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H.B. No. 2053

A BILL TO BE ENTITLED

AN ACT

relating to the protection of certain children who may be subject to
child abuse or neglect through the operation of the child safety
check alert list.

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

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

(i) If at any time during an investigation of a report of
child abuse or neglect to which the department has assigned the
highest priority the department is unable to locate the child who is
the subject of the report of abuse or neglect or the child's
family, the department shall notify the Department of Public Safety
that the location of the child and the child's family is unknown.
The Department of Public Safety shall conduct an investigation to
determine the location of the child and the child's family using all
available resources to locate the child and the child's family,
including use of the child safety check alert list under Section
[261.3022](#). If the Department of Public Safety locates the child and
the child's family, the Department of Public Safety shall notify
the department of the location of the child and the child's family.

SECTION 2. Section [261.3022](#), Family Code, is amended to
read as follows:

Sec. 261.3022. CHILD SAFETY CHECK ALERT LIST. (a) Subject
to the availability of funds, the Department of Public Safety of the

1 State of Texas shall create a child safety check alert list as part
2 of the Texas Crime Information Center to help locate a child or the
3 child's family for purposes of investigating a report of child
4 abuse or neglect.

5 (b) If the child safety check alert list is established and
6 the department is unable to locate a child or the child's family
7 for purposes of investigating a report of child abuse or neglect,
8 after the department has attempted to locate the child or the
9 child's family for at least seven days [~~exhausted all means~~
10 ~~available to the department for locating the family~~], the
11 department shall notify the Texas Department of Public Safety that
12 the department is unable to locate the child or the child's family.
13 On receiving the notice, the Texas Department of Public Safety
14 shall [~~may seek assistance under this section from the appropriate~~
15 ~~county attorney, district attorney, or criminal district attorney~~
16 ~~with responsibility for representing the department as provided by~~
17 ~~Section 264.009.~~

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

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

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

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

(1) the name and physical description of the family member alleged to have abused or neglected a child according to the report the department is attempting to investigate;

(2) the name and physical description of the child who is the subject of the report;

(3) a code identifying the type of child abuse or neglect alleged to have been committed against the child;

(4) the family's last known address; ~~and~~

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

(6) the case number assigned by the department;

(7) the telephone number for the department employee responsible for the investigation at which the employee can be reached 24 hours a day;

(8) the date and time when and location where the child was last seen; and

(9) any other information required ~~[the minimum criteria]~~ for an entry as established by the center.

SECTION 3. Section 261.3023, Family Code, is amended to read as follows:

Sec. 261.3023. LAW ENFORCEMENT RESPONSE TO CHILD SAFETY CHECK ALERT. (a) If a law enforcement officer encounters a person listed on the Texas Crime Information Center's child safety check alert list who is alleged to have abused or neglected a child, or encounters a child listed on the alert list who is the subject of a report of child abuse or neglect the department is attempting to investigate, the officer shall:

(1) immediately detain all individuals in the officer's presence that are described in the child safety check alert list and take temporary custody of the child who is the subject of a report of child abuse or neglect;

(2) immediately take into investigative detention all motor vehicles described in the child safety check alert list;

(3) immediately notify the department of the detention, including the location of the detention; and

(4) hold all persons detained at the location of the initial contact by the law enforcement officer ~~[request information from the person or the child regarding the child's well-being and current residence]~~.

(b) A person detained under Subsection (a) may not be transported from the location of the detention unless the person is lawfully arrested or the law enforcement officer detaining the person believes the detention area is unsafe. A person may not be detained under Subsection (a) for more than three hours. If the department notifies the law enforcement officer that the department

1 is unable to respond to the location of the detention within three
2 hours of initial detention, the law enforcement officer shall
3 obtain the child's current address and any other relevant
4 information, report that information to the department, and release
5 the detained individuals and motor vehicles.

6 (c) The requirement to detain an individual or motor vehicle
7 under this section does not preclude the enforcement of any other
8 state or federal law ~~[If the law enforcement officer determines~~
9 ~~that the circumstances described by Section 262.104 exist, the~~
10 ~~officer may take possession of the child without a court order as~~
11 ~~authorized by that section if the officer is able to locate the~~
12 ~~child. If the circumstances described by Section 262.104 do not~~
13 ~~exist, the officer shall obtain the child's current address and any~~
14 ~~other relevant information and report that information to the~~
15 ~~department].~~

16 SECTION 4. Section 261.3024(a), Family Code, is amended to
17 read as follows:

18 (a) A law enforcement officer who locates a child listed on
19 the Texas Crime Information Center's child safety check alert list
20 who is the subject of a report of child abuse or neglect the
21 department is attempting to investigate and who detains the child
22 or the child's family under Section 261.3023 or [who] reports the
23 child's current address and other relevant information to the
24 department under Section 261.3023 shall report to the Texas Crime
25 Information Center that the child has been located.

26 SECTION 5. This Act takes effect September 1, 2015.