

## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### PART 19. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES

#### CHAPTER 700. CHILD PROTECTIVE SERVICES

##### SUBCHAPTER A. ADMINISTRATION

###### 40 TAC §700.104, §700.106

The Department of Family and Protective Services (DFPS), proposes the repeal of §700.104 and §700.106 in Title 40, Texas Administrative Code (TAC), Chapter 700, Subchapter A, relating to Administration.

##### BACKGROUND AND PURPOSE

The purpose of the repeals are to update the rules concerning DFPS records to reflect DFPS's current policy and practice of creating and maintaining records, including the central registry, as many of the rules are outdated. These amendments include updates to rule sections concerning what DFPS considers confidential case records, how long DFPS retains records and the process for retaining records, and how an individual can access confidential case records and public records. The changes also include consolidating the rules regarding DFPS records and the central registry into one chapter as currently both, Chapters 700 and 702 address records and the central registry. Finally, the rule changes also include clarifying for the public and DFPS staff when DFPS will maintain records past the retention schedule pursuant to the mandates in Government Code §441.186, including for litigation holds, and how DFPS uses and handles such records. While the changes appear far reaching, they do not result in any changes to the DFPS records retention schedules, do not increase the amount of time DFPS maintains records, do not change the persons and entities DFPS currently releases records to pursuant to state and federal law, and do not change the process for requesting or releasing records.

##### SECTION-BY-SECTION SUMMARY

The proposed repeal of §700.104 is being deleted and its contents are being incorporated into current rule §702.251 of this title (relating to What is the Central Registry?). The purpose of this consolidation is to ensure that the rules concerning the Central Registry are contained within the same chapter and subchapter of DFPS rules.

The proposed repeal of §700.106 is being deleted and its contents are being incorporated into current rule §702.201 of this title (relating to What types of records are maintained by the Department of Family and Protective Services?). The purpose of this consolidation is to ensure that the rules concerning DFPS records creation, retention, and destruction are contained within the same chapter and subchapter of DFPS rules.

## FISCAL NOTE

David Kinsey, Chief Financial Officer of DFPS, has determined that for each year of the first five years that the repeals will be in effect, there will not be fiscal implications to state or local governments.

## GOVERNMENT GROWTH IMPACT STATEMENT

DFPS has determined that during the first five years that the proposed rules will be in effect:

- (1) the proposed repeals will not create a government program;
- (2) implementation of the proposed repeals will not affect the number of employee positions);
- (3) implementation of the proposed repeals will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the proposed repeals will not affect fees paid to the agency;
- (5) the proposed repeals will not create a new regulation;
- (6) the proposed repeals will not expand, limit, or repeal an existing regulation;
- (7) the proposed repeals will not change the number of individuals subject to the rule; and
- (8) the proposed repeals will not affect the state's economy.

## SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

Mr. Kinsey has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities.

The proposed repeals do not apply to small or micro-businesses, or rural communities.

## ECONOMIC COSTS TO PERSONS AND IMPACT ON LOCAL EMPLOYMENT

The proposed repeals will not affect a local economy.

## COSTS TO REGULATED PERSONS

Pursuant to subsection (c)(7) of Texas Government Code §2001.0045, the statute does not apply to a rule that is adopted by the Department of Family and Protective Services.

## PUBLIC BENEFIT

Tiffany Roper, General Counsel of DFPS, has determined that for each year of the first five years the repeals are in effect, the public will benefit from having greater clarity because the DFPS records and the central registry will be within the same chapter and subchapter.

## REGULATORY ANALYSIS

The department has determined that this proposal is not a "major environmental rule" as defined by Government Code §2001.0225.

## TAKINGS IMPACT ASSESSMENT

DFPS has determined that the proposal does not restrict or limit an owner's right to his or her property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking under Government Code, §2007.043.

## PUBLIC COMMENT

Comments and questions on this proposal must be submitted within 30 days of publication of the proposal in the *Texas Register*. Electronic comments and questions may be submitted to Policy Attorney, Katharine McLaughlin at Katharine.McLaughlin@dfps.state.tx.us. Hard copy comments may be submitted to the DFPS Rules Coordinator, Legal Services 20R05, Department of Family and Protective Services E-611, P.O. Box 149030, Austin, Texas 78714-9030.

