

By: Hull

H.B. No. 42

A BILL TO BE ENTITLED

AN ACT

relating to certain procedures relating to children placed under a parental child safety placement.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 264.203, Family Code, is amended by adding Subsection (e) to read as follows:

(e) If a child is subject to a parental child safety placement under Subchapter L, before the court may order a parent, managing conservator, guardian, or other member of the subject child's household to participate in services, the court shall advise any person who is not represented by an attorney of:

(1) the right to be represented by an attorney; and

(2) if the person is indigent and opposes the order to participate in services, the right to a court-appointed attorney, subject to the procedures in Section 263.0061(b).

SECTION 2. Section 264.902, Family Code, is amended by amending Subsection (a) and adding Subsection (e) to read as follows:

(a) A parental child safety placement agreement must include terms that clearly state:

(1) the respective duties of the person making the placement and the caregiver, including a plan for how the caregiver will access necessary medical treatment for the child and the caregiver's duty to ensure that a school-age child is enrolled in

1 and attending school;

2 (2) conditions under which the person placing the  
3 child may have access to the child, including how often the person  
4 may visit and the circumstances under which the person's visit may  
5 occur;

6 (3) the duties of the department;

7 (4) subject to Subsection (e), the date on which the  
8 agreement will terminate unless terminated sooner or extended to a  
9 subsequent date as provided under department policy; and

10 (5) any other term the department determines necessary  
11 for the safety and welfare of the child.

12 (e) A parental child safety placement agreement  
13 automatically terminates on the earlier of the 30th day after the  
14 date:

15 (1) the agreement is signed; or

16 (2) the child is placed with the caregiver.

17 SECTION 3. Subchapter L, Chapter 264, Family Code, is  
18 amended by adding Sections 264.907 and 264.908 to read as follows:

19 Sec. 264.907. INCLUSIONS IN REPORTS OF PARENTAL CHILD  
20 SAFETY PLACEMENTS. The department shall include children who are  
21 placed with a caregiver under a parental child safety placement  
22 agreement in any report, including reports submitted to the United  
23 States Department of Health and Human Services or another federal  
24 agency, in which the department is required to report the number of  
25 children in the child protective services system who are removed  
26 from the children's homes.

27 Sec. 264.908. REPORT ON COURT-ORDERED PARTICIPATION IN

1 SERVICES. The department shall report the number of cases in which  
2 a court under Section 264.203 orders the parent, managing  
3 conservator, guardian, or other member of the child's household of  
4 a child who is placed with a caregiver under a parental child safety  
5 placement to participate in services.

6 SECTION 4. This Act takes effect on the 91st day after the  
7 last day of the legislative session.