

1-1 By: Shapleigh S.B. No. 2385
1-2 (In the Senate - Filed March 13, 2009; March 31, 2009, read
1-3 first time and referred to Committee on Jurisprudence;
1-4 April 20, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 0; April 20, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 2385 By: Watson

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to information regarding the relative or designated
1-11 caregivers for a child in the managing conservatorship of the
1-12 state.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 262.114, Family Code, is amended by
1-15 adding Subsections (a-1) and (a-2) to read as follows:

1-16 (a-1) At the full adversary hearing under Section 262.201,
1-17 the department shall, after redacting any social security numbers,
1-18 file with the court:

1-19 (1) a copy of each proposed child placement resources
1-20 form completed by the parent or other person having legal custody of
1-21 the child;

1-22 (2) a copy of any completed home study performed under
1-23 Subsection (a); and

1-24 (3) the name of the relative or other designated
1-25 caregiver, if any, with whom the child has been placed.

1-26 (a-2) If the child has not been placed with a relative or
1-27 other designated caregiver by the time of the full adversary
1-28 hearing under Section 262.201, the department shall file with the
1-29 court a statement that explains:

1-30 (1) the reasons why the department has not placed the
1-31 child with a relative or other designated caregiver listed on the
1-32 proposed child placement resources form; and

1-33 (2) the actions the department is taking, if any, to
1-34 place the child with a relative or other designated caregiver.

1-35 SECTION 2. Subsection (c), Section 262.201, Family Code, is
1-36 amended to read as follows:

1-37 (c) If the court finds sufficient evidence to satisfy a
1-38 person of ordinary prudence and caution that there is a continuing
1-39 danger to the physical health or safety of the child and for the
1-40 child to remain in the home is contrary to the welfare of the child,
1-41 the court shall issue an appropriate temporary order under Chapter
1-42 105. The court shall require each parent, alleged father, or
1-43 relative of the child before the court to complete ~~submit~~ the
1-44 proposed child placement resources form provided under Section
1-45 261.307 and file the form with the court, if the form has not been
1-46 previously filed with the court ~~provided~~, and provide the
1-47 Department of Family and Protective Services with information
1-48 necessary to locate any other absent parent, alleged father, or
1-49 relative of the child. The court shall inform each parent, alleged
1-50 father, or relative of the child before the court that the person's
1-51 failure to submit the proposed child placement resources form will
1-52 not delay any court proceedings relating to the child. The court
1-53 shall inform each parent in open court that parental and custodial
1-54 rights and duties may be subject to restriction or to termination
1-55 unless the parent or parents are willing and able to provide the
1-56 child with a safe environment. If the court finds that the child
1-57 requires protection from family violence by a member of the child's
1-58 family or household, the court shall render a protective order
1-59 under Title 4 for the child. In this subsection, "family violence"
1-60 has the meaning assigned by Section 71.004.

1-61 SECTION 3. Subchapter A, Chapter 263, Family Code, is
1-62 amended by adding Section 263.003 to read as follows:

1-63 Sec. 263.003. INFORMATION RELATING TO PLACEMENT OF CHILD.

2-1 (a) Except as provided by Subsection (b), not later than the 10th
2-2 day before the date set for a hearing under this chapter, the
2-3 department shall file with the court any document described by
2-4 Sections 262.114(a-1) and (a-2) that has not been filed with the
2-5 court.

2-6 (b) The department is not required to file the documents
2-7 required by Subsection (a) if the child is in an adoptive placement
2-8 or another placement that is intended to be permanent.

2-9 SECTION 4. Subsections (a-1) and (a-2), Section 262.114,
2-10 and Section 263.003, Family Code, as added by this Act, apply only
2-11 to a suit affecting the parent-child relationship filed by the
2-12 Department of Family and Protective Services on or after the
2-13 effective date of this Act. A suit filed before the effective date
2-14 of this Act is governed by the law in effect on the date the suit was
2-15 filed, and the former law is continued in effect for that purpose.

2-16 SECTION 5. This Act takes effect September 1, 2009.

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