

## **BILL ANALYSIS**

C.S.H.B. 2650  
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Homeland Security & Public Safety  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

In Texas, when a law enforcement officer arrests someone who has a child with them, the officer may release the child to a juvenile probation department, the Department of Family and Protective Services, or another person authorized to care for the child. Across the state, law enforcement agencies are one of the highest reporters to Child Protective Services (CPS). However, given that children who are with their parent during an arrest are not necessarily being abused or neglected, there have been calls to reduce children's interaction with CPS when it is not necessary. C.S.H.B. 2650 seeks to address this issue by requiring each law enforcement agency in Texas to adopt a policy regarding the safe placement of children in the care, custody, or control of a person at the time the person is arrested.

### **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**

C.S.H.B. 2650 amends the Code of Criminal Procedure to require each law enforcement agency in Texas to adopt not later than June 1, 2022, a written policy regarding the safe placement of a child who is in the care, custody, or control of an arrested person at the time of the arrest. The policy must require the following:

- that the arresting officer attempt to locate a competent adult identified by the arrested person to whom the officer may release the child;
- that the officer, before releasing the child to that adult, verify the adult is at least 18 years old, search relevant databases of the National Crime Information Center system to verify that the adult meets certain criteria, and collect information about the child's placement to provide to the arrested person on the person's release;
- that the officer, if unable to locate such a competent adult after a reasonable period of time and a good faith effort, may release the child to a safe living arrangement determined under the bill's provisions; and
- that the officer, if unable to locate a safe living arrangement after a reasonable period of time and a good faith effort, may release the child to a victim services-related division within the law enforcement agency to arrange the child's release to the Department of Family Protective Services (DFPS).

The bill requires each law enforcement agency to coordinate with child-care providers, nonprofit organizations, and faith-based entities in the agency's region to develop options for safe living arrangements for a child who is in the care, custody, or control of a person at the time the person

is arrested and to develop an agreement that provides the procedures for the agency to release a child to the care of those entities.

### **EFFECTIVE DATE**

September 1, 2021.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2650 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute revises the original's required components of the child placement policy as follows:

- omits a requirement included in the original that the policy require the officer to contact DFPS to search the child abuse central registry;
- requires the policy to require the officer to collect information about the child's placement to provide to the arrested person on the person's release, whereas the original required the policy to require the officer to complete a form prescribed by DFPS that contains that information;
- includes a requirement not in the original that the policy provide for the officer's release of the child at the officer's discretion to a safe living arrangement if the officer is unable to locate an identified adult;
- specifies that the original's requirement that the policy require an officer to release the child to certain victim services entities for arranging release to DFPS is at the officer's discretion and changes the circumstances that trigger the release to those entities from the officer's inability to locate a competent adult, as in the original, to the officer's inability to locate a safe living arrangement; and
- specifies that the officer's inability to locate either the adult or a safe living arrangement is after a reasonable period of time and a good faith effort, whereas the original did not include mention of a good faith effort.

Whereas the original required each law enforcement agency to enter into an agreement with DFPS that provides the procedures for the child's release to DFPS care, the substitute requires each law enforcement agency instead to coordinate with certain entities to develop options for safe living arrangements for the child and to develop an agreement that provides the procedures for the child's release to the care of those entities.