

1-1 By: Uresti S.B. No. 993
1-2 (In the Senate - Filed February 28, 2011; March 8, 2011,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; April 11, 2011, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;
1-6 April 11, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 993 By: Uresti

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

1-10 relating to certain arrangements to provide care for a child during
1-11 an investigation of abuse or neglect.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 264, Family Code, is amended by adding
1-14 Subchapter L to read as follows:

1-15 SUBCHAPTER L. PARENTAL CHILD SAFETY PLACEMENTS

1-16 Sec. 264.901. DEFINITIONS. In this subchapter:

1-17 (1) "Caregiver" means an individual, other than a
1-18 child's parent, conservator, or legal guardian, who is related to
1-19 the child or has a long-standing and significant relationship with
1-20 the child or the child's family.

1-21 (2) "Parental child safety placement" means a
1-22 temporary out-of-home placement of a child with a caregiver that is
1-23 made by a parent or other person with whom the child resides in
1-24 accordance with a written agreement approved by the department that
1-25 ensures the safety of the child:

1-26 (A) during an investigation by the department of
1-27 alleged abuse or neglect of the child; or

1-28 (B) while the parent or other person is receiving
1-29 services from the department.

1-30 (3) "Parental child safety placement agreement" means
1-31 an agreement between a parent or other person making a parental
1-32 child safety placement and the caregiver that contains the terms of
1-33 the placement and is approved by the department.

1-34 Sec. 264.902. PARENTAL CHILD SAFETY PLACEMENT AGREEMENT.

1-35 (a) A parental child safety placement agreement must include terms
1-36 that clearly state:

1-37 (1) the respective duties of the person making the
1-38 placement and the caregiver, including a plan for how the caregiver
1-39 will access necessary medical treatment for the child and the
1-40 caregiver's duty to ensure that a school-age child is enrolled in
1-41 and attending school;

1-42 (2) conditions under which the person placing the
1-43 child may have access to the child, including how often the person
1-44 may visit and the circumstances under which the person's visit may
1-45 occur;

1-46 (3) the duties of the department;

1-47 (4) the date on which the agreement will terminate
1-48 unless terminated sooner or extended to a subsequent date as
1-49 provided under department policy; and

1-50 (5) any other term the department determines necessary
1-51 for the safety and welfare of the child.

1-52 (b) A parental child safety placement agreement must
1-53 contain the following statement in boldface type and capital
1-54 letters: "YOUR AGREEMENT TO THE PARENTAL CHILD SAFETY PLACEMENT IS
1-55 NOT AN ADMISSION OF CHILD ABUSE OR NEGLECT ON YOUR PART AND CANNOT
1-56 BE USED AGAINST YOU AS AN ADMISSION OF CHILD ABUSE OR NEGLECT."

1-57 (c) A parental child safety placement agreement must be in
1-58 writing and signed by the person making the placement and the
1-59 caregiver.

1-60 (d) The department must provide a written copy of the
1-61 parental child safety placement agreement to the person making the
1-62 placement and the caregiver.

1-63 Sec. 264.903. CAREGIVER EVALUATION. (a) The department

2-1 shall develop policies and procedures for evaluating a potential
2-2 caregiver's qualifications to care for a child under this
2-3 subchapter, including policies and procedures for evaluating:

- 2-4 (1) the criminal history of a caregiver;
- 2-5 (2) allegations of abuse or neglect against a
- 2-6 caregiver; and
- 2-7 (3) a caregiver's home environment and ability to care
- 2-8 for the child.

2-9 (b) A department caseworker who performs an evaluation of a
2-10 caregiver under this section shall document the results of the
2-11 evaluation in the department's case records.

2-12 (c) If, after performing an evaluation of a potential
2-13 caregiver, the department determines that it is not in the child's
2-14 best interest to be placed with the caregiver, the department shall
2-15 notify the person who proposed the caregiver and the proposed
2-16 caregiver of the reasons for the department's decision, but may not
2-17 disclose the specifics of any criminal history or allegations of
2-18 abuse or neglect unless