

1 AN ACT

2 relating to the protection of certain children who may be subject to
3 child abuse or neglect through the operation of the child safety
4 check alert list and training for law enforcement officers relating
5 to the child safety check alert list.

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

7 SECTION 1. Section 261.301, Family Code, is amended by
8 adding Subsection (i) to read as follows:

9 (i) If at any time during an investigation of a report of
10 child abuse or neglect to which the department has assigned the
11 highest priority the department is unable to locate the child who is
12 the subject of the report of abuse or neglect or the child's family,
13 the department shall notify the Department of Public Safety that
14 the location of the child and the child's family is unknown. If the
15 Department of Public Safety locates the child and the child's
16 family, the Department of Public Safety shall notify the department
17 of the location of the child and the child's family.

18 SECTION 2. Section 261.3022, Family Code, is amended to
19 read as follows:

20 Sec. 261.3022. CHILD SAFETY CHECK ALERT LIST. (a) The
21 ~~[Subject to the availability of funds, the]~~ Department of Public
22 Safety of the State of Texas shall maintain ~~[create]~~ a child safety
23 check alert list as part of the Texas Crime Information Center to
24 help locate a child or the child's family for purposes of:

- 1 (1) investigating a report of child abuse or neglect;
2 (2) providing protective services to a family
3 receiving family-based support services; or
4 (3) providing protective services to the family of a
5 child in the managing conservatorship of the department.

6 (b) If [~~the child safety check alert list is established~~
7 ~~and~~] the department is unable to locate a child or the child's
8 family for a purpose described by Subsection (a) after the
9 department has attempted to locate the child for not more than 20
10 days, the department shall notify the Texas Department of Public
11 Safety that the department is unable to locate the child or the
12 child's family. The notice must include the information required
13 by Subsections (c)(1)-(10).

14 (c) On receipt of the notice from the department, the Texas
15 Department of Public Safety shall [~~purposes of investigating a~~
16 ~~report of child abuse or neglect, after the department has~~
17 ~~exhausted all means available to the department for locating the~~
18 ~~family, the department may seek assistance under this section from~~
19 ~~the appropriate county attorney, district attorney, or criminal~~
20 ~~district attorney with responsibility for representing the~~
21 ~~department as provided by Section 264.009.~~

22 ~~[(c) If the department requests assistance, the county~~
23 ~~attorney, district attorney, or criminal district attorney, as~~
24 ~~applicable, may file an application with the court requesting the~~
25 ~~issuance of an ex parte order requiring the Texas Crime Information~~
26 ~~Center to place the members of the family the department is~~
27 ~~attempting to locate on a child safety check alert list. The~~

1 ~~application must include a summary of:~~

2 ~~[(1) the report of child abuse or neglect the~~
3 ~~department is attempting to investigate, and~~

4 ~~[(2) the department's efforts to locate the family.~~

5 ~~[(d) If the court determines after a hearing that the~~
6 ~~department has exhausted all means available to the department for~~
7 ~~locating the family, the court shall approve the application and~~
8 ~~order the appropriate law enforcement agency to] notify the Texas~~
9 Crime Information Center to place the child and the child's family
10 on a child safety check alert list. The alert list must include the
11 following information if known or readily available:

12 (1) the name, sex, race, date of birth, any known
13 identifying numbers, including social security number and driver's
14 license number, and personal descriptions of the family member
15 alleged to have abused or neglected a child according to the report
16 the department is attempting to investigate;

17 (2) the name, sex, race, date of birth, any known
18 identifying numbers, including social security number and driver's
19 license number, and personal descriptions of any parent, managing
20 conservator, or guardian of the child who cannot be located for the
21 purposes described by Subsection (a);

22 (3) the name, sex, race, date of birth, any known
23 identifying numbers, including social security number and driver's
24 license number, and personal descriptions of the child who is the
25 subject of the report or is receiving services described by
26 Subsection (a)(2) or (3);

27 (4) if applicable, [(3)] a code identifying the type

1 of child abuse or neglect alleged or determined to have been
2 committed against the child;

3 (5) [(4)] the family's last known address; [and]

4 (6) any known description of the motor vehicle,
5 including the vehicle's make, color, style of body, model year, and
6 vehicle identification number, in which the child is suspected to
7 be transported;

8 (7) the case number assigned by the department;

9 (8) the department's dedicated law-enforcement
10 telephone number for statewide intake;

11 (9) the date and time when and the location where the
12 child was last seen; and

13 (10) any other information required [(5) the minimum
14 criteria] for an entry as established by the center.

15 SECTION 3. Section [261.3023](#), Family Code, is amended to
16 read as follows:

17 Sec. 261.3023. LAW ENFORCEMENT RESPONSE TO CHILD SAFETY
18 CHECK ALERT. ~~[(a)]~~ If a law enforcement officer encounters a child
19 or other person listed on the Texas Crime Information Center's
20 child safety check alert list, the law enforcement officer shall
21 follow the procedures described by Article 2.272, Code of Criminal
22 Procedure ~~[who is alleged to have abused or neglected a child, or~~
23 ~~encounters a child listed on the alert list who is the subject of a~~
24 ~~report of child abuse or neglect the department is attempting to~~
25 ~~investigate, the officer shall request information from the person~~
26 ~~or the child regarding the child's well-being and current~~
27 ~~residence.~~

1 ~~[(b) If the law enforcement officer determines that the~~
2 ~~circumstances described by Section 262.104 exist, the officer may~~
3 ~~take possession of the child without a court order as authorized by~~
4 ~~that section if the officer is able to locate the child. If the~~
5 ~~circumstances described by Section 262.104 do not exist, the~~
6 ~~officer shall obtain the child's current address and any other~~
7 ~~relevant information and report that information to the~~
8 ~~department].~~

9 SECTION 4. Section 261.3024, Family Code, is amended to
10 read as follows:

11 Sec. 261.3024. REMOVAL FROM CHILD SAFETY CHECK ALERT LIST.

12 (a) A law enforcement officer who locates a child listed on the
13 Texas Crime Information Center's child safety check alert list ~~[who~~
14 ~~is the subject of a report of child abuse or neglect the department~~
15 ~~is attempting to investigate and who reports the child's current~~
16 ~~address and other relevant information to the department under~~
17 ~~Section 261.3023]~~ shall report ~~[to the Texas Crime Information~~
18 ~~Center]~~ that the child has been located in the manner prescribed by
19 Article 2.272, Code of Criminal Procedure.

