

By: Hull

H.B. No. 107

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 Subsections (j-1) and (j-2) to read as follows:

(j-1) 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.

(j-2) The court shall appoint an attorney ad litem to represent the interests of a person described by Subsection (j-1) if the person claims indigence and requests the appointment of an attorney. The court shall require the person to complete and file with the court an affidavit of indigence. The court may hear evidence to determine whether the person is indigent. If the court determines the person is indigent, the court shall appoint an attorney to represent the person. The attorney ad litem for the parent shall have the powers and duties of an attorney ad litem for a parent under Section 107.0131.

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

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

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

11 (2) conditions under which the person placing the
12 child may have access to the child, including how often the person
13 may visit and the circumstances under which the person's visit may
14 occur;

15 (3) the duties of the department;

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

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

21 (e) A parental child safety placement agreement
22 automatically terminates on the earlier of the 30th day after the
23 date:

24 (1) the agreement is signed; or

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

26 (f) On the expiration of a parental child safety placement
27 agreement, the department may for good cause enter into not more

1 than one additional parental child safety placement agreement for
2 the child. On entering the parental child safety placement
3 agreement, the department shall:

4 (1) reevaluate the terms and conditions of the
5 original agreement; and

6 (2) notify the parent or other person with whom the
7 child resides of their right to:

8 (A) refuse to enter into the agreement; and

9 (B) be represented by an attorney or a
10 court-appointed attorney for a person who is indigent if the
11 department subsequently seeks a court order to require the person
12 to participate in services.

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

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

23 Sec. 264.908. REPORT ON COURT-ORDERED PARTICIPATION IN
24 SERVICES. The department shall report the number of cases in which
25 a court under Section 264.203 orders the parent, managing
26 conservator, guardian, or other member of the child's household of
27 a child who is placed with a caregiver under a parental child safety

1 placement to participate in services.

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