

By: Zerwas

H.B. No. 4570

A BILL TO BE ENTITLED

AN ACT

1
2 relating to designated caregivers for children in the managing
3 conservatorship of the state.

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

5 SECTION 1. Section 262.114, Family Code, is amended to read
6 as follows:

7 Sec. 262.114. EVALUATION OF IDENTIFIED RELATIVES AND OTHER
8 DESIGNATED INDIVIDUALS; PLACEMENT. (a) Before a full adversary
9 hearing under Subchapter C, the Department of Family and Protective
10 Services must perform a background and criminal history check of
11 the relatives or other designated individuals identified as a
12 potential relative or designated caregiver, as defined by Section
13 264.751, on the proposed child placement resources form provided
14 under Section 261.307. The department shall evaluate each person
15 listed on the form to determine the relative or other designated
16 individual who would be the most appropriate substitute caregiver
17 for the child and may [~~must~~] complete a home study of the most
18 appropriate substitute caregiver, if any, before the full adversary
19 hearing. Until the department identifies a relative or other
20 designated individual qualified to be a substitute caregiver, the
21 department must continue to explore substitute caregiver
22 options. The time frames in this subsection do not apply to a
23 relative or other designated individual located in another state.

24 (b) The department may place a child with a relative or

1 other designated individual identified on the proposed child
2 placement resources form unless [~~if~~] the department determines that
3 the placement is not in the best interest of the child. The
4 department may place the child with the relative or designated
5 individual before conducting the background and criminal history
6 check [~~or home study~~] required under Subsection (a). The
7 department shall provide a copy of an informational manual required
8 under Section 261.3071 to the relative or other designated
9 caregiver at the time of the child's placement.

10 SECTION 2. Section 264.751(1), Family Code, is amended to
11 read as follows:

12 (1) "Designated caregiver" means an individual [~~who~~
13 ~~has a longstanding and significant relationship with a child for~~
14 ~~whom the department has been appointed managing conservator and~~
15 who:

16 (A) is appointed to provide substitute care for
17 a [~~the~~] child for whom the department has been appointed managing
18 conservator, but is not licensed or certified to operate a foster
19 home, foster group home, agency foster home, or agency foster group
20 home under Chapter 42, Human Resources Code; or

21 (B) is subsequently appointed permanent managing
22 conservator of the child after providing the care described by
23 Paragraph (A).

24 SECTION 3. Section 264.752, Family Code, is amended by
25 adding Subsection (d) to read as follows:

26 (d) There is a rebuttable presumption that placing a child
27 in the care of a person designated by the parent or other person

1 having legal custody of the child is in the best interest of the
2 child.

3 SECTION 4. Section 264.753, Family Code, is amended to read
4 as follows:

5 Sec. 264.753. EXPEDITED PLACEMENT. The department or other
6 authorized entity shall expedite the completion of the background
7 and criminal history check[~~, the home study,~~] and any other
8 administrative procedure to ensure that the child is placed with a
9 qualified relative or caregiver as soon as possible after the date
10 the caregiver is identified.

11 SECTION 5. Section 264.754, Family Code, is amended to read
12 as follows:

13 Sec. 264.754. INVESTIGATION OF [~~PROPOSED~~] PLACEMENT OF
14 CHILD WITH RELATIVE OR DESIGNATED CAREGIVER. After [~~Before~~]
15 placing a child with a proposed relative or other designated
16 caregiver, the department may [~~must~~] conduct a comprehensive [~~an~~]
17 investigation including a home study to determine whether the
18 [~~proposed~~] placement provides a safe environment for the child [~~is~~
19 ~~in the child's best interest~~].

20 SECTION 6. This Act takes effect September 1, 2009.