

BILL ANALYSIS

Senate Research Center

H.B. 384
By: Dutton (West, Royce)
Health & Human Services
5/18/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Under current law, placing a child with a relative for temporary custody, when parental rights have been temporarily terminated, is at the discretion of Child Protective Services. Often times, relatives are not considered for various reasons, whether it is financial instability, antiquated criminal history, or the lack of home furnishings.

H.B. 384 requires the Department of Family and Protective Services to overcome the presumption that placement with the noncustodial parent or relative is in the best interest of the child, otherwise, the court shall place the child with a noncustodial parent or relative. Additionally, H.B. 384 requires the custodial parent to submit a form identifying any relative or other individual with whom the child could be placed.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

[While the statutory reference in this bill is to the Department of Protective and Regulatory Services (DPRS), the following amendments affect the Department of Family and Protective Services, as the successor agency to DPRS.]

SECTION 1. Amends Section 262.109(c), Family Code, to include a proposed child placement resources form that contains certain information amongst the requirements of a written notice that is given to the parent, conservator, or guardian of a child is taken into possession by the Department of Protective and Regulatory Services (DPRS) under this chapter.

SECTION 2. Amends Section 262.201(e), Family Code, to require the court to place a child removed from the child's custodial parent with the child's noncustodial parent or with a relative of the child if placement with the noncustodial parent is inappropriate, unless DPRS overcomes the presumption that placement with the noncustodial parent or a relative is in the best interest of the child.

SECTION 3. Amends Section 262.205(e), Family Code, to make a conforming change.

SECTION 4. Amends Section 263.404(a), Family Code, to make a conforming change.

SECTION 5. Requires the Department of Family and Protective Services to develop the proposed child placement resources form required to be provided under Section 262.109, Family Code, as amended by this Act, not later than November 1, 2005.

SECTION 6. Makes application of the change in law made by this Act to Section 262.109(c), Family Code, prospective to November 1, 2005.

SECTION 7. Makes application of the change in law made by this Act to Sections 262.201, 262.205, and 263.404, Family Code, prospective to September 1, 2005.

SECTION 8. Effective date: September 1, 2005.