## STATUTORY AUTHORITY

The repeals are proposed under Human Resources Code (HRC) §40.027, which provides that the Department of Family and Protective Services commissioner shall oversee the development of rules relating to the matters within the department's jurisdiction and adopt rules for the operation and provision of services by the department.

The repeals implement Texas Family Code § 261.002 and Texas Government Code §§ 441.183-441.189.

No other statutes, articles, or codes are affected by the proposed rules.

*§700.104. Child Abuse and Neglect Central Registry.*

*§700.106. Retention and Destruction of Case Information.*

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on June 7, 2021.

TRD-202102214

Tiffany Roper

General Counsel

Department of Family and Protective Services

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For further information, please call: (512) 438-3397

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## CHAPTER 702. GENERAL ADMINISTRATION

The Department of Family and Protective Services (DFPS), proposes amendments to §§702.201, 702.213, 702.221, 702.251, 702.255 702.257; new §§702.203, 702.205, 702.207, 702.209, 702.211; and repeals of §§702.205, 702,209, 702.217, 702.223 and 702.253 in Title 40, Texas Administrative Code (TAC), Chapter 702, relating to General Administration.

### BACKGROUND AND PURPOSE

The purpose of the proposed changes is to update the rules concerning DFPS records to reflect DFPS's current policy and practice of creating and maintaining records, including the central registry, as many of the rules are outdated. These amendments include updates to rule sections concerning what DFPS considers confidential case records, how long DFPS retains records and the process for retaining records, and how an individual can access confidential case records and public records. The changes also include consolidating the rules regarding DFPS records and the central registry into one chapter as currently Chapters 700 and 702 address records and the central registry. Finally, the rule changes also include clarifying for the public and DFPS staff when DFPS will maintain records past the retention schedule pursuant to the mandates in Government Code §441.186, including for litigation holds, and how DFPS uses and handles such records. While the changes appear far reaching, they do not result in any changes to the DFPS records retention schedules, do not increase the amount of time DFPS maintains records, do not change the persons and entities DFPS currently releases records to pursuant to state and federal law, and do not change the process for requesting or releasing records.

### SECTION-BY-SECTION SUMMARY

Proposed amendments to §702.201 primarily consist of incorporating content concerning the purpose of confidential case records from subsection (a) of §700.106

(relating to Retention and Destruction of Case Information), which is being proposed for repeal.

Proposed new §702.203: (1) explains that DFPS maintains both paper and electronic case records and further explains how the records are stored; and (2) incorporates content regarding recordings made at child advocacy centers from subsection (c) of §700.106 (relating to Retention and Destruction of Case Information), which is being proposed for repeal.

Section 702.205 (relating to Does PRS make information available on the public Internet) is being deleted, because when this rule was first written the internet was not as widely used or easy to navigate as it is now. Therefore, a rule explaining to the public information that can be found on the DFPS public website is now unnecessary. A new §702.205 is being proposed. New §702.205 incorporates content from subsections (b), (d), (e), and (f) of §700.106 (relating to Retention and Destruction of Case Information), which is being proposed for deletion. The new rule includes the following: (1) information on maintaining and destroying electronic and physical case records in accordance with the Records Retention Schedule available on the DFPS website; (2) how a retention period for case records can be extended pursuant to Texas Government Code §441.187 and if DFPS opens a new case involving a party from a former closed case that has not been destroyed; and (3) use of case information by DFPS that is part of a case for which the retention period has been extended.

Proposed new §702.207 incorporates content from the following rules which are being proposed for repeal: §702.213 (relating to How can a member of the public obtain information or copies of records that are not on the PRS web site?) and §702.217 (relating to Where should the Information Request Form be submitted) with minor updates to reflect the current process for requesting confidential case records.

Section 702.209 is being deleted and its contents are being incorporated into new §702.211 (relating to Does the Department of Family and Protective Services make information available on the public Internet). A new §702.209 is being proposed. New §702.209 incorporates the content of §702.223 (relating to How does the department prioritize fulfilling requests for copies of confidential client records that require redaction prior to their release?), which is being proposed for repeal, with minor, non-substantive edits.

