

By: Hull

H.B. No. 1085

Substitute the following for H.B. No. 1085:

By: Noble

C.S.H.B. No. 1085

A BILL TO BE ENTITLED

1 AN ACT
2 relating to certain procedures relating to children placed under a
3 parental child safety placement.

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

5 SECTION 1. Section 264.902, Family Code, is amended by
6 amending Subsection (a) and adding Subsections (e), (f), (g), (h),
7 (i), and (j) to read as follows:

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

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

15 (2) the conditions under which the person placing the
16 child may have access to and communicate with the child, including:

17 (A) how often the person may visit and
18 communicate with the child; and

19 (B) the circumstances under which and methods by
20 which the person's visit and communication may occur;

21 (3) the duties of the department;

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

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

3 (e) A parental child safety placement agreement
4 automatically terminates on the earlier of the 30th day after the
5 date:

6 (1) the agreement is signed; or

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

8 (f) On the expiration of a parental child safety placement
9 agreement, the department may for good cause enter into not more
10 than one additional parental child safety placement agreement for
11 the child. On entering the parental child safety placement
12 agreement, the department shall:

13 (1) reevaluate the terms and conditions of the
14 original agreement; and

15 (2) notify the parents of their right to:

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

17 (B) be represented by an attorney or a
18 court-appointed attorney if the parent is indigent if the
19 department subsequently seeks a court order to require the parents
20 to participate in services.

21 (g) The department shall provide existing resources to a
22 caregiver who enters into a parental child safety placement
23 agreement to assist with maintaining the safety and meeting the
24 needs of the child. The department may not withdraw approval for a
25 parental child safety placement agreement based solely on a
26 caregiver's use of department resources as a means to maintain the
27 placement.

1 (h) A caregiver who enters into a parental child safety
2 placement agreement may use a relative or friend of the caregiver to
3 assist with caregiving as a means to maintain the placement if the
4 department has:

5 (1) completed a background check on the person; and

6 (2) approved the person to provide the assistance.

7 (i) A requirement of a parental child safety placement
8 agreement may not impose an unreasonable burden on the child, the
9 child's parent or legal guardian, or a caregiver who is the subject
10 of or a party to the agreement.

11 (j) The department shall consider trauma-informed practices
12 in developing the parental child safety placement agreement.

13 SECTION 2. 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, where appropriate,
17 include children who are separated from a parent or legal guardian
18 under a parental child safety placement agreement in any report,
19 including reports submitted to the United States Department of
20 Health and Human Services or another federal agency.

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

27 SECTION 3. This Act takes effect September 1, 2023.