

1-1 By: Schwertner S.B. No. 1406  
1-2 (In the Senate - Filed March 12, 2015; April 18, 2015, read  
1-3 first time and referred to Committee on Health and Human Services;  
1-4 April 7, 2015, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 7, 2015,  
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	<u>X</u>			
1-10	<u>X</u>			
1-11	<u>X</u>			
1-12	<u>X</u>			
1-13	<u>X</u>			
1-14	<u>X</u>			
1-15	<u>X</u>			
1-16	<u>X</u>			
1-17	<u>X</u>			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1406 By: Schwertner

1-19 A BILL TO BE ENTITLED  
1-20 AN ACT

1-21 relating to the protection of certain children through the  
1-22 operation of the child safety check alert list.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 261.3022, Family Code, is amended to  
1-25 read as follows:

1-26 Sec. 261.3022. CHILD SAFETY CHECK ALERT LIST. (a) Subject  
1-27 to the availability of funds, the Department of Public Safety of the  
1-28 State of Texas shall create a child safety check alert list as part  
1-29 of the Texas Crime Information Center to help locate a child or the  
1-30 child's family for purposes of:

1-31 (1) investigating a report of child abuse or neglect;

1-32 (2) providing protective services to a family  
1-33 receiving family-based support services; or

1-34 (3) providing protective services to the family of a  
1-35 child in the managing conservatorship of the department.

1-36 (b) If the child safety check alert list is established and  
1-37 the department is unable to locate a child or the child's family for  
1-38 a purpose stated in Subsection (a) [~~purposes of investigating a~~  
1-39 ~~report of child abuse or neglect~~], after the department has  
1-40 exhausted all means available to the department for locating the  
1-41 child or the child's family, the department may seek assistance  
1-42 under this section from the appropriate [~~county attorney, district~~  
1-43 ~~attorney, or criminal district~~] attorney with responsibility for  
1-44 representing the department as provided by Section 264.009.

1-45 (c) If the department requests assistance, the [~~county~~  
1-46 ~~attorney with responsibility for representing the department~~]  
1-47 ~~district attorney, or criminal district attorney, as applicable,~~  
1-48 may file an application with the court requesting the issuance of an  
1-49 ex parte order requiring the Texas Crime Information Center to  
1-50 place the child or the members of the child's family whom the  
1-51 department is attempting to locate on a child safety check alert  
1-52 list. The application must include a summary of:

1-53 (1) either:

1-54 (A) the report of child abuse or neglect the  
1-55 department is attempting to investigate; or

1-56 (B) the circumstances in a case described by  
1-57 Subsection (a)(2) or (3) that cause a child to be at a substantial  
1-58 risk of harm because the family cannot be located; and

1-59 (2) the department's efforts to locate the missing  
1-60 child or the child's family.

2-1 (d) If the court determines after a hearing that the family  
2-2 cannot be located to investigate a report of child abuse or neglect,  
2-3 that a child is at a substantial risk of harm because the family  
2-4 cannot be located, and that the department has exhausted all means  
2-5 available to the department for locating the child or the child's  
2-6 family, as applicable, the court shall approve the application and  
2-7 order the appropriate law enforcement agency to notify the Texas  
2-8 Crime Information Center to place the child or the child's family,  
2-9 as applicable, on a child safety check alert list. The alert list  
2-10 must include:

2-11 (1) if applicable, the name of the family member  
2-12 alleged to have abused or neglected a child according to the report  
2-13 the department is attempting to investigate;

2-14 (2) the name of any parent, managing conservator, or  
2-15 guardian of the child who cannot be located for the purposes  
2-16 described by Subsection (a);

2-17 (3) the name of the child who is the subject of the  
2-18 report or is receiving services described by Subsection (a)(2) or  
2-19 (3);

2-20 (4) if applicable, [(3)] a code identifying the type  
2-21 of child abuse or neglect alleged or determined to have been  
2-22 committed against the child;

2-23 (5) [(4)] the family's last known address; and

2-24 (6) [(5)] the minimum criteria for an entry as  
2-25 established by the center.

2-26 SECTION 2. Section 261.3023(a), Family Code, is amended to  
2-27 read as follows:

2-28 (a) If a law enforcement officer encounters a person,  
2-29 including a child, listed on the Texas Crime Information Center's  
2-30 child safety check alert list [~~who is alleged to have abused or~~  
2-31 ~~neglected a child, or encounters a child listed on the alert list~~  
2-32 ~~who is the subject of a report of child abuse or neglect the~~  
2-33 ~~department is attempting to investigate], the officer shall request~~  
2-34 information from the person or the child regarding the child's  
2-35 well-being and current residence.

2-36 SECTION 3. Section 261.3024(a), Family Code, is amended to  
2-37 read as follows:

2-38 (a) A law enforcement officer who locates a child listed on  
2-39 the Texas Crime Information Center's child safety check alert list  
2-40 [~~who is the subject of a report of child abuse or neglect the~~  
2-41 ~~department is attempting to investigate] and who reports the~~  
2-42 child's current address and other relevant information to the  
2-43 department under Section 261.3023 shall report to the Texas Crime  
2-44 Information Center that the child has been located.

2-45 SECTION 4. This Act takes effect September 1, 2015.

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