

BILL ANALYSIS

C.S.H.B.884
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Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The number of children placed with the Department of Family and Protective Services (DFPS) as the permanent managing conservator, without a termination of parental rights, has been increasing. For many of those children, permanent managing conservatorship without termination of parental rights becomes their default permanent plan, and the child grows up in foster care and ages out of the system at 18 years of age, an outcome that is neither optimal nor desired.

C.S.H.B. 884 requires continued efforts by DFPS to find a more permanent plan for children in the permanent managing conservatorship of DFPS without a termination of parental rights, including placement with a relative as the child's permanent managing conservator, or, when appropriate, returning the child to a parent when the case is dismissed.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 884 amends the Family Code to require the Department of Family and Protective Services (DFPS) to continue to make an effort to identify a more permanent placement for a child, including appointing a relative or other suitable individual as permanent managing conservator, returning the child to a parent, or another planned, permanent living arrangement, if the court renders a final order appointing DFPS as managing conservator of the child without terminating the rights of the child's parent.

C.S.H.B. 884 includes among the requirements for a placement review report filed with the court in advance of a placement review hearing a description of DFPS efforts to find a permanent placement for the child, including efforts to work with the caregiver with whom the child is placed to determine whether that caregiver is willing to become a permanent placement for the child, locate a relative or other suitable individual to serve as permanent managing conservator of the child, and evaluate any change in a parent's circumstances to determine whether the child can be returned to the parent or parental rights should be terminated. The bill adds to the determinations required to be made by the court at each placement review hearing for a child for whom DFPS has been named managing conservator in a final order that does not include termination of parental rights whether permanent placement is appropriate for the child. The bill authorizes the court to order DFPS to continue to provide family reunification services to a parent of such a child for a period not to exceed six months from the day of the placement review hearing if the child has not been placed with a relative or other individual, including a foster parent, who is seeking permanent managing conservatorship of the child, and the court determines that further efforts at reunification with a parent are in the best interest of the child and are likely to result in the child's safe return to the child's parent.

C.S.H.B. 884 makes a conforming change to clarify that the court must continue to conduct a placement review hearing at least once every six months until an appropriate individual is appointed managing conservator of the child, the child is returned to a parent and the case is dismissed, or the child becomes an adult.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 884 differs from the original by removing adoption from Department of Family and Protective Services (DFPS) requirements relating to the permanent placement of a child for whom DFPS has been named managing conservator and making related conforming changes. The substitute differs from the original by adding to the efforts of DFPS required to be described in each placement review report a description of DFPS efforts to work with the caregiver with whom the child is placed to determine whether that caregiver is willing to become a permanent placement for the child and efforts to evaluate any change in a parent's circumstances to determine whether parental rights should be terminated.

C.S.H.B. 884 differs from the original by adding to the conditions under which a court is authorized to order DFPS to continue to provide family reunification services to a parent of a child the condition that the child has not been placed with a relative or other individual, including a foster parent, who is seeking permanent conservatorship of the child, and omits from a condition included in the original that the child has been in foster care for more than 24 months and the child has not been placed in an adoptive home or with a relative.

C.S.H.B. 884 differs from the original by adding the condition that the case also be dismissed to clarify the requirement that a court continue to conduct a placement review hearing at least once every six months until a child becomes an adult.

C.S.H.B. 884 differs from the original by making technical clarifications.