

BILL ANALYSIS

Senate Research Center
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S.B. 478
By: West
Jurisprudence
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DIGEST AND PURPOSE

Currently, certain procedural conditions apply in taking possession of a child suspected to have violated a penal law. As proposed, S.B. 478 prohibits, under certain conditions, the Department of Protective and Regulatory Services (department) from requesting a law enforcement agency to take possession of such a child unless the department notifies the parent, managing conservator, or guardian of the child of certain information; the parent, managing conservator, or guardian agrees to allow the law enforcement agency to take possession of the child; and the department obtains the signature or other demonstrable proof of the agreement of the parent, managing conservator, or guardian.

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 a child taken into possession in an emergency without a court order by the Department of Protective and Regulatory Services (DPRS).

(b) Prohibits DPRS from requesting a law enforcement agency to take possession of a child to whom this section applies unless certain conditions are met.

(c) Provides that a statement of a child to whom this section applies is admissible in evidence in a future proceeding concerning the matter about which the statement is given only if the child and the attorney for the child waive the child's relevant rights in accordance with Section 51.09. Provides that Section 51.095 does not apply to a child to whom this section applies.

SECTION 2. Amends Section 51.095, Family Code, by adding Subsection (f), to provide that this section does not apply to a child taken into possession in an emergency without a court order by the DPRS.

SECTION 3. Effective date: upon passage or September 1, 2001.
Makes application of this Act prospective.