



17 MAY -7 PM 12:44  
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. \_\_\_\_\_

BY: Tinderholt

1 Amend C.S.H.B. No. 7 (house committee printing) as follows:

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

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

5 ; or

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

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

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

11 ; or

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

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

16 SECTION \_\_\_\_\_. Section 261.001(4), Family Code, is amended to  
17 read as follows:

18 (4) "Neglect":

19 (A) includes:

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

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

27 (a) placing a child in or failing to  
28 remove a child from a situation that a reasonable person would  
29 realize requires judgment or actions beyond the child's level of

1 maturity, physical condition, or mental abilities and that results  
2 in bodily injury or a substantial risk of immediate harm to the  
3 child;

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

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

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

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

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

29 (B) does not include:

30 (i) the refusal by a person responsible for  
31 a child's care, custody, or welfare to permit the child to remain in

1 or return to the child's home resulting in the placement of the  
2 child in the conservatorship of the department if:

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

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

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

13                   (ii) the failure to ensure that a child  
14 receives the immunization series prescribed by Section 161.004,  
15 Health and Safety Code.