Proposed amendments to §702.213 consist of clarifying the process to request DFPS public information as specified in Government Code §552.234.

Section 702.217 is being deleted as the information concerning storage of and request for client records is outdated and inaccurate. Relevant content regarding requesting confidential client records is being incorporated into new §702.207 (relating to How can a person request confidential case records?).

Proposed amendments to §702.221 consist of minor edits, including updating agency names and TAC references and deleting outdated information about the cost for obtaining DFPS brochures and publications.

Section 702.223 is being deleted and its contents are being incorporated into new §702.209 (relating to How does the Department of Family and Protective Services prioritize fulfilling requests for copies of confidential client records that require redaction prior to their release?) with minor, non-substantive edits so that all rules concerning confidential case records are sequentially located in Chapter 702.

Proposed amendments to §702.251 include: (1) incorporating the content from §700.104 (relating to Child Abuse and Neglect Central Registry) and §702.253 (relating to What information does the Central Registry include?), which are being proposed for repeal; (2) updating the rule to explain that the Central Registry includes the names of persons alleged to be the perpetrator of child abuse or neglect in an ongoing investigation being conducted by DFPS; and (3) updating the rule to reflect the current agency structure, including removing reference to the Child Care Licensing division which was transferred from DFPS to the Health and Human Services Commission in September 2017.

Section 702.253 is being deleted and the content in the rule concerning the types of abuse and neglect investigations that result in a person's name being placed on the Central Registry is being combined with current §702.251 (relating to What is the Central Registry?).

Proposed amendments to §702.255 include: (1) deleting information regarding the records retention schedule as that information is already addressed in current §702.201 (relating to What types of records are maintained by the Department of Family and Protective Services); and (2) clarifying that when an investigation results in a "Confirmed" or "Reason To Believe," the finding remains in the Central Registry in accordance with the records retention schedule.

Proposed amendments to §702.257 consist of minor, non-substantive edits.

#### FISCAL NOTE

David Kinsey, Chief Financial Officer of DFPS, has determined that for each year of the first five years that the sections will be in effect, there will not be fiscal implications to state or local governments.

#### GOVERNMENT GROWTH IMPACT STATEMENT

DFPS has determined that during the first five years that the proposed rules will be in effect:

(1) the proposed rules will not create a government program;

(2) implementation of the proposed rules will not affect the number of employee positions;

(3) implementation of the proposed rules will not require an increase or decrease in future legislative appropriations to the agency;

(4) the proposed rules will not affect fees paid to the agency;

(5) the proposed rules will create a new regulation; new rules are being added to Chapter 702, Subchapter B and C, that further clarify DFPS's record creation and maintenance process.

(6) the proposed rules will repeal existing regulations to the extent that the rules concerning records and the central registry in Chapter 700, Subchapter A, are being repealed and the content from those rules is being incorporated into existing rules in Chapter 702, Subchapters B and C. In addition, the updates to Chapter 702, Subchapters B and C, includes combining content from similar rules, and deleting duplicative rules.

(7) the proposed rules will not change the number of individuals subject to the rule; and

(8) the proposed rules will not affect the state's economy.

#### SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

Mr. Kinsey has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities.

The proposed repeals do not apply to small or micro-businesses, or rural communities.

#### ECONOMIC COSTS TO PERSONS AND IMPACT ON LOCAL EMPLOYMENT

The proposed rules will not affect a local economy.

#### COSTS TO REGULATED PERSONS

Pursuant to subsection (c)(7) of Texas Government Code §2001.0045, the statute does not apply to a rule that is adopted by the Department of Family and Protective Services.

#### PUBLIC BENEFIT

Tiffany Roper, General Counsel of DFPS, has determined that for each year of the first five years the rules are in effect, the public will be better informed regarding the current policy and practices of DFPS records management, including how DFPS maintains different types of records and how the public can request copies of those records. The

public will also have a better understanding of the purpose of the DFPS Central Registry and the information contained in the Central Registry.

## REGULATORY ANALYSIS

The department has determined that this proposal is not a "major environmental rule" as defined by Government Code §2001.0225.

## TAKINGS IMPACT ASSESSMENT

DFPS has determined that the proposal does not restrict or limit an owner's right to his or her property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking under Government Code, §2007.043.

