

By: Lujan, Gerdes, Garcia, et al.

H.B. No. 2572

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 Subsections (a) and (b) and adding Subsection (d) to read as follows:

(a) The department shall establish and maintain a central registry of the names of individuals found by the department, the Health and Human Services Commission, or the Texas Juvenile Justice Department to have abused or neglected a child.

(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

1 from the central registry maintained under this section not later  
2 than the 10th business day after the date the department receives  
3 notice that a finding of abuse and neglect against the person is  
4 overturned in:

5 (A) an administrative review or an appeal of the  
6 review conducted under Section 261.309(c);

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

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

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

16 (5) specify that the registry includes names of  
17 individuals found to have abused or neglected a child by:

18 (A) the relevant divisions of the department;

19 (B) the Health and Human Services Commission; and

20 (C) the Texas Juvenile Justice Department.

21 (d) If the Health and Human Services Commission or the Texas  
22 Juvenile Justice Department investigates an allegation of abuse or  
23 neglect and finds that an individual abused or neglected a child,  
24 the agency shall notify the department of its findings and provide  
25 the department the information the department requires to add the  
26 person's name to the central registry.

27 SECTION 2. This Act takes effect September 1, 2023.