

House Bill 2053
Senate Amendments
Section-by-Section Analysis

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

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

SECTION 2. 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 investigating a report of child abuse or neglect.

(b) If the child safety check alert list is established and the

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

(i) If at any time during an investigation of a report of child abuse or neglect to which the department has assigned the highest priority the department is unable to locate the child who is the subject of the report of abuse or neglect or the child's family, the department shall notify the Department of Public Safety that the location of the child and the child's family is unknown. If the Department of Public Safety locates the child and the child's family, the Department of Public Safety shall notify the department of the location of the child and the child's family.

SECTION 2. 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

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department is unable to locate a child or the child's family for purposes of investigating a report of child abuse or neglect, after the department has attempted to locate the child or the child's family for at least seven days [~~exhausted all means available to the department for locating the family~~], the department shall notify the Texas Department of Public Safety that the department is unable to locate the child or the child's family. On receiving the notice, the Texas Department of Public Safety shall [~~may seek assistance under this section from the appropriate county attorney, district attorney, or criminal district attorney with responsibility for representing the department as provided by Section 264.009.~~

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

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

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

~~[(d) If the court determines after a hearing that the department has exhausted all means available to the department for locating the family, the court shall approve the application and order the appropriate law enforcement agency to] notify the Texas Crime Information Center to place the child and the child's family on a child safety check alert list. The alert list must include, if available:~~

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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).

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

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

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

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

~~[(d) If the court determines after a hearing that the department has exhausted all means available to the department for locating the family, the court shall approve the application and order the appropriate law enforcement agency to] notify the Texas Crime Information Center to place the child and the child's family on a child safety check alert list. The alert list must include the following information if known or readily~~

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

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

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

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

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

(6) the case number assigned by the department;

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

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

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

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available:

(1) the name, sex, race, date of birth, any known identifying numbers, including social security number and driver's license number, and personal descriptions of the family member alleged to have abused or neglected a child according to the report the department is attempting to investigate;

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

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

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

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

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

(7) the case number assigned by the department;

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

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

(10) any other information required [(5) the minimum criteria] for an entry as established by the center.

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SECTION 3. Section 261.3023, Family Code, is amended to read as follows:

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

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

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

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

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

(b) A person detained under Subsection (a) may not be transported from the location of the detention unless the person is lawfully arrested or the law enforcement officer detaining the person believes the detention area is unsafe. A person may not be detained under Subsection (a) for more than three hours. If the department notifies the law enforcement officer that the department is unable to respond to the location of the detention within three hours of initial

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SECTION 3. Section 261.3023, Family Code, is amended to read as follows:

Sec. 261.3023. LAW ENFORCEMENT RESPONSE TO CHILD SAFETY CHECK ALERT. ~~[(a)]~~ If a law enforcement officer encounters a child or other person listed on the Texas Crime Information Center's child safety check alert list, the law enforcement officer shall follow the procedures described by Article 2.272, Code of Criminal Procedure ~~[who is alleged to have abused or neglected a child, or encounters a child listed on the alert list who is the subject of a report of child abuse or neglect the department is attempting to investigate, the officer shall request information from the person or the child regarding the child's well-being and current residence.~~

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detention, the law enforcement officer shall obtain the child's current address and any other relevant information, report that information to the department, and release the detained individuals and motor vehicles.

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

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

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

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~~[(b) If the law enforcement officer determines that the circumstances described by Section 262.104 exist, the officer may take possession of the child without a court order as authorized by that section if the officer is able to locate the child. If the circumstances described by Section 262.104 do not exist, the officer shall obtain the child's current address and any other relevant information and report that information to the department].~~

SECTION 4. Section 261.3024, Family Code, is amended to read as follows:

Sec. 261.3024. **REMOVAL FROM CHILD SAFETY CHECK ALERT LIST.** (a) A law enforcement officer who locates a child listed on the Texas Crime Information Center's child safety check alert list [who is the subject of a report of child abuse or neglect the department is attempting to investigate and who reports the child's current address and other relevant information to the department under Section 261.3023] shall report [to the Texas Crime Information Center] that the child has been located in the manner prescribed by Article 2.272, Code of Criminal Procedure.

