

SUBJECT: Requiring a policy regarding child placement after a parent's arrest

COMMITTEE: Homeland Security & Public Safety — favorable, without amendment

VOTE: 7 ayes — Guillen, Jarvis Johnson, Bowers, Dorazio, Goodwin, Harless, Holland

0 nays

2 absent — Canales, Troxclair

WITNESSES: For — Kate Murphy, Texans Care For Children; Alycia Castillo, Texas Center for Justice and Equity; Kerrie Judice, TexProtects (*Registered, but did not testify*; M Paige Williams, Dallas County Criminal District Attorney John Creuzot; Marc Hoskins, Disability Rights Texas; Joe Morris, Texas Game Warden Peace Officers' Association; Jennifer Allmon, The Texas Catholic Conference of Bishops; Vonda Mims)

Against — (*Registered, but did not testify*: James Parnell, Dallas Police Association; Buddy Mills, Sheriffs' Association of Texas; Dallas Reed, Texas Municipal Police Association)

On — (*Registered, but did not testify*: Clint Cox, DFPS; Greg Reyero, Texas Department of Public Safety)

BACKGROUND: Some have suggested that requiring law enforcement agencies to adopt policies for the safe placement of children in the care of a person at the time of the person's arrest could reduce unnecessary interaction with Child Protective Services.

DIGEST: HB 347 would require each law enforcement agency to adopt a written policy regarding the safe placement of a child who was in the care, custody, or control of a person at the time the person was arrested. The policy would require that the arresting peace officer attempt to locate a competent adult identified by the arrested person to whom the officer could release the child. Before releasing the child to such an adult, the

officer would be required to verify that the adult was at least 18 years old and met certain criteria regarding criminal history.

Under the policy, the peace officer would have to collect certain information about the child's placement to provide to the arrested person on the person's release. If after a reasonable period of time and a good faith effort the officer did not locate such a person, the officer could release the child to a safe living arrangement, as specified by the bill. If the officer could not locate a safe living arrangement, the officer could release the child to a representative of the victim services division or other similar division within the law enforcement agency to arrange the release of the child to the Department of Family and Protective Services.

Each law enforcement agency would be required to coordinate with child-care providers, nonprofit organizations, and faith-based entities in the region to develop options for safe living arrangements for such a child and develop an agreement that provided the procedures for the law enforcement agency to release a child to the care of those entities.

Each law enforcement agency in the state would be required to adopt the policy by June 1, 2024.

The bill would take effect September 1, 2023.