

SUBJECT: Record flagging for missing children

COMMITTEE: Judicial Affairs — favorable, with amendments

VOTE: 5 ayes — Thompson, Clark, Shields, Solis, Zbranek

0 nays

1 present, not voting — Hartnett

3 absent — Crabb, Garcia, Luna

WITNESSES: For — None

Against — None

On — Deanna Tidwell, Missing Persons Clearinghouse, Texas Department of Public Safety; Richard Bays, Texas Department of Health

DIGEST: HB 1516, as amended, would create a system for flagging the records of schools, day care facilities, and birth certificate agencies for children under 11 who were reported missing.

A public or private primary school, but not a home school, would be required to flag the records of missing children when informed by a law enforcement agency that a child under the age of 11 was missing. The bureau of vital statistics would also receive notice of a missing child and would be required to inform the appropriate municipal or county birth certificate agency to have the records for that child flagged. The law enforcement agency would be required to inform the DPS missing persons' clearinghouse that the notification had been made. If the law enforcement agency failed to provide notice, the clearinghouse would be required to provide such notice. If a child missing from Texas attended school or was born in another state, the law enforcement agency would be required to inform the missing and exploited children clearinghouse in the other state and request that the school and birth certificate records for that child be flagged.

If information about a flagged record were requested by any person, the appropriate law enforcement agency would have to be notified immediately. The person requesting the information could not be told that the record concerned a missing child. The school, day care center, or birth certificate agency would have obtain the requestor's name, address and phone number, the requestor's relationship to the child, and a copy of the requestor's driver's license. If a copy of a birth certificate was requested, the agency would be required to inform the requestor that the copy would be mailed to them. The agency, school or day care center would have to wait 21 days before providing any information to the requestor.

Flags on records would be removed in the same manner they were imposed: by request of the appropriate law enforcement agency. However, if a school, day care center, or birth certificate agency had reason to believe a missing child had been recovered, it could remove the flag after requesting confirmation from the appropriate law enforcement agency. If no response was made, the flag could be removed 45 days after the request for confirmation was made.

HB 1516 would require any school upon the enrollment of a child under 11 for the first time in that school to request from the person enrolling the child, each school the child had previously attended. The school would then have to request from each school identified by that person the records of the child. The person enrolling the child would be required to provide a certified copy of the child's birth certificate within 30 days if the child was born in the U.S. or within 90 days if the child was not. If the birth certificate could not be obtained, other reliable proof would have to be submitted along with a signed statement explaining the inability to obtain the birth certificate. If the person enrolling a child provided all prior school records and a birth certificate upon enrolling the child, the school would be required to contact those schools and the agency to validate the information provided.

A committee amendment would require the missing persons' clearinghouse of the Texas Department of Public Safety to inform all school districts, open-enrollment charter schools, private schools, licensed day care facilities, and the bureau of vital statistics of missing children who may be located in the school system.

HB 1516 would take effect September 1, 1997.

**SUPPORTERS
SAY:**

The House Judicial Affairs Committee conducted an interim study during the 74th Legislature on reducing child abduction. The committee recommended adopting a records flagging system similar to the one proposed in HB 1516. The U.S. Department of Justice estimated that 354,100 were abducted by parents or family members in 1988, the last year a nationwide study was completed. The Texas Missing Person's Clearinghouse listed 7,768 missing children in 1995; although most were runaways, the clearinghouse assisted in 320 cases of parental or family member abduction. It is estimated that as many as 1,000 children are abducted by parents or family members each year.

The purpose of records flagging is to help locate missing children when their abductors attempt to put them back into the school system. Most parental abductors do not simply keep the child at home, but attempt to place the child back into a normal lifestyle by enrolling the child in school. This can often be easily accomplished because the new school will accept prior school records without checking to determine if the child has been reported missing. Requiring schools, day care centers and birth certificate agencies to flag the records of missing children would essentially put 30,000 institutions on the lookout for missing children.

Any burden placed on the schools and agencies by this legislation would be minimal compared to the potential benefits of recovering missing children. In many cases in which the clearinghouse has assisted in the location of missing children, the clearinghouse has suggested that records be flagged. In such cases, the parent of the missing child has had to contact the record keeping schools and agencies and request the records be flagged. This process, used in only a small number of cases, resulted in several children being found. If this practice were instituted statewide and administered by the clearinghouse, the results could be even more dramatic.

This legislation is part of a nationwide effort to flag the records of missing children. In many cases of parental abduction, children are taken across state lines. Establishing a records flagging system would allow Texas to help identify children abducted from other states and brought to Texas as

well as helping track children abducted from Texas when other states request information.

OPPONENTS
SAY:

If not withdrawn by the author, the reporting requirements established by committee amendment No. 3 requiring DPS's missing persons clearinghouse to contact all schools and day care centers about missing children would have a significant fiscal impact. It would more than double the workload of the Texas Missing Person's Clearinghouse, forcing that division to spend most of its time tracking down new day care centers and charter schools instead of working on finding missing children.

NOTES:

The amendments to HB 1516 would (1) restrict the definition of school to exclude home schools, (2) prohibit a birth certificate agency from advising a person requesting a flagged record that the request concerns a missing child, and (3) require the Missing Person's Clearinghouse of the Texas Department of Public Safety to periodically inform all school districts, open-enrollment charter schools, private schools, licensed day care facilities, and the bureau of vital statistics of missing children who may be located in the school system. Because of the fiscal implications anticipated from committee amendment No. 3, Rep. Thompson intends to withdraw the amendment.