

By: Schwertner, et al.
(Dutton)

S.B. No. 1406

A BILL TO BE ENTITLED

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) Subject to the availability of funds, the Department of Public Safety of the State of Texas shall 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 stated in Subsection (a) [~~purposes of investigating a report of child abuse or neglect~~], after the department has exhausted all means available to the department for locating the child or the child's family, the department may seek assistance under this section from the appropriate [~~county attorney, district 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 with responsibility for representing the department~~[,~~
4 ~~district attorney, or criminal district attorney, 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 the child or the members of the child's family whom the
8 department is attempting to locate on a child safety check alert
9 list. The application must include a summary of:

10 (1) either:

11 (A) the report of child abuse or neglect the
12 department is attempting to investigate; or

13 (B) the circumstances in a case described by
14 Subsection (a)(2) or (3) that cause a child to be at a substantial
15 risk of harm because the family cannot be located; and

16 (2) the department's efforts to locate the missing
17 child or the child's family.

18 (d) If the court determines after a hearing that the family
19 cannot be located to investigate a report of child abuse or neglect,
20 that a child is at a substantial risk of harm because the family
21 cannot be located, and that the department has exhausted all means
22 available to the department for locating the child or the child's
23 family, as applicable, the court shall approve the application and
24 order the appropriate law enforcement agency to notify the Texas
25 Crime Information Center to place the child or the child's family,
26 as applicable, on a child safety check alert list. The alert list
27 must include:

1 (1) if applicable, the name 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 of any parent, managing conservator, or
5 guardian of the child who cannot be located for the purposes
6 described by Subsection (a);

7 (3) the name of the child who is the subject of the
8 report or is receiving services described by Subsection (a)(2) or
9 (3);

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

13 (5) [~~(4)~~] the family's last known address; and

14 (6) [~~(5)~~] the minimum criteria for an entry as
15 established by the center.

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

18 (a) If a law enforcement officer encounters a person,
19 including a child, listed on the Texas Crime Information Center's
20 child safety check alert list [~~who is alleged to have abused or~~
21 ~~neglected a child, or encounters a child listed on the alert list~~
22 ~~who is the subject of a report of child abuse or neglect the~~
23 ~~department is attempting to investigate~~], the officer shall request
24 information from the person or the child regarding the child's
25 well-being and current residence.

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

1 (a) A law enforcement officer who locates a child listed on
2 the Texas Crime Information Center's child safety check alert list
3 ~~[who is the subject of a report of child abuse or neglect the~~
4 ~~department is attempting to investigate]~~ and who reports the
5 child's current address and other relevant information to the
6 department under Section [261.3023](#) shall report to the Texas Crime
7 Information Center that the child has been located.

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