

BILL ANALYSIS

Senate Research Center
77R2833 DAK-F

C.S.S.B. 478
By: West
Jurisprudence
3/20/2001
Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, certain procedural conditions apply in taking possession of a child suspected to have violated a penal law. C.S.S.B. 478 prohibits, under certain conditions, the Department of Protective and Regulatory Services (DPRS) from requesting a law enforcement agency to take possession of such a child until after a certain hearing has been held in a certain expedited manner. This bill also adds provisions regarding the procedures and requirements for taking possession of a child.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 262B, Family Code, by adding Section 262.1045, as follows:

Sec. 262.1045. CHILD SUSPECTED OF CONDUCT THAT VIOLATES PENAL LAW.

(a) Provides that this section applies only to an abused or neglected child who is taken into possession in an emergency without a court order by the Department of Protective and Regulatory Services (DPRS), and who is suspected of having engaged in behavior that violates a penal law of this state.

(b) Prohibits DPRS from requesting a law enforcement agency to take possession of a child to whom this section applies until after the initial hearing required under Section 262.106 has been held in an expedited manner as required under Section 262.112.

SECTION 2. Amends Section 262.109, Family Code, by adding Subsections (e) and (f), to set forth certain specific criteria for the notice if the child taken into possession is a child to whom Section 262.1045 applies. Authorizes the notice for a child to whom Section 262.1045 applies to be waived by the court at the initial hearing as provided under Subsection (d)(1), or on a showing that DPRS reasonably suspects that a parent, conservator, or other custodian of the child has engaged in behavior that violates a penal law of this state.

SECTION 3. Amends Section 262.112(a), Family Code, to provide that DPRS shall request and must be granted an expedited hearing for a child to whom Section 262.1045 applies.

SECTION 4. Effective date: upon passage or September 1, 2001.

Makes application of this Act prospective.

SUMMARY OF COMMITTEE CHANGES

Differs from the original by amending the relating clause.

SECTION 1. Differs from the original by amending the provisions regarding the application of this

section to certain children. Deletes previously proposed text pertaining to the conditions under which the Department of Protective and Regulatory Services (DPRS) is authorized to request a law enforcement agency to take possession of certain children. Adds provisions pertaining to the authority of DPRS to request a law enforcement agency to take possession of certain children under certain conditions. Deletes previously proposed Subsection (c) regarding a statement of a child to whom this section applies.

Differs from the original by deleting previously proposed SECTION 2, which amended Section 51.095, Family Code, and adding a new SECTION 2, amending Section 262.109, Family Code.

Differs from the original by adding a new SECTION 3 to amend Section 262.112(a), Family Code.

Redesignates previously proposed SECTION 3 as SECTION 4 with no change.