

Amend CSHB 7 (house committee printing) as follows:

(1) On page 3, line 18, strike "or".

(2) On page 3, line 24, between "code" and the underlined period, insert the following:

; or

(5) declined immunization for the child for reasons of conscience, including a religious belief

(3) On page 9, line 6, strike "or".

(4) On page 9, line 12, between "code" and the underlined period, insert the following:

; or

(5) declined immunization for the child for reasons of conscience, including a religious belief

(5) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 261.001(4), Family Code, is amended to read as follows:

(4) "Neglect":

(A) includes:

(i) the leaving of a child in a situation where the child would be exposed to a substantial risk of physical or mental harm, without arranging for necessary care for the child, and the demonstration of an intent not to return by a parent, guardian, or managing or possessory conservator of the child;

(ii) the following acts or omissions by a person:

(a) placing a child in or failing to remove a child from a situation that a reasonable person would realize requires judgment or actions beyond the child's level of maturity, physical condition, or mental abilities and that results in bodily injury or a substantial risk of immediate harm to the child;

(b) failing to seek, obtain, or follow through with medical care for a child, with the failure resulting in or presenting a substantial risk of death, disfigurement, or bodily injury or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child;

(c) the failure to provide a child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability unless relief services had been offered and refused;

(d) placing a child in or failing to remove the child from a situation in which the child would be exposed to a substantial risk of sexual conduct harmful to the child; or

(e) placing a child in or failing to remove the child from a situation in which the child would be exposed to acts or omissions that constitute abuse under Subdivision (1)(E), (F), (G), (H), or (K) committed against another child; or

(iii) the failure by the person responsible for a child's care, custody, or welfare to permit the child to return to the child's home without arranging for the necessary care for the child after the child has been absent from the home for any reason, including having been in residential placement or having run away; and

(B) does not include:

(i) the refusal by a person responsible for a child's care, custody, or welfare to permit the child to remain in or return to the child's home resulting in the placement of the child in the conservatorship of the department if:

(a) [~~(i)~~] the child has a severe emotional disturbance;

(b) [~~(i)~~] the person's refusal is based solely on the person's inability to obtain mental health services necessary to protect the safety and well-being of the child; and

(c) [~~(i)~~] the person has exhausted all reasonable means available to the person to obtain the mental health services described by Sub-subparagraph (b) [~~Subparagraph (i)~~]; or

(ii) the failure to ensure that a child receives the immunization series prescribed by Section 161.004,

Health and Safety Code.