

BILL ANALYSIS

S.B. 1406
By: Schwertner
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties assert that recent statistics from the Department of Family and Protective Services (DFPS) indicate that over 10 percent of all confirmed child sexual abuse cases are not closed after investigation, but are instead referred to the agency's family-based support services division. These ongoing cases require continuous monitoring and support, as failure to do so could increase the likelihood that the child victim or the child's siblings will be re-victimized by an abuser. The parties explain that if a child victim is moved from the address on record with DFPS and can no longer access the necessary services, the risk of harm increases.

The child safety check alert list is a tool used by the Department of Public Safety and DFPS to locate a child who DFPS is unable to locate during an investigation into abuse or neglect. The parties assert that the use of this tool is currently limited to the investigation phase of a child abuse case and contend that expanding its use to include cases involving family-based support services and conservatorship would go a long way in ensuring that vulnerable children are protected even after an investigation is completed. S.B. 1406 seeks to allow DFPS to fully utilize its resources in the pursuit of ensuring that Texas' most vulnerable children stay safe.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1406 amends the Family Code to specify that the child safety check alert list created as part of the Texas Crime Information Center to help locate a child's family for purposes of investigating a report of child abuse or neglect is also created to help locate a child for purposes of such an investigation. The bill expands the purposes of the alert list to include providing protective services to a family receiving family-based support services and providing protective services to the family of a child in the managing conservatorship of the Department of Family and Protective Services (DFPS). The bill clarifies the attorneys from whom DFPS may seek assistance when trying to locate a child or a child's family.

S.B. 1406 specifies that an application filed by the attorney representing DFPS requesting a court to issue an ex parte order requiring the Texas Crime Information Center to place a child or members of a child's family on a child safety check alert list must include a summary of, if applicable, the circumstances in a case involving a family receiving family-based support services or the family of a child in DFPS managing conservatorship that cause a child to be at a

substantial risk of harm because the family cannot be located and the efforts of DFPS to locate the missing child or child's family. The bill includes determinations that the family cannot be located to investigate a report of child abuse or neglect and that a child is at a substantial risk of harm because the family cannot be located, as applicable, among the determinations made after a hearing by a court that trigger the court's duty to approve the application and order the appropriate law enforcement agency to notify the Texas Crime Information Center to place the child or the child's family, as applicable, on the child safety check alert list. The bill includes the name of any parent, managing conservator, or guardian of the child who cannot be located among the information required to be included on the child safety check alert list.

EFFECTIVE DATE

September 1, 2015.