



FLOOR AMENDMENT NO. \_\_\_\_\_

BY: 

17 FEB 27 PM 2:40

**HOUSE OF REPRESENTATIVES**

1 Amend C.S.H.B. No. 5 (house committee printing) by adding  
2 the following appropriately numbered ARTICLE to the bill and  
3 renumbering the remaining ARTICLES of the bill as appropriate:

4 ARTICLE \_\_\_\_\_. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES

5 SECTION \_\_\_\_\_.01. Subchapter D, Chapter 261, Family Code, is  
6 amended by adding Section 261.317 to read as follows:

7 Sec. 261.317. LIMIT ON USE AND TRANSMISSION OF CERTAIN  
8 PHOTOGRAPHIC EVIDENCE. Except as provided by Subsection (b),  
9 the department may not request, use, or transmit by electronic  
10 means any photograph of a child that depicts the child in any  
11 state of undress.

12 SECTION \_\_\_\_\_.02. Section 262.104, Family Code, as amended by  
13 S.B. No. 219, Acts of the 84th Legislature, Regular Session,  
14 2015, is amended by adding Subsection (c) to read as follows:

15 (c) Notwithstanding Subsections (a) and (b), the  
16 Department of Family and Protective Services may not request or  
17 accept the assistance of a law enforcement officer when taking  
18 possession of a child without obtaining a temporary order,  
19 temporary restraining order, or attachment under Section  
20 262.102(a).

21 SECTION \_\_\_\_\_.03. Subchapter B, Chapter 264, Family Code, is  
22 amended by adding Section 264.1073 to read as follows:

23 Sec. 264.1073. OUT-OF-STATE PLACEMENTS. The department  
24 may not place a child with a person who lives in another state  
25 unless the person is the child's biological parent, brother,  
26 sister, aunt, uncle, grandparent, or great-grandparent.

27 SECTION \_\_\_\_\_.04. Subchapter B, Chapter 40, Human Resources  
28 Code, is amended by adding Sections 40.038 and 40.039 to read as  
29 follows:

1        Sec. 40.038. DISCIPLINARY ACTION; FALSE REPORTS. The

2        department's rules and procedures relating to disciplinary  
3        action taken against department employees must provide for the  
4        immediate dismissal of an employee who intentionally falsifies a  
5        department document or places false or misleading information in  
6        a department report.

7        Sec. 40.039. PROHIBITED ACTIONS. The department may not:

8            (1) retaliate or take any other adverse action  
9        against a person who requests assistance from an elected  
10      official relating to an action taken by the department;

11            (2) through the actions of a department employee,  
12      intimidate a person;

13            (3) take an action against a person with the intent  
14      to intimidate the person;

15            (4) through the actions of a department employee,  
16      unreasonably delay or discourage a request for adoption; or  
17            (5) take an action against a person with the intent  
18      to unreasonably delay or discourage a request for adoption.