20 (b) If the department locates a child who has been placed on
21 the child safety check alert list established under Section
22 261.3022 ~~[described by Subsection (a)]~~ through a means other than
23 information reported to the department by a law enforcement officer
24 under Article 2.272, Code of Criminal Procedure ~~[Subsection (a)]~~,
25 the department shall report to the Texas Crime Information Center
26 that the child has been located.

27 (c) On receipt of notice ~~[under this section]~~ that a child

1 has been located, the Texas Crime Information Center shall remove
2 the child and the child's family from the child safety check alert
3 list.

4 SECTION 5. Subchapter D, Chapter 261, Family Code, is
5 amended by adding Section 261.3025 to read as follows:

6 Sec. 261.3025. CHILD SAFETY CHECK ALERT LIST PROGRESS
7 REPORT. (a) Not later than February 1 of each year, the Department
8 of Public Safety, with the assistance of the department, shall
9 prepare and submit a report on the use of the Texas Crime
10 Information Center's child safety check alert list to the standing
11 committees of the senate and the house of representatives with
12 primary jurisdiction over child protective services.

13 (b) The report must include the following information for
14 the preceding calendar year:

15 (1) the number of law enforcement officers who
16 completed the training program established under Section 1701.262,
17 Occupations Code;

18 (2) the number of children who have been placed on the
19 child safety check alert list and the number of those children who
20 have been located; and

21 (3) the number of families who have been placed on the
22 child safety check alert list and the number of those families who
23 have been located.

24 (c) This section expires February 2, 2021.

25 SECTION 6. Chapter 2, Code of Criminal Procedure, is
26 amended by adding Article 2.272 to read as follows:

27 Art. 2.272. LAW ENFORCEMENT RESPONSE TO CHILD SAFETY CHECK

1 ALERT. (a) If a peace officer locates a child or other person
2 listed on the Texas Crime Information Center's child safety check
3 alert list established under Section 261.3022, Family Code, the
4 officer shall:

5 (1) immediately contact the Department of Family and
6 Protective Services on the department's dedicated law-enforcement
7 telephone number for statewide intake;

8 (2) request information from the department regarding
9 the circumstances of the case involving the child or other person;
10 and

11 (3) request information from the child and the other
12 person regarding the child's safety, well-being, and current
13 residence.

14 (b) The peace officer may temporarily detain the child or
15 other person to ensure the safety and well-being of the child.

16 (c) If the peace officer determines that the circumstances
17 described by Section 262.104, Family Code, exist, the officer may
18 take temporary possession of the child without a court order as
19 provided by Section 262.104, Family Code. If the peace officer does
20 not take temporary possession of the child, the officer shall
21 obtain the child's current address and any other relevant
22 information and report that information to the Department of Family
23 and Protective Services.

24 (d) A peace officer who locates a child or other person
25 listed on the Texas Crime Information Center's child safety check
26 alert list and who reports the child's or other person's current
27 address and other relevant information to the Department of Family

1 and Protective Services shall report to the Texas Crime Information
2 Center that the child or other person has been located and to whom
3 the child was released, as applicable.

4 SECTION 7. Subchapter F, Chapter 1701, Occupations Code, is
5 amended by adding Section 1701.262 to read as follows:

6 Sec. 1701.262. TRAINING PROGRAM RELATING TO CHILD SAFETY
7 CHECK ALERT LIST. (a) The commission by rule shall establish an
8 education and training program on the Texas Crime Information
9 Center's child safety check alert list. The program must include
10 instruction relating to:

11 (1) the procedures for placing a child or other person
12 on the child safety check alert list;

13 (2) the manner in which an officer should interact
14 with a child or other person on the child safety check alert list
15 whom the officer locates; and

16 (3) the procedures for removing a child or other
17 person from the child safety check alert list.

18 (b) The commission shall make the training program
19 available to employees in the child protective services division of
20 the Department of Family and Protective Services, including
21 caseworkers, supervisors, and special investigators.

22 SECTION 8. Section 1701.402, Occupations Code, is amended
23 by adding Subsection (m) to read as follows:

24 (m) As a requirement for an intermediate or advanced
25 proficiency certificate issued by the commission on or after
26 January 1, 2016, an officer must complete an education and training
27 program on the Texas Crime Information Center's child safety check

1 alert list established by the commission under Section 1701.262.

2 SECTION 9. (a) Except as provided by this section, this Act
3 takes effect September 1, 2015.

4 (b) Section 261.3025, Family Code, as added by this Act,
5 takes effect March 1, 2016.

President of the Senate

Speaker of the House

I certify that H.B. No. 2053 was passed by the House on April 28, 2015, by the following vote: Yeas 144, Nays 0, 3 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2053 on May 27, 2015, by the following vote: Yeas 136, Nays 2, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2053 was passed by the Senate, with amendments, on May 24, 2015, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor