

By: Shapleigh

S.B. No. 2385

A BILL TO BE ENTITLED

AN ACT

relating to information regarding the relative or designated caregivers for a child in the managing conservatorship of the state.

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

SECTION 1. Section 262.114, Family Code, is amended by adding Subsections (a-1) and (a-2) to read as follows:

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

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

(2) a copy of any completed home study performed under Subsection (a); and

(3) the name of the relative or other designated caregiver, if any, with whom the child has been placed.

(a-2) If the child has not been placed with a relative or other designated caregiver by the time of the full adversary hearing under Section 262.201, the department shall file with the court a statement that explains:

(1) the reasons why the department has not placed the child with a relative or other designated caregiver listed on the proposed child placement resources form; and

1           (2) the actions the department is taking, if any, to  
2 place the child with a relative or other designated caregiver.

3           SECTION 2. Subsection (c), Section 262.201, Family Code, is  
4 amended to read as follows:

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

1 has the meaning assigned by Section 71.004.

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

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

5 (a) Except as provided by Subsection (b), not later than the 10th  
6 day before the date set for a hearing under this chapter, the  
7 department shall file with the court any document described by  
8 Sections 262.114(a-1) and (a-2) that has not been filed with the  
9 court.

10 (b) The department is not required to file the documents  
11 required by Subsection (a) if the child is in an adoptive placement  
12 or another placement that is intended to be permanent.

13 SECTION 4. Subsections (a-1) and (a-2), Section 262.114,  
14 and Section 263.003, Family Code, as added by this Act, apply only  
15 to a suit affecting the parent-child relationship filed by the  
16 Department of Family and Protective Services on or after the  
17 effective date of this Act. A suit filed before the effective date  
18 of this Act is governed by the law in effect on the date the suit was  
19 filed, and the former law is continued in effect for that purpose.

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