

Unit Goal: CSCAL and the purpose of the list

19.1. Discuss the purpose of the list.

- A. What is the Child Safety Check Alert List
 - i. Family Code Sec. 261.3022 Child Safety Check Alert List
 - ii. 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.
 - iii. 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.
- B. The Purpose of the CSCAL is for CPS to locate a child and the legal guardian(s) to:
 - i. Investigate a report of child abuse or neglect.
 - ii. Provide protective services to a family receiving family-based safety services.
 - iii. Provide protective services to the family of a child in the managing conservatorship of the department.

19.2. Provide some differences between a missing person report and CSCAL.

- A. Child Safety Check Alert List
 - i. The child is with a legal guardian(s)
 - ii. Is only entered into TCIC (Texas only)
 - iii. Remains in the TCIC for twelve months
- B. Missing Person
 - i. The legal guardian does not know the location of the child
 - ii. The legal guardian can be the Department of Family and Protective Services, to include conservatorship of the child
 - iii. Is entered into NCIC
 - iv. Remains in the system indefinitely until located

19.3. Discuss the update to Family Code §261.301 Investigation of Report.

- A. Family Code Sec. 261.301: Investigation of Report, provides 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.
- B. The 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 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 (DFPS) of the location of the child and the child's family.

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

- A. There are various conclusions that can occur when an officer encounters someone listed on the CSCAL.
 - i. An officer may need to take temporary possession of the child due to reasons unrelated to CSCAL.
 - ii. An officer may need to release the child to the Department of Protective and Family Services – Child Protective Services (CPS).
 - iii. An officer may need to release the child back to the custody of the legal guardian.

19.4. List steps that must be performed upon encountering a person listed on the CSCAL.

- A. Code of Criminal Procedure, Article 2A.056 Response to Child Safety Check Alert.
 - i. Immediately contact the Department of Family and Protective Services on the department's dedicated law-enforcement telephone number for statewide intake.
 - ii. Request information from the department regarding the circumstances of the case involving the child or other person.
 - iii. Request information from the child and the other person regarding the child's safety, well-being, and current residence.

19.5. 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.

- A. Officers should exercise being observant of all persons in the vicinity of a law enforcement encounter at all times. This includes remaining alert for children and assessing the immediate safety and well-being of that child. There are different statutes that authorize law enforcement officers to take certain action to ensure a child's safety and well-being before releasing that child. Code of Criminal Procedure 2A.056 Response to Child Safety Check Alert (d) provides the specific authority an officer has as it relates to the Child Safety Check Alert List.
 - i. The peace officer may temporarily detain the child or other person to ensure the safety and well-being of the child.
- B. 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.
- C. The conditions of Family Code §262.104 that permit law enforcement to take temporary possession are:
 - i. If there is no time to obtain a temporary order, temporary restraining order, or attachment under Section 262.102(a) before taking possession of a child consistent with the health and safety of that child, an authorized representative of the Department of Family and Protective Services, a law enforcement officer, or a juvenile probation officer may take possession of a child without a court

order under the following conditions, only:

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 or of trafficking under Section 20A.02 or 20A.03, Penal Code
 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 of trafficking under Section 20A.02 or 20A.03, Penal Code; 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.
- D. An authorized representative of the Department of Family and Protective Services, a law enforcement officer, or a juvenile probation officer may take possession of a child under Subsection (a) on personal knowledge or information furnished by another, that has been corroborated by personal knowledge, that would lead a person of ordinary prudence and caution to believe that the parent or person who has possession of the child has permitted the child to remain on premises used for the manufacture of methamphetamine.

19.6. Describe proper placement and release of a child.

- A. If an officer takes temporary possession of a child solely based on the conditions and authority of Family Code Sec. 262.104 Taking Possession of a Child in Emergency Without a Court Order, then that officer must follow the requirements set forth in Texas Family Code 262.105.
 - i. Texas Family Code § 262.105 Filing Petition After Taking Possession of Child in Emergency
- B. Code of Criminal Procedure Art. 2A.058 Release of Child by Law Enforcement Officer states a law enforcement officer who takes possession of a child under Section 262.104, Family Code, may release the child to:
 - i. a residential child-care facility licensed by the Department of Family and Protective Services under Chapter 42, Human Resources Code, if the facility is authorized by the department to take possession of the child;
 - ii. a juvenile probation department;
 - iii. the Department of Family and Protective Services; or

- iv. any other person authorized by law to take possession of the child.
- C. Before a law enforcement officer may release a child to a person authorized by law to take possession of the child other than a governmental entity, the officer must:
 - i. verify with the National Crime Information Center that the child is not a missing child;
 - ii. search the relevant databases of the National Crime Information Center system, including those pertaining to protection orders, historical protection orders, warrants, sex offender registries, and persons on supervised release to:
 - 1. verify that the person to whom the child is being released:
 - a. does not have a protective order issued against the person; and
 - b. is not registered as a sex offender unless the person is the child's parent or guardian and there are no restrictions regarding the person's contact with the child; and
 - 2. obtain any other information the Department of Family and Protective Services considers:
 - a. relevant to protect the welfare of the child; or
 - b. reflective of the responsibility of the person to whom the child is being released;
 - iii. call the Department of Family and Protective Services Texas Abuse Hotline to determine whether the person to whom the child is being released is listed in the registry as a person who abused or neglected a child;
 - iv. verify that the person to whom the child is being released is at least 18 years of age; and
 - v. maintain a record regarding the child's placement, including:
 - 1. identifying information about the child, including the child's name or pseudonyms; and
 - 2. the name and address of the person to whom the child is being released.

Unit Goal: Reporting

19.7. Describe what information must be reported to the Department of Family and Protective Services and to the Texas Crime Information Center.

- A. 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 Code of Criminal Procedure Art. 2A.056 (d) and (e) the law enforcement officer must complete certain reporting.
 - i. "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".
 - ii. "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".