

1-1 By: Burkett, Bonnen of Galveston H.B. No. 2849
 1-2 (Senate Sponsor - Perry)
 1-3 (In the Senate - Received from the House May 5, 2017;
 1-4 May 9, 2017, read first time and referred to Committee on State
 1-5 Affairs; May 12, 2017, reported favorably by the following vote:
 1-6 Yeas 9, Nays 0; May 12, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 A BILL TO BE ENTITLED
 1-19 AN ACT

1-20 relating to the procedures for removing certain persons' names from
 1-21 the child abuse and neglect central registry.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 261.002(b), Family Code, is amended to
 1-24 read as follows:

1-25 (b) The executive commissioner shall adopt rules necessary
 1-26 to carry out this section. The rules shall:

1-27 (1) prohibit the department from making a finding of
 1-28 abuse or neglect against a person in a case in which the department
 1-29 is named managing conservator of a child who has a severe emotional
 1-30 disturbance only because the child's family is unable to obtain
 1-31 mental health services for the child; ~~and~~

1-32 (2) establish guidelines for reviewing the records in
 1-33 the registry and removing those records in which the department was
 1-34 named managing conservator of a child who has a severe emotional
 1-35 disturbance only because the child's family was unable to obtain
 1-36 mental health services for the child;

1-37 (3) require the department to remove a person's name
 1-38 from the central registry maintained under this section not later
 1-39 than the 10th business day after the date the department receives
 1-40 notice that a finding of abuse and neglect against the person is
 1-41 overturned in:

1-42 (A) an administrative review or an appeal of the
 1-43 review conducted under Section 261.309(c);

1-44 (B) a review or an appeal of the review conducted
 1-45 by the office of consumer affairs of the department; or

1-46 (C) a hearing or an appeal conducted by the State
 1-47 Office of Administrative Hearings; and

1-48 (4) require the department to update any relevant
 1-49 department files to reflect an overturned finding of abuse or
 1-50 neglect against a person not later than the 10th business day after
 1-51 the date the finding is overturned in a review, hearing, or appeal
 1-52 described by Subdivision (3).

1-53 SECTION 2. This Act takes effect September 1, 2017.

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