(b) If the department locates a child who has been placed on the child safety check alert list established under Section 261.3022 [described by Subsection (a)] through a means other than information reported to the department by a law

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enforcement officer under Article 2.272, Code of Criminal Procedure [~~Subsection (a)~~], the department shall report to the Texas Crime Information Center that the child has been located.

(c) On receipt of notice [~~under this section~~] that a child has been located, the Texas Crime Information Center shall remove the child and the child's family from the child safety check alert list.

No equivalent provision.

SECTION 5. Subchapter D, Chapter 261, Family Code, is amended by adding Section 261.3025 to read as follows:

Sec. 261.3025. CHILD SAFETY CHECK ALERT LIST PROGRESS REPORT. (a) Not later than February 1 of each year, the Department of Public Safety, with the assistance of the department, shall prepare and submit a report on the use of the Texas Crime Information Center's child safety check alert list to the standing committees of the senate and the house of representatives with primary jurisdiction over child protective services.

(b) The report must include the following information for the preceding calendar year:

(1) the number of law enforcement officers who completed the training program established under Section 1701.262, Occupations Code;

(2) the number of children who have been placed on the child safety check alert list and the number of those children who have been located; and

(3) the number of families who have been placed on the child safety check alert list and the number of those families who have been located.

(c) This section expires February 2, 2021.

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No equivalent provision.

SECTION 6. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.272 to read as follows:

Art. 2.272. LAW ENFORCEMENT RESPONSE TO CHILD SAFETY CHECK ALERT. (a) If a peace officer locates a child or other person listed on the Texas Crime Information Center's child safety check alert list established under Section 261.3022, Family Code, the officer shall:

(1) immediately contact the Department of Family and Protective Services on the department's dedicated law-enforcement telephone number for statewide intake;

(2) request information from the department regarding the circumstances of the case involving the child or other person; and

(3) request information from the child and the other person regarding the child's safety, well-being, and current residence.

(b) The peace officer may temporarily detain the child or other person to ensure the safety and well-being of the child.

(c) If the peace officer determines that the circumstances described by Section 262.104, Family Code, exist, the officer may take temporary possession of the child without a court order as provided by Section 262.104, Family Code. If the peace officer does not take temporary possession of the child, the officer shall obtain the child's current address and any other relevant information and report that information to the Department of Family and Protective Services.

(d) A peace officer who locates a child or other person listed on the Texas Crime Information Center's child safety check alert list and who reports the child's or other person's current address and other relevant information to the Department of Family and Protective Services shall report to the Texas

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Crime Information Center that the child or other person has been located and to whom the child was released, as applicable.

No equivalent provision.

SECTION 7. Subchapter F, Chapter 1701, Occupations Code, is amended by adding Section 1701.262 to read as follows:

Sec. 1701.262. TRAINING PROGRAM RELATING TO CHILD SAFETY CHECK ALERT LIST. (a) The commission by rule shall establish an education and training program on the Texas Crime Information Center's child safety check alert list. The program must include instruction relating to:

(1) the procedures for placing a child or other person on the child safety check alert list;

(2) the manner in which an officer should interact with a child or other person on the child safety check alert list whom the officer locates; and

(3) the procedures for removing a child or other person from the child safety check alert list.

(b) The commission shall make the training program available to employees in the child protective services division of the Department of Family and Protective Services, including caseworkers, supervisors, and special investigators.

No equivalent provision.

SECTION 8. Section 1701.402, Occupations Code, is amended by adding Subsection (m) to read as follows:

(m) As a requirement for an intermediate or advanced proficiency certificate issued by the commission on or after January 1, 2016, an officer must complete an education and training program on the Texas Crime Information Center's

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child safety check alert list established by the commission under Section 1701.262.

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

SECTION 9. (a) ~~Except as provided by this section,~~ this Act takes effect September 1, 2015.
(b) ~~Section 261.3025, Family Code, as added by this Act,~~ takes effect March 1, 2016.