

AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

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

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

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

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

(A) an administrative review or an appeal of the

1 review conducted under Section 261.309(c);

2 (B) a review or an appeal of the review conducted  
3 by the office of consumer affairs of the department; or

4 (C) a hearing or an appeal conducted by the State  
5 Office of Administrative Hearings; and

6 (4) require the department to update any relevant  
7 department files to reflect an overturned finding of abuse or  
8 neglect against a person not later than the 10th business day after  
9 the date the finding is overturned in a review, hearing, or appeal  
10 described by Subdivision (3).

11 SECTION 2. This Act takes effect September 1, 2017.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2849 was passed by the House on May 4, 2017, by the following vote: Yeas 143, Nays 0, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 2849 was passed by the Senate on May 19, 2017, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor