Chapter 524

S.B. No. 723

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

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

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

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

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

(b) Each local law enforcement agency shall establish a departmental code for identifying and retrieving family violence reports as outlined in Subsection (a) of this section. A district
or county attorney or an assistant district or county attorney
exercising authority in the county where the law enforcement agency
maintains records under this section is entitled to access to the
records. The Department of Family and Protective Services is
entitled to access the records relating to any person who is 14
years of age or older and who resides in a licensed foster home or a
verified agency foster home.

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

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

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

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

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

SECTION 5. Section 42.045, Human Resources Code, is amended
by adding Subsection (d) to read as follows:

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

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

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

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

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

(d) Information provided to the Department of Public Safety under this section is confidential and not subject to disclosure under Chapter 552, Government Code.
SECTION 7. Subchapter C, Chapter 42, Human Resources Code, is amended by adding Section 42.0561 to read as follows:

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

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

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

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

SECTION 11. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each
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house, as provided by Section 39, Article III, Texas Constitution.

If this Act does not receive the vote necessary for immediate
effect, this Act takes effect September 1, 2007.

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David Dewhurst
President of the Senate

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Jim Crabb
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.

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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.

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Robert H. Hanvey
Chief Clerk of the House

Approved:

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RICK PERRY
Governor

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Secretary of State

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