

BILL ANALYSIS

S.B. 1723
By: Van de Putte
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Kinship care placements, also known as "relative caregiver placements," have become a commonly used and preferred alternative to foster care in Texas. The percentage of children in kinship care has almost doubled over the past few years and there are over six million children living with relatives nationwide. Increasingly, the Department of Family and Protective Services (DFPS) is using kinship settings over foster care because of the many benefits associated with it, including permitting children to live with people they know and trust and creating a sense of stability in a child's life.

There are two types of kinship placements. One is considered more permanent for children who have been removed from their parents and are under the conservatorship of the state. When a child is put into a kinship placement, the caregivers are eligible for an informational manual and financial assistance under the relative caregiver program. These resources make the transition for the child smoother and ease the financial burden associated with caring for a child. The other type of kinship placements, sometimes referred to as "informal relative caregivers," are for families involved in the Family Based Safety Services (FBSS) and are intended to be a temporary solution. When a family being investigated voluntarily decides to undergo FBSS, the children are removed and placed with an informal relative caregiver and can return home pending their parents' successful completion of a treatment plan. This allows parents to maintain conservatorship of their children while working with DFPS to improve the safety of their home. It also prevents the children from being removed and placed in foster care and decreases the number of children in the foster system.

While research regarding these placements demonstrates the numerous benefits for children and the state, the research also illustrates the many challenges caregivers face, who tend to be older, single, of lower income, and who live in more disadvantaged neighborhoods. Many potential relative caregivers refuse the children up front due to their inability to handle the financial strain that a new child would create. With fewer resources available for these caregivers, the lack of monetary and informational resources often lead to an inability to maintain the needs of the child. When this happens, the child is often removed from the relative caregiver placement and put into foster care.

S.B. 1723 amends current law relating to an informational manual for voluntary caregivers who provide temporary care for children who are the subject of an investigation by DFPS.

RULEMAKING AUTHORITY

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

ANALYSIS

SECTION 1. Amends Section 261.3071, Family Code, as follows:

Sec. 261.3071. INFORMATIONAL MANUALS. (a) Defines "designated caregiver," "relative caregiver," and "voluntary caregiver." Makes nonsubstantive changes.

(b) Requires the Department of Family and Protective Services to develop and publish informational manuals that provide information for certain individuals, including a voluntary caregiver. Makes a nonsubstantive change.

(c) Requires that the information provided in the manuals be in both English and Spanish and include, as appropriate, certain information, including information regarding the role of a voluntary caregiver, including information on how to obtain any documentation necessary to provide for a child's needs. Makes a nonsubstantive change.

SECTION 2. Effective date: upon passage or September 1, 2009.

EFFECTIVE DATE

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