## PUBLIC COMMENT

Comments and questions on this proposal must be submitted within 30 days of publication of the proposal in the *Texas Register*. Electronic comments and questions may be submitted to Policy Attorney, Katharine McLaughlin at Katharine.McLaughlin@dfps.state.tx.us. Hard copy comments may be submitted to the DFPS Rules Coordinator, Legal Services 20R05, Department of Family and Protective Services E-611, P.O. Box 149030, Austin, Texas 78714-9030.

## SUBCHAPTER B. AGENCY RECORDS AND INFORMATION

40 TAC §§702.201, 702.203, 702.205, 702.207, 702.209, 702.211, 702.213, 702.221

## STATUTORY AUTHORITY

The new and amended sections are proposed under Human Resources Code (HRC) §40.027, which provides that the Department of Family and Protective Services commissioner shall oversee the development of rules relating to the matters within the department's jurisdiction and adopt rules for the operation and provision of services by the department.

The proposed new and amended sections implement Texas Family Code §261.002 and Texas Government Code §§441.183-441.189.

No other statutes, articles, or codes are affected by the proposed rules.

*§702.201. What types of records are maintained by the Department of Family and Protective Services [PRS]?*

(a) The Department of Family and Protective Services (DFPS) [PRS] maintains records relating to our general administrative functions, including personnel records, financial records, policy and procedure manuals, and agency performance measurements.



These records, referred to as "Administrative Records," are generally available to the public and may be requested under the Texas Public Information Act in Chapter 552, Texas Government Code~~[, Chapter 552, the Texas Public Information Act]~~.

(b) DFPS [PRS] also maintains confidential records on clients DFPS is or was involved with, including records developed in an abuse and neglect investigation and/or in providing services as the result of an investigation, in order to meet state and federal accountability requirements, as applicable [relating to the clients served by our programs]. These records, referred to as "Case Records," are generally not available to the public, although they may be available to individuals [individual clients], government agencies, and others, as provided by state and federal laws and DFPS [PRS] rules. Rules [Additional rules] concerning confidential case [client] records specific to each DFPS program can [may] be found in Chapters 700, 705, and 707 [the chapters] of this part [specifically relating to the Child Protective Services, Adult Protective Services, and the Child Care Licensing programs].

(c) A complete listing of the types of records maintained by DFPS [PRS] may be found in the DFPS [PRS] Records Retention Schedule~~[, available on the PRS public web site]~~. The Schedule can be found on DFPS's public website.

*§702.203. How does the Department of Family and Protective Services maintain confidential case records?*

(a) The Department of Family and Protective Services (DFPS) maintains paper and electronic case records. Electronic case records are primarily maintained in DFPS's electronic case management system of records, called Information Management Protecting Adults and Children in Texas (IMPACT). Electronic records are also maintained in other systems as needed.

(b) As part of our case records, we may also maintain recordings made at child advocacy centers during the course of investigations if we are the owner of the recordings pursuant to Texas Family Code, §264.408(d) or when the child advocacy center provides us a copy of the recordings for our case records.

(c) Physical files may be stored in the DFPS regional office handling the case while the case is active or open. When physical records are inactive or closed, they are transferred to DFPS's Records Management Group (RMG). DFPS's Records Management Officer determines the most appropriate way to retain them until their retention period is met. Physical records may be retained in their original format and stored at state facilities or with a third-party vendor or they may be converted to digital images for electronic filing.

*§702.205. How long does the Department of Family and Protective Services retain confidential case records?*

(a) Physical case records and case records and information in DFPS's electronic case management system entitled Information Management Protecting Adults and Children in Texas (IMPACT) and other electronic systems are generally retained and destroyed in accordance with the Department of Family and Protective Services' (DFPS) Records Retention Schedule. The Schedule can be found on DFPS's public website. The retention period of a record is calculated from the time the case is closed. When the retention period has expired, DFPS permanently removes the case information from any electronic storage, including IMPACT, and destroys any paper case record in a manner that protects confidentiality.

(b) Notwithstanding subsection (a) of this section, the retention period for a DFPS record may be extended for the following reasons:

(1) Pursuant to Texas Government Code §441.187, if a litigation, claim, negotiation, audit, open records request, administrative review, or other action involving the record is initiated before the retention period for the record expires, DFPS may not destroy the record until the completion of the action and resolution of all issues that arise from the action, even if the retention period for the record expires during that period. If an action or activity involving the record is initiated, the retention period for that record is extended for the amount of time that the action or activity is in process.

(2) If DFPS opens a new case on a party to an older closed case that has not been destroyed pursuant to DFPS's retention schedule, DFPS may merge or relate the cases. Merged cases may be reclassified and extended to coincide with the retention period of the case with the latest retention period. For purposes of this section, merge means combining two or more separate cases into one case.

(c) If the retention period for a case record is extended as provided in subsections (b) of this section, DFPS may use the information in the case record as necessary to make case related decisions, assess risk of abuse or neglect, or for any other purpose for as long as DFPS retains the case record.

#### §702.207. How can you request confidential case records?

If you are entitled to confidential case records, you can request the records in the following ways:

(1) For the quickest response, submit your request for client records electronically through the Department of Family and Protective Services' (DFPS) website.

(2) You also may submit a written request by mail. Written requests must be made on a DFPS Information Request Form and mailed to the DFPS Records Management Group at Y-937, P.O. Box 149030, Austin, TX, 78714-9030 with a copy of your photo identification. The forms can be found on the DFPS website.

§702.209. How does the Department of Family and Protective Services prioritize fulfilling requests for copies of confidential client records that require redaction prior to their release?

(a) The Department of Family and Protective Services (DFPS) fulfills requests for client records in the following priority order, from highest to lowest priority ranking:

(1) Records provided in response to a subpoena or court order that has been properly served on DFPS;

(2) Records provided in response to discovery in a lawsuit to which DFPS is a party;

(3) Records provided to a prospective adoptive family before an adoption may be consummated;

(4) Records provided to a party or the administrative law judge in an Employee Misconduct Registry administrative hearing;

(5) Records provided to a party or the administrative law judge in a hearing conducted by the State Office of Administrative Hearings;

(6) Records provided to a duly authorized person documenting the results of a school investigation as required by §261.406, Texas Family Code;

(7) Records provided to a party in an administrative review of investigative findings that is conducted by DFPS;

(8) Records provided to an adult who was previously in the conservatorship of DFPS if the request is for a copy of such adult's own "case record" as defined by §264.0145, Texas Family Code; and

(9) Records provided to all other requestors entitled to receive the requested records, which are fulfilled in the order they are received.

(b) Notwithstanding subsection (a) of this section, DFPS reserves the right to expedite any request for records when we determine that a delay in fulfilling the request may:

(1) jeopardize the health or safety of any person;

(2) cause any person to suffer undue hardship; or

(3) result in DFPS's failure to meet a mandatory deadline for production of the requested records as imposed by a court or administrative tribunal.

(c) Additional information on who is entitled to receive confidential client records is provided in the following chapters in Title 40, Texas Administrative Code:

(1) Chapter 700 of this title (relating to Child Protective Services);

(2) Chapter 705 of this title (relating to Adult Protective Services); and

(3) Chapter 707 of this title (relating to Child Protective Investigations).

*§702.213. How can a member of the public obtain information or copies of administrative records that are not on the Department of Family and Protective Services [PRS] web site?*

Requests for copies of administrative records as defined in §702.201(a) in this subchapter (relating to What types of records are maintained by the Department of Family and Protective Services?) must ~~[generally]~~ be submitted following the instructions on the DFPS public website, Open Records Policy. A written request may also be hand delivered to the DFPS headquarters office or mailed to the mailing address found on the DFPS public website. ~~[in writing, along with proof of identification, unless the request is for a copy of a PRS brochure or publication specifically designed for public distribution. To ensure that all necessary information is included with your request, you may be asked to complete a PRS Information Request Form. A copy of this form may be downloaded from the PRS public web site or requested from any PRS office.]~~

*§702.221. Is there a charge for copies of the Department of Family and Protective Services [PRS] records?*

Yes. The Department of Family and Protective Services (DFPS) [PRS] charges a fee to cover the costs of providing copies of its records, ~~other than PRS brochures and publications specifically designed for public distribution at no cost~~. Fees are calculated according to rules adopted by the Office of the Attorney General [Services Commission, located in 1 TAC Chapter 11, Subchapter C (relating to Cost of Copies of Public Information)]. We may, at our discretion, waive charges if we determine that waiver is in the public interest or if we determine that the cost of collecting a fee exceeds the cost of providing the records.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Tiffany Roper

General Counsel

Department of Family and Protective Services

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40 TAC §§702.205, 702.209, 702.217, 702.223

The repealed sections are proposed under Human Resources Code (HRC) §40.027, which provides that the Department of Family and Protective Services commissioner shall oversee the development of rules relating to the matters within the department's jurisdiction and adopt rules for the operation and provision of services by the department.

The repealed sections implement Texas Family Code §261.002 and Texas Government Code §§441.183-441.189.

No other statutes, articles, or codes are affected by the proposed repeals.

*§702.205. Does PRS make information available on the public Internet?*

*§702.209. What is the PRS public web site address?*

*§702.217. Where should the Information Request Form be submitted?*

*§702.223. How does the department prioritize fulfilling requests for copies of confidential client records that require redaction prior to their release?*

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Tiffany Roper

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SUBCHAPTER C. CHILD ABUSE AND NEGLECT CENTRAL REGISTRY

40 TAC §§702.251, 702.255, 702.257

The amended sections are proposed under Human Resources Code (HRC) §40.027, which provides that the Department of Family and Protective Services commissioner shall oversee the development of rules relating to the matters within the department's jurisdiction and adopt rules for the operation and provision of services by the department.

The proposed amended sections implement Texas Family Code §261.002 and Texas Government Code §§441.183-441.189.

No other statutes, articles, or codes are affected by the proposed rules.

*§702.251. What is the Central Registry?*

(a) The Child Abuse and Neglect Central Registry is a registry maintained by the Department of Family and Protective Services (DFPS), as required by Texas Family Code, §261.002, of substantiated [validated] cases of child abuse or neglect [that is maintained by the Department, as required by Texas Family Code, §261.002]. The Central Registry [registry] is maintained as a subset of information in the DFPS electronic case management [automated database] system entitled Information Management Protecting Adults and Children in Texas (IMPACT).

(b) The Central Registry contains only the names of persons designated or sustained as perpetrators of child abuse or neglect by:

(1) the Child Protective Investigations division of DFPS, including Investigations, Special Investigations, and Child Care Investigations; and

(2) the Provider Investigation Program of the Health and Human Services Commission's Regulatory Services Department.

(c) The Central Registry also contains the names of persons who are alleged to be the perpetrator of child abuse or neglect in an ongoing investigation being conducted by DFPS. If at the conclusion of the investigation DFPS does not designate the person as a perpetrator of the abuse or neglect, DFPS will remove the person's name from the Central Registry.

*§702.255. How long is investigation information relating to a substantiated [validated] child abuse or neglect case retained in the Central Registry?*

Investigations that result in a "reason to believe" or "confirmed" finding are maintained in the Central Registry in accordance with the [for as long as the investigation case file is retained by the Department under the Department's] official Records Retention Schedule of the agency that conducted the investigation. When the case containing the investigation record is no longer retained, the central registry information is also deleted.

~~[The Department's Record Retention Schedule for CPS, APS, and CCL case records can be found at:~~

~~<http://www.dfps.state.tx.us/documents/about/pdf/RecordRetentionSchedule.pdf>.] §702.257. *Is the information in the Central Registry available to the general public?*~~

No. The information stored in the Central Registry is confidential and may be released by the Department of Family and Protective Services (DFPS) only as provided by federal and state law, including DFPS [Department] rules.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Tiffany Roper

General Counsel

Department of Family and Protective Services

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40 TAC §702.253

The repealed section is proposed under Human Resources Code (HRC) §40.027, which provides that the Department of Family and Protective Services commissioner shall oversee the development of rules relating to the matters within the department's jurisdiction and adopt rules for the operation and provision of services by the department.

The proposed repealed section implements Texas Family Code §261.002 and Texas Government Code §§441.183-441.189.

No other statutes, articles, or codes are affected by the proposed rules.

*§702.253. What information does the Central Registry include?*

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Tiffany Roper

General Counsel

Department of Family and Protective Services

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