

AN ACT

relating to requiring that the Department of Family and Protective Services maintain and report certain information in connection with the placement of children and to the use of the information provided.

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

SECTION 1. Subchapter I, Chapter 264, Family Code, is amended by adding Section 264.759 to read as follows:

Sec. 264.759. RECORDS OF PLACEMENTS THAT FAIL FOR FINANCIAL REASONS. (a) The department shall record each instance in which a placement under this subchapter is not able to be made solely because the relative or designated caregiver cannot afford to care for the child. The department shall document, if possible, the amount of monetary assistance and reimbursement to which the caregiver would be entitled and the amount of assistance that would have made the placement affordable for the caregiver.

(b) The department shall compile statistics based on the information recorded under this section and shall report annually to the legislature regarding proposed placements that are not made in the preceding year due to financial reasons. The report required under this subsection may be made in conjunction with other reports the department is required to submit to the legislature.

SECTION 2. Article 5.04, Code of Criminal Procedure, is amended by adding Subsection (a-1) to read as follows:

1 (a-1) A peace officer who investigates a family violence
2 allegation or who responds to a disturbance call that may involve
3 family violence shall determine whether the address of the persons
4 involved in the allegation or call matches the address of a current
5 licensed foster home or verified agency foster home listed in the
6 Texas Crime Information Center.

7 SECTION 3. Article 5.05, Code of Criminal Procedure, is
8 amended by adding Subsection (a-1) and amending Subsection (b) to
9 read as follows:

10 (a-1) In addition to the written report required under
11 Subsection (a), a peace officer who investigates a family violence
12 incident or who responds to a disturbance call that may involve
13 family violence shall make a report to the Department of Family and
14 Protective Services if the location of the incident or call, or the
15 known address of a person involved in the incident or call, matches
16 the address of a current licensed foster home or a verified agency
17 foster home as listed in the Texas Crime Information Center. The
18 report under this subsection may be made orally or electronically
19 and must:

20 (1) include the information required by Subsection
21 (a); and

22 (2) be filed with the Department of Family and
23 Protective Services within 24 hours of the beginning of the
24 investigation or receipt of the disturbance call.

25 (b) Each local law enforcement agency shall establish a
26 departmental code for identifying and retrieving family violence
27 reports as outlined in Subsection (a) of this section. A district

1 or county attorney or an assistant district or county attorney
2 exercising authority in the county where the law enforcement agency
3 maintains records under this section is entitled to access to the
4 records. The Department of Family and Protective Services is
5 entitled to access the records relating to any person who is 14
6 years of age or older and who resides in a licensed foster home or a
7 verified agency foster home.

8 SECTION 4. Subchapter C, Chapter 42, Human Resources Code,
9 is amended by adding Sections 42.0448 and 42.0449 to read as
10 follows:

11 Sec. 42.0448. NOTIFICATION OF FAMILY VIOLENCE CALLS. The
12 department shall notify a child-placing agency of each family
13 violence report the department receives under Article 5.05, Code of
14 Criminal Procedure, that:

15 (1) occurred at an agency foster home verified by the
16 child-placing agency; or

17 (2) involves a person who resides at an agency foster
18 home verified by the child-placing agency.

19 Sec. 42.0449. REQUIRED ACTIONS AFTER NOTICE OF FAMILY
20 VIOLENCE CALL. The executive commissioner shall adopt rules
21 specifying the actions that the department, an independent foster
22 home, and a child-placing agency shall take after receiving notice
23 of a family violence report under Article 5.05, Code of Criminal
24 Procedure, or Section 42.0448 to ensure the health, safety, and
25 welfare of each child residing in the licensed foster home or
26 verified agency foster home.

27 SECTION 5. Section 42.045, Human Resources Code, is amended

1 by adding Subsection (d) to read as follows:

2 (d) An independent foster home and a child-placing agency
3 shall notify the department of any change of address for a licensed
4 foster home or a verified agency foster home. The independent
5 foster home and child-placing agency shall notify the department of
6 the address change within the earlier of two business days or 72
7 hours of the date the foster home changes its address.

8 SECTION 6. Subchapter C, Chapter 42, Human Resources Code,
9 is amended by adding Section 42.0451 to read as follows:

10 Sec. 42.0451. DATABASE OF FOSTER HOMES; INFORMATION
11 PROVIDED TO DEPARTMENT OF PUBLIC SAFETY. (a) The department shall
12 maintain a database of licensed foster homes and verified agency
13 foster homes including the current address for each licensed or
14 verified home as reported to the department. The database must be
15 updated on a regular basis.

16 (b) The department shall make the database available to the
17 Department of Public Safety for the purposes of Subsection (c).

18 (c) The Department of Public Safety shall include the
19 information provided under Subsection (b) in the Texas Crime
20 Information Center database and establish a procedure by which a
21 peace officer or employee of a law enforcement agency who provides
22 the department with a street address is automatically provided
23 information as to whether the address is licensed as a foster home
24 or verified as an agency foster home under this chapter.

25 (d) Information provided to the Department of Public Safety
26 under this section is confidential and not subject to disclosure
27 under Chapter 552, Government Code.

1 SECTION 7. Subchapter C, Chapter 42, Human Resources Code,
2 is amended by adding Section 42.0561 to read as follows:

3 Sec. 42.0561. INFORMATION RELATING TO FAMILY VIOLENCE
4 REPORTS. Before the department may issue a license or registration
5 for a foster home or a child-placing agency may issue a verification
6 certificate for an agency foster home, the department or
7 child-placing agency must obtain information relating to each
8 family violence report at the applicant's residence to which a law
9 enforcement agency responded during the 12 months preceding the
10 date of the application. The applicant shall provide the
11 information on a form prescribed by the department.

12 SECTION 8. The change in law made by this Act by adding
13 Section 264.759, Family Code, applies only to a placement under
14 Subchapter I, Chapter 264, Family Code, that is proposed on or after
15 the effective date of this Act.

16 SECTION 9. The Department of Family and Protective Services
17 shall establish the database and a method for exchanging
18 information required by Section 42.0451, Human Resources Code, as
19 added by this Act, not later than September 1, 2008.

20 SECTION 10. Section 42.0561, Human Resources Code, as added
21 by this Act, applies to an application for a license, registration,
22 or certificate made on or after the effective date of this Act. An
23 application made before the effective date of this Act is governed
24 by the law in effect on the date the application was made, and the
25 former law is continued in effect for that purpose.

26 SECTION 11. This Act takes effect immediately if it
27 receives a vote of two-thirds of all the members elected to each

1 house, as provided by Section 39, Article III, Texas Constitution.
2 If this Act does not receive the vote necessary for immediate
3 effect, this Act takes effect September 1, 2007. _____

David Keuchunt
President of the Senate

Jim Caddick
Speaker of the House

I hereby certify that S.B. No. 723 passed the Senate on April 12, 2007, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 21, 2007, by the following vote: Yeas 30, Nays 0. _____

Datsy Spaw
Secretary of the Senate

I hereby certify that S.B. No. 723 passed the House, with amendment, on May 17, 2007, by the following vote: Yeas 145, Nays 0, two present not voting. _____

Robert Haney
Chief Clerk of the House

Approved:

15 JUN 07
Date

RICK PERRY
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4 PM O'CLOCK
JUN 15 2007
Roger Williams
Secretary of State