

By: Naishtat

H.B. No. 1068

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to information regarding the relative or designated  
3 caregivers for a child in the managing conservatorship of the  
4 state.

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

6 SECTION 1. Section 262.114, Family Code, is amended by  
7 adding Subsection (a-1) to read as follows:

8 (a-1) At the full adversary hearing under Section 262.201,  
9 the department shall, after redacting any social security numbers,  
10 file with the court:

11 (1) a copy of each proposed child placement resources  
12 form completed by the parent or other person having legal custody of  
13 the child;

14 (2) the results of the background and criminal history  
15 checks performed on each individual identified as a relative or  
16 designated caregiver on the proposed child placement resources  
17 form;

18 (3) the results of each completed home study of an  
19 individual identified as a relative or designated caregiver on the  
20 proposed child placement resources form; and

21 (4) a statement explaining the reasons the department  
22 selected the specific substitute caregiver for the child.

23 SECTION 2. Section 262.201(c), Family Code, is amended to  
24 read as follows:

1 (c) If the court finds sufficient evidence to satisfy a  
2 person of ordinary prudence and caution that there is a continuing  
3 danger to the physical health or safety of the child and for the  
4 child to remain in the home is contrary to the welfare of the child,  
5 the court shall issue an appropriate temporary order under Chapter  
6 105. The court shall require each parent, alleged father, or  
7 relative of the child before the court to complete [~~submit~~]  
8 proposed child placement resources form provided under Section  
9 261.307 and file the form with the court, if the form has not been  
10 previously filed with the court [~~provided~~], and provide the  
11 Department of Family and Protective Services with information  
12 necessary to locate any other absent parent, alleged father, or  
13 relative of the child. The court shall inform each parent, alleged  
14 father, or relative of the child before the court that the person's  
15 failure to submit the proposed child placement resources form will  
16 not delay any court proceedings relating to the child. The court  
17 shall inform each parent in open court that parental and custodial  
18 rights and duties may be subject to restriction or to termination  
19 unless the parent or parents are willing and able to provide the  
20 child with a safe environment. If the court finds that the child  
21 requires protection from family violence by a member of the child's  
22 family or household, the court shall render a protective order  
23 under Title 4 for the child. In this subsection, "family violence"  
24 has the meaning assigned by Section 71.004.

25 SECTION 3. Subchapter A, Chapter 263, Family Code, is  
26 amended by adding Section 263.003 to read as follows:

27 Sec. 263.003. INFORMATION RELATING TO PLACEMENT OF CHILD.

1 Not later than the 10th day before the date set for a hearing under  
2 this chapter, the department shall file with the court any document  
3 described by Section 262.114(a-1) that has not been filed with the  
4 court.

5 SECTION 4. Sections 262.114(a-1) and 263.003, Family Code,  
6 as added by this Act, apply only to a suit affecting the  
7 parent-child relationship filed by the Department of Family and  
8 Protective Services on or after the effective date of this Act. A  
9 suit filed before the effective date of this Act is governed by the  
10 law in effect on the date the suit was filed, and the former law is  
11 continued in effect for that purpose.

12 SECTION 5. This Act takes effect September 1, 2009.