

By: Burkett, Bonnen of Galveston

H.B. No. 2849

A BILL TO BE ENTITLED

AN ACT

relating to the procedures for removing certain persons' names from the child abuse and neglect central registry.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 261.002(b), Family Code, is amended to read as follows:

(b) The executive commissioner shall adopt rules necessary to carry out this section. The rules shall:

(1) prohibit the department from making a finding of abuse or neglect against a person in a case in which the department is named managing conservator of a child who has a severe emotional disturbance only because the child's family is unable to obtain mental health services for the child; ~~and~~

(2) establish guidelines for reviewing the records in the registry and removing those records in which the department was named managing conservator of a child who has a severe emotional disturbance only because the child's family was unable to obtain mental health services for the child;

(3) require the department to remove a person's name from the central registry maintained under this section not later than the 10th business day after the date the department receives notice that a finding of abuse and neglect against the person is overturned in:

(A) an administrative review or an appeal of the

1 review conducted under Section 261.309(c);

2 (B) a review or an appeal of the review conducted
3 by the office of consumer affairs of the department; or

4 (C) a hearing or an appeal conducted by the State
5 Office of Administrative Hearings; and

6 (4) require the department to update any relevant
7 department files to reflect an overturned finding of abuse or
8 neglect against a person not later than the 10th business day after
9 the date the finding is overturned in a review, hearing, or appeal
10 described by Subdivision (3).

11 SECTION 2. This Act takes effect September 1, 2017.