

BILL ANALYSIS

Senate Research Center

H.B. 798
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Health & Human Services
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Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, the Texas Family Code authorizes a law enforcement officer to take possession of a child without a court order. However, the Texas Family Code does not authorize the law enforcement officer to release a child in possession to anyone except the person entitled to possession of the child or to the Texas Department of Family and Protective Services (DFPS).

H.B. 798 grants the authority to law enforcement personnel to legally release a child or children to a licensed nonprofit agency that is under contract with DFPS to provide care for children and gives the nonprofit organization the legal authority to accept possession of children from the police. H.B. 798 also requires DFPS to develop a form to be filled out and sent to DFPS upon release of the child to the agency or person legally authorized to take possession of the child that describes the circumstances under which the officer took possession of the child. This legislation requires the child-placing agency or person authorized to take possession of the child to notify DFPS immediately when they receive a child from law enforcement personnel.

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 Subchapter B, Chapter 262, Family Code, by adding Section 262.1041, as follows:

Sec. 262.1041. RELEASE OF CHILD BY LAW ENFORCEMENT OR JUVENILE PROBATION OFFICER. (a) Authorizes a law enforcement or juvenile probation officer who takes possession of a child under this chapter to release the child to certain specified agencies or persons.

(b) Requires a child-placing agency or other authorized person who takes possession of a child under this section to immediately notify the Department of Family and Protective Services (DFPS) that the agency or other authorized person has taken possession of the child and, with the assistance of the law enforcement or juvenile probation officer who releases the child to the agency or other authorized person, complete a form prescribed by DFPS that contains basic information regarding the child and the circumstances under which the officer took possession of the child and promptly submit the completed form to DFPS.

SECTION 2. Effective date: upon passage or September 1, 2005.