

AN ACT

relating to the protection of certain children through the operation of the child safety check alert list.

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

SECTION 1. Section 261.3022, Family Code, is amended to read as follows:

Sec. 261.3022. CHILD SAFETY CHECK ALERT LIST. (a) The ~~[Subject to the availability of funds, the]~~ Department of Public Safety of the State of Texas shall maintain ~~[create]~~ a child safety check alert list as part of the Texas Crime Information Center to help locate a child or the child's family for purposes of:

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

(2) providing protective services to a family receiving family-based support services; or

(3) providing protective services to the family of a child in the managing conservatorship of the department.

(b) If ~~[the child safety check alert list is established and]~~ the department is unable to locate a child or the child's family for a purpose described by Subsection (a) after the department has attempted to locate the child for not more than 20 days, the department shall notify the Texas Department of Public Safety that the department is unable to locate the child or the child's family. The notice must include the information required by Subsections (c)(1)-(10).

1 (c) On receipt of the notice from the department, the Texas
2 Department of Public Safety shall [~~purposes of investigating a~~
3 ~~report of child abuse or neglect, after the department has~~
4 ~~exhausted all means available to the department for locating the~~
5 ~~family, the department may seek assistance under this section from~~
6 ~~the appropriate county attorney, district attorney, or criminal~~
7 ~~district attorney with responsibility for representing the~~
8 ~~department as provided by Section 264.009.~~

9 [~~(c) If the department requests assistance, the county~~
10 ~~attorney, district attorney, or criminal district attorney, as~~
11 ~~applicable, may file an application with the court requesting the~~
12 ~~issuance of an ex parte order requiring the Texas Crime Information~~
13 ~~Center to place the members of the family the department is~~
14 ~~attempting to locate on a child safety check alert list. The~~
15 ~~application must include a summary of:~~

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

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

19 [~~(d) If the court determines after a hearing that the~~
20 ~~department has exhausted all means available to the department for~~
21 ~~locating the family, the court shall approve the application and~~
22 ~~order the appropriate law enforcement agency to] notify the Texas~~

23 Crime Information Center to place the child and the child's family
24 on a child safety check alert list. The alert list must include the
25 following information if known or readily available:

26 (1) the name, sex, race, date of birth, any known
27 identifying numbers, including social security number and driver's

1 license number, and personal descriptions of the family member
2 alleged to have abused or neglected a child according to the report
3 the department is attempting to investigate;

4 (2) the name, sex, race, date of birth, any known
5 identifying numbers, including social security number and driver's
6 license number, and personal descriptions of any parent, managing
7 conservator, or guardian of the child who cannot be located for the
8 purposes described by Subsection (a);

9 (3) the name, sex, race, date of birth, any known
10 identifying numbers, including social security number and driver's
11 license number, and personal descriptions of the child who is the
12 subject of the report or is receiving services described by
13 Subsection (a)(2) or (3);

14 (4) if applicable, [~~3~~] a code identifying the type
15 of child abuse or neglect alleged or determined to have been
16 committed against the child;

17 (5) [~~4~~] the family's last known address; [~~and~~]

18 (6) any known description of the motor vehicle,
19 including the vehicle's make, color, style of body, model year, and
20 vehicle identification number, in which the child is suspected to
21 be transported;

22 (7) the case number assigned by the department;

23 (8) the department's dedicated law-enforcement
24 telephone number for statewide intake;

25 (9) the date and time when and the location where the
26 child was last seen; and

27 (10) any other information required [~~5~~] ~~the minimum~~

1 ~~criteria~~] for an entry as established by the center.

2 SECTION 2. Section 261.3023(a), Family Code, is amended to
3 read as follows:

4 (a) If a law enforcement officer encounters a person,
5 including a child, listed on the Texas Crime Information Center's
6 child safety check alert list [~~who is alleged to have abused or~~
7 ~~neglected a child, or encounters a child listed on the alert list~~
8 ~~who is the subject of a report of child abuse or neglect the~~
9 ~~department is attempting to investigate~~], the officer shall request
10 information from the person or the child regarding the child's
11 well-being and current residence.

12 SECTION 3. Section 261.3024(a), Family Code, is amended to
13 read as follows:

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

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

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1406 passed the Senate on April 20, 2015, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendment on May 29, 2015, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1406 passed the House, with amendment, on May 26, 2015, by the following vote: Yeas 144, Nays 1, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor