

By: Noble

H.B. No. 3204

A BILL TO BE ENTITLED

1 AN ACT

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

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

5 SECTION 1. Section 261.002, Family Code, is amended by
6 amending Subsection (b) and adding Subsections (d), (e), and (f) to
7 read as follows:

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

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

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

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

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

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

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

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

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

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

16 (1) a facility, home, or agency:

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

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

21 (2) an independent school district;

22 (3) an open-enrollment charter school; and

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

25 (A) the Texas Education Agency; or

26 (B) the Texas Private School Accreditation
27 Commission.

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

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

4 and

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

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

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