

Child Safety Check Alert List



Course #4068
September 2023

Child Safety Check Alert List

ABSTRACT

This instructor resource guide (IRG) is designed to *assist* the instructor in developing an appropriate complete lesson plan to teach the course learning objectives. Standing alone, this IRG is not a complete lesson plan. The learning objectives listed in this IRG are the minimum required content of the Child Safety Check Alert List course.

Note to Trainers: It is the responsibility of the training 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 (DFPS) personnel.

Note: Per section 261.301 of the Family Code, subsection (i), 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 Prerequisites:

- None

Instructor Prerequisites:

- Certified TCOLE Instructor and documented knowledge/training in course subject matter OR
- Documented subject matter expert

Length of Course: 1 hour minimum

Equipment:

- None

Training Delivery Method(s):

- Online
- Instructor-led, classroom-based
- Instructor-led, virtual classroom

Method(s) of Instruction:

- Lecture
- 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:

- Code of Criminal Procedure 2.272
- Department of Family Protective Services
https://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_5400.asp
- Family Code 261.301, 262.104, 262.105
- Occupations Code 1701.402
- TCIC/TLETS Operator Manual - Part 1 Revised 6/25/2019

Child Safety Check Alert List Update

Learning Objectives

UNIT 1 Child Safety Check Alert List Law (CSCAL)

- 1.1** **Learning Objective:** The student will be able to discuss the purpose of the list.
- 1.2** **Learning Objective:** The student will be able to provide differences between a missing person report and CSCAL.
- 1.3** **Learning Objective:** The student will be able to discuss the update to Family Code §261.301 Investigation of Report.

UNIT 2 Encounters with Persons Listed on the CSCAL

- 2.1** **Learning Objective:** The student will be able to describe potential outcomes to encounters with a person listed on the CSCAL.
- 2.2** **Learning Objective:** The student will be able to list steps they must perform upon encountering a person listed on the CSCAL.
- 2.3** **Learning Objective:** 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.
- 2.4** **Learning Objective:** The student will be able to describe proper placement and release of a child.

UNIT 3 Proper Reporting to the CSCAL

- 3.1** **Learning Objective:** 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.

Child Safety Check Alert List

UNIT 1. Child Safety Check Alert List Law (CSCAL)

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

A. 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.

B. 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.
- Provide protective services to a family receiving family-based safety services.
- Provide protective services to the family of a child in the managing conservatorship of the department.

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

If DFPS is unable to locate a family for purposes of investigating a report of child abuse or neglect and has exhausted all means available for locating the family, DFPS may seek assistance from law enforcement.

Factors that differentiate CSCAL from missing persons, include the following:

A. CSCAL

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

B. 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.

- FC 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.
- The new section reads as follows:
 - 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 2. Encounters with Persons Listed on the CSCAL

2.1 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 Child Protective Services (CPS).
- An officer may need to release the child back to the custody of the legal guardian.

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

Code of Criminal Procedure, Article 2.272 (1)(2)(3) LAW ENFORCEMENT RESPONSE TO CHILD SAFETY CHECK ALERT

- 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.

2.3 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.

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.

Section 2.272 of the Code of Criminal Procedure provides the specific authority an officer has as it relates to the Child Safety Check Alert List. Texas Code of Criminal Procedure Art. 2.272. Law Enforcement Response to Child Safety Check Alert states:

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

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.

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

- a) 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
- b) 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.

2.4 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 must follow the requirements set forth in Texas Family Code 262.105.

Texas Family Code § 262.105. Filing Petition After Taking Possession of Child in Emergency Code of Criminal Procedures, section 2.273. 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:

- 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;
- a juvenile probation department;
- the Department of Family and Protective Services; or
- any other person authorized by law to take possession of the child.

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 shall:

- verify with the National Crime Information Center that the child is not a missing child;
- 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:
 - verify that the person to whom the child is being released:
 - does not have a protective order issued against the person; and
 - 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
 - obtain any other information the Department of Family and Protective Services considers:
 - relevant to protect the welfare of the child; or
 - reflective of the responsibility of the person to whom the child is being released;
- 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;
- verify that the person to whom the child is being released is at least 18 years of age; and
- maintain a record regarding the child's placement, including:
 - identifying information about the child, including the child's name or pseudonyms; and
 - the name and address of the person to whom the child is being released.

UNIT 3. Proper Reporting to the CSCAL

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.

- “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”.
- “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”.