as follows:

23 Sec. 261.3022. CHILD SAFETY CHECK ALERT LIST. (a) Subject  
24 to the availability of funds, the Department of Public Safety of the

1 State of Texas shall create a child safety check alert list as part  
2 of the Texas Crime Information Center to help locate a child or the  
3 child's family for purposes of investigating a report of child  
4 abuse or neglect.

5 (b) If the child safety check alert list is established and  
6 the department is unable to locate a child or the child's family  
7 for purposes of investigating a report of child abuse or neglect,  
8 after the department has exhausted all means available to the  
9 department for locating the child or the child's family, the  
10 department shall notify the Texas Department of Public Safety that  
11 the department is unable to locate the child or the child's family.  
12 On receiving the notice, the Texas Department of Public Safety  
13 shall ~~[may seek assistance under this section from the appropriate~~  
14 ~~county attorney, district attorney, or criminal district attorney~~  
15 ~~with responsibility for representing the department as provided by~~  
16 ~~Section 264.009.~~

17 ~~[(c) If the department requests assistance, the county~~  
18 ~~attorney, district attorney, or criminal district attorney, as~~  
19 ~~applicable, may file an application with the court requesting the~~  
20 ~~issuance of an ex parte order requiring the Texas Crime Information~~  
21 ~~Center to place the members of the family the department is~~  
22 ~~attempting to locate on a child safety check alert list. The~~  
23 ~~application must include a summary of:~~

24 ~~[(1) the report of child abuse or neglect the~~  
25 ~~department is attempting to investigate, and~~

26 ~~[(2) the department's efforts to locate the family.~~

27 ~~[(d) If the court determines after a hearing that the~~

1 ~~department has exhausted all means available to the department for~~  
2 ~~locating the family, the court shall approve the application and~~  
3 ~~order the appropriate law enforcement agency to] notify the Texas~~  
4 Crime Information Center to place the child and the child's family  
5 on a child safety check alert list. The alert list must include, if  
6 available:

7 (1) the name and physical description of the family  
8 member alleged to have abused or neglected a child according to the  
9 report the department is attempting to investigate;

10 (2) the name and physical description of the child who  
11 is the subject of the report;

12 (3) a code identifying the type of child abuse or  
13 neglect alleged to have been committed against the child;

14 (4) the family's last known address; ~~and~~

15 (5) a description of the motor vehicle, including the  
16 vehicle's make, color, style of body, model year, and vehicle  
17 identification number, in which the child is suspected to be  
18 transported;

19 (6) the case number assigned by the department;

20 (7) the telephone number for the department employee  
21 responsible for the investigation at which the employee can be  
22 reached 24 hours a day;

23 (8) the date and time when and location where the child  
24 was last seen; and

25 (9) any other information required ~~[the minimum~~  
26 ~~criteria]~~ for an entry as established by the center.

27 SECTION 3. Section 261.3023, Family Code, is amended to

1 read as follows:

2           Sec. 261.3023. LAW ENFORCEMENT RESPONSE TO CHILD SAFETY  
3 CHECK ALERT. (a) If a law enforcement officer encounters a person  
4 listed on the Texas Crime Information Center's child safety check  
5 alert list who is alleged to have abused or neglected a child, or  
6 encounters a child listed on the alert list who is the subject of a  
7 report of child abuse or neglect the department is attempting to  
8 investigate, the officer shall:

9           (1) immediately detain all individuals in the  
10 officer's presence that are described in the child safety check  
11 alert list and take temporary custody of the child who is the  
12 subject of a report of child abuse or neglect;

13           (2) immediately take into investigative detention all  
14 motor vehicles described in the child safety check alert list;

15           (3) immediately notify the department of the  
16 detention, including the location of the detention; and

17           (4) hold all persons detained at the location of the  
18 initial contact by the law enforcement officer [~~request information~~  
19 ~~from the person or the child regarding the child's well-being and~~  
20 ~~current residence~~].

21           (b) A person detained under Subsection (a) may not be  
22 transported from the location of the detention unless the person is  
23 lawfully arrested. A person may not be detained under Subsection  
24 (a) for more than six hours. If the department notifies the law  
25 enforcement officer that the department is unable to respond to the  
26 location of the detention within six hours of initial detention,  
27 the law enforcement officer shall obtain the child's current

1 address and any other relevant information, report that information  
2 to the department, and release the detained individuals and motor  
3 vehicles.

4 (c) The requirement to detain an individual or motor vehicle  
5 under this section does not preclude the enforcement of any other  
6 state or federal law [~~If the law enforcement officer determines~~  
7 ~~that the circumstances described by Section 262.104 exist, the~~  
8 ~~officer may take possession of the child without a court order as~~  
9 ~~authorized by that section if the officer is able to locate the~~  
10 ~~child. If the circumstances described by Section 262.104 do not~~  
11 ~~exist, the officer shall obtain the child's current address and any~~  
12 ~~other relevant information and report that information to the~~  
13 ~~department].~~

14 SECTION 4. Section 261.3024(a), Family Code, is amended to  
15 read as follows:

16 (a) A law enforcement officer who locates a child listed on  
17 the Texas Crime Information Center's child safety check alert list  
18 who is the subject of a report of child abuse or neglect the  
19 department is attempting to investigate and who detains the child  
20 or the child's family under Section 261.3023 or [~~who~~] reports the  
21 child's current address and other relevant information to the  
22 department under Section 261.3023 shall report to the Texas Crime  
23 Information Center that the child has been located.

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