

By: Rodriguez

H.B. No. 1854

A BILL TO BE ENTITLED

AN ACT

relating to certain arrangements to provide care for a child during an investigation of abuse or neglect.

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

SECTION 1. Chapter 264, Family Code, is amended by adding Subchapter L to read as follows:

SUBCHAPTER L. PARENTAL CHILD SAFETY PLACEMENTS

Sec. 264.901. DEFINITIONS. In this subchapter:

(1) "Caregiver" means an individual, other than a child's parent, conservator, or legal guardian, who is related to the child or has a longstanding and significant relationship with the child or the child's family.

(2) "Parental child safety placement" means a temporary out-of-home placement of a child with a caregiver that is made by a parent or other person with whom the child resides in accordance with a written agreement approved by the department that ensures the safety of the child:

(A) during an investigation by the department of alleged abuse or neglect of the child; or

(B) while the parent or other person is receiving services from the department.

(3) "Parental child safety placement agreement" means an agreement between a parent or other person making a parental child safety placement and the caregiver that contains the terms of

1 the placement and is approved by the department.

2 Sec. 264.902. PARENTAL CHILD SAFETY PLACEMENT AGREEMENT.

3 (a) A parental child safety placement agreement must include terms
4 that clearly state:

5 (1) the respective duties of the person making the
6 placement and the caregiver, including a plan for how the caregiver
7 will access necessary medical treatment for the child and the
8 caregiver's duty to ensure that a school-aged child is enrolled in
9 and attending school;

10 (2) conditions under which the person placing the
11 child may have access to the child, including how often the person
12 may visit and the circumstances under which the person's visit may
13 occur;

14 (3) the duties of the department;

15 (4) the date on which the agreement will terminate
16 unless terminated sooner or extended to a subsequent date as
17 provided under department policy; and

18 (5) any other term the department determines necessary
19 for the safety and welfare of the child.

20 (b) A parental child safety placement agreement must be in
21 writing and signed by the person making the placement and the
22 caregiver.

23 (c) The department must provide a written copy of the
24 parental child safety placement agreement to the person making the
25 placement and the caregiver.

26 Sec. 264.903. CAREGIVER EVALUATION. (a) The department
27 shall develop policies and procedures for evaluating a potential

1 caregiver's qualifications to care for a child under this
2 subchapter, including policies and procedures for evaluating:

- 3 (1) the criminal history of a caregiver;
4 (2) allegations of abuse or neglect against a
5 caregiver; and
6 (3) a caregiver's home environment and ability to care
7 for the child.

8 (b) A department caseworker who performs an evaluation of a
9 caregiver under this section shall document the results of the
10 evaluation in the department's case records.

11 (c) If, after performing an evaluation of a potential
12 caregiver, the department determines that it is not in the child's
13 best interests to be placed with the caregiver, the department
14 shall notify the person who proposed the caregiver and the proposed
15 caregiver of the reasons for the department's decision, but may not
16 disclose the specifics of any criminal history or allegations of
17 abuse or neglect unless the caregiver agrees to the disclosure.

18 Sec. 264.904. DEPARTMENT PROCEDURES FOR CLOSING CASE. (a)
19 Before closing a case in which the department has approved a
20 parental child safety placement, the department must develop a plan
21 with the person who made the placement and the caregiver for the
22 safe return of the child to the person who placed the child with the
23 caregiver or to another person legally entitled to possession of
24 the child, as appropriate.

25 (b) The department may close a case with a child still
26 living with the caregiver in a parental child safety placement if
27 the department has determined that the child could safely return

1 with the parent or person who made the parental child safety
2 placement, but the parent or other person agrees in writing for the
3 child to continue to reside with the caregiver.

4 (c) If the department determines that the child is unable to
5 safely return to the parent or person who made the parental child
6 safety placement, the department shall determine whether the child
7 can remain safely in the home of the caregiver or whether the
8 department must seek legal conservatorship of the child in order to
9 ensure the child's safety.

10 (d) Before the department may close a case with a child
11 still living in a parental child safety placement, the department
12 must:

13 (1) determine and document in the case file that the
14 child can safely remain in the placement without the department's
15 supervision;

16 (2) obtain the written agreement of the parent or
17 person who made the parental child safety placement, if possible;

18 (3) obtain the caregiver's agreement in writing that
19 the child can continue living in the placement after the department
20 closes the case; and

21 (4) develop a written plan for the child's care after
22 the department closes the case.

23 (e) The department is not required to comply with Subsection
24 (d) if the department has filed suit seeking to be named conservator
25 of the child under Chapter 262 and been denied conservatorship of
26 the child.

27 Sec. 264.905. REMOVAL OF CHILD BY DEPARTMENT. This

1 subchapter does not prevent the department from removing a child at
2 any time from a person who makes a parental child safety placement
3 or from a caregiver if removal is determined to be necessary by the
4 department for the safety and welfare of the child as provided by
5 Chapter 262.

6 SECTION 2. This Act takes effect September 1, 2011.