

Child Safety Check Alert List



Texas Commission on Law Enforcement

Course # 4068

January 2016

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ABSTRACT

This guide is designed to assist the instructor in developing an appropriate lesson plan or plans to teach the course learning objectives. The learning objectives are the minimum required content of the Child Safety Check Alert List course.

Note to Trainers: it is the responsibility of the coordinator to ensure this curriculum and its materials are kept up to date. Refer to curriculum and legal resources for changes in subject matter or laws relating to this topic as well as the Texas Commission on Law Enforcement website at www.tcole.texas.gov for edits due to course review.

Target Population: Law Enforcement Officers and Department of Family and Protective Service personnel.

Note: Per HB 2053 and Section 1701.402 of the Occupations Code, subsection (m), this course is a requirement for an intermediate or advanced proficiency certificate issued on or after January 1, 2016.

Student pre-Requisites: None

Instructor Pre-Requisites: None

Length of Course: 1 hour

Methods of Instruction:

- Lecture
- Group Discussion
- Scenarios

Assessment: Assessment is required for completion of this course to ensure the student has a thorough comprehension of all learning objectives. Training providers are responsible for assessing and documenting student mastery of all objectives in this course.

In addition, the Commission highly recommends a variety of testing/assessment opportunities throughout the course which could include: oral or written testing, interaction with instructor and students,, case study and scenario, and other means of testing student's application of the skills taught as the instructor or department deems appropriate.

Reference Materials:

- HB No. 2053
- Family Code 261.301, 262.104, 262.1041
- Code of Criminal Procedure 2.272
- Occupations Code 1701.402

Instructor Guide

Course Goals and Objectives

Course Title: Child Safety Check Alert List Update

1.0 Unit Goal: The Child Safety Check Alert List law (CSCAL) has existed since 2005. All peace officers should be familiar with the CSCAL and the purpose of the list.

1.1 The student will be able to discuss the purpose of the list.

What is the CSCAL:

- The Child Safety Check Alert List (CSCAL) is a method for Child Protective Services to report the names of children and their legal guardians who they are attempting to locate for the purpose of investigating allegations or providing services.
- This report is submitted to the Texas Crime Information Center by the Child Protective Services (CPS) division of the Texas Department of Family Protective Services.

The Purpose of the CSCAL is for CPS to locate a child and the legal guardian(s) to:

- Investigate a report of child abuse or neglect or
- Provide protective services to a family receiving family-based safety services, which can include family preservation services.

1.2 The student will be able to provide some differences between a missing person report and CSCAL.

CSCAL

- The child is with a legal guardian(s)
- Is only entered into TCIC (Texas only)
- Remains in the TCIC for twelve months

Missing Person

- The legal guardian does not know the location of the child
- The legal guardian can be the Department of Family and Protective Services, to include conservatorship of the child
- Is entered into NCIC
- Remains in the system indefinitely until located

1.3 The student will be able to discuss the update to Family Code §261.301 Investigation of Report.

§261.301 of the Family Code provide guidelines for how and when DFPS and law enforcement should investigate jointly a report of abuse/neglect of a child. HB 2053 added a new subsection to explain requirements to investigate and respond to CSCAL related allegations.

The new section reads as follows:

(i) If at any time during an investigation of a report of child abuse or neglect to which the department has assigned the highest priority the department (Department of Family and Protective Services) is unable to locate the child who is the subject of the report of abuse or neglect or the child's family, the department shall notify the Department of Public Safety that the location of the child and the child's family is unknown.

If the Department of Public Safety locates the child and the child's family, the Department of Public Safety shall notify the department of the location of the child and the child's family.

2.0 Unit Goal: Encounters with persons listed on the Child Safety Check Alert List.

There are various conclusions that can occur when an officer encounters someone listed on the CSCAL.

- An officer may need to take temporary possession of the child due to reasons unrelated to CSCAL.

- An officer may need to release the child to the Department of Protective and Family Services – CPS.
- An officer may need to release the child back to the custody of the legal guardian.

2.1 The student will be able to list steps they must perform upon encountering a person listed on the CSCAL.

- Immediately contact the Department of Family and Protective Services on the department's dedicated law-enforcement telephone number for statewide intake.
- Request information from the department regarding the circumstances of the case involving the child or other person.
- Request information from the child and the other person regarding the child's safety, well-being and current residence.

2.2 The student will be able to describe the authority law enforcement has to temporarily detain a child and child's family for the purposes of assessing the well-being of that child.

Being observant of all persons in the vicinity of a law enforcement encounter should be exercised by officers at all times. This includes remaining alert for children and assessing the immediate safety and well-being of that child.

There are different statutes which authorize law enforcement officers to take certain action to ensure a child's safety and well-being before releasing that child.

Section 2.72 of the Code of Criminal Procedure provides the specific authority an officer has as it relates to the Child Safety Check Alert List.

- (b) the peace officer may temporarily detain the child or other person to ensure the safety and well-being of the child.

2.2.1 Once an officer notifies the Department of Family and Protective Services on the department's dedicated law-enforcement telephone number for statewide intake, a Child Protective Services Case Worker will be notified.

The CPS Case Worker will make the decision whether to respond to the location of the officer and child/person of interest. Regardless of the response by CPS, the officer should assess the immediate safety and well-being of the child.

Existing statute under Family Code §262.104 allows an officer to take temporary possession of the child without a court order if certain circumstances exist.

The conditions of Family Code §262.104 that permit law enforcement to take temporary possession are:

- (1) on personal knowledge of facts that would lead a person of ordinary prudence and caution to believe that there is an immediate danger to the physical health or safety of the child;
- (2) on information furnished by another that has been corroborated by personal knowledge of facts and all of which taken together would lead a person of ordinary prudence and caution to believe that there is an immediate danger to the physical health or safety of the child;
- (3) on personal knowledge of facts that would lead a person of ordinary prudence and caution to believe that the child has been the victim of sexual abuse;
- (4) on information furnished by another that has been corroborated by personal knowledge of facts and all of which taken together would lead a person of ordinary prudence and caution to believe that the child has been the victim of sexual abuse; or
- (5) on information furnished by another that has been corroborated by personal knowledge of facts and all of which taken together would lead a person of ordinary prudence and caution to believe that the parent or person who has possession of the child is currently using a controlled substance as defined by Chapter 481, Health and Safety Code, and the use constitutes an immediate danger to the physical health or safety of the child

2.2 The student will be able to describe proper placement and release of a child.

If an officer takes temporary possession of a child solely based on the conditions and authority of Family Code 262.104, then that officer may only release that child to certain authorized persons.

According to Family Code 262.1041, when an officer takes temporary possession of a child under the conditions of Family Code 262.104, that officer may only release to:

- (1) a child-placing agency licensed by the Department of Family and Protective Services under Chapter 42, Human Resources Code, if the agency is authorized by the department to take possession of the child;
- (2) the Department of Family and Protective Services; or
- (3) any other person authorized by law to take possession of the child.

3.0 Unit Goal: When an officer encounters a child or person listed on the Child Safety Alert Check List, they must complete proper reporting.

3.1 The student will be able to describe what information they must report to the Department of Family and Protective Services and to the Texas Crime Information Center.

Once a law enforcement officer has encountered a person listed on the CSCAL and has assessed the safety of a child, if the officer or CPS does not take possession of the child, per CCP §2.272 the law enforcement officer must complete certain reporting.

- “(c) If the peace officer does not take temporary possession of the child, the officer shall obtain the child's current address and any other relevant information and report that information to the Department of Family and Protective Services”.
- “(d) A peace officer who locates a child or other person listed on the Texas Crime Information Center's child safety check alert list and who reports the child's or other person's current address and other relevant information to the Department of Family and Protective Services, shall report to the Texas Crime Information Center that the child or other person has been located and to whom the child was released, as applicable”.