88R10126 MLH-F

By:  Noble H.B. No. 3204

A BILL TO BE ENTITLED

AN ACT

relating to the central registry of names of individuals found to have abused or neglected a child.

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

SECTION 1.  Section 261.002, Family Code, is amended by amending Subsection (b) and adding Subsections (d), (e), and (f) 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;

(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 review conducted under Section 261.309(c);

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

(C)  a hearing or an appeal conducted by the State Office of Administrative Hearings; [~~and~~]

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

(5)  establish guidelines for providing access to the registry to entities as required by Subsection (d).

(d)  The department shall provide access to the central registry maintained under this section to:

(1)  a facility, home, or agency:

(A)  licensed, certified, registered, or listed under Chapter 42, Human Resources Code; or

(B)  exempt from the licensing requirements under Section 42.041(b), Human Resources Code;

(2)  an independent school district;

(3)  an open-enrollment charter school; and

(4)  a private school accredited by an organization recognized by:

(A)  the Texas Education Agency; or

(B)  the Texas Private School Accreditation Commission.

(e)  A state agency that maintains records of abuse and neglect findings, including the Texas Education Agency, shall:

(1)  provide a copy of the records to the department; and

(2)  not later than the 10th day after the date a state agency receives a record of an abuse or neglect finding, provide a copy of the record to the department.

(f)  The department shall include information from a record provided under Subsection (e) in the central registry under this section.

SECTION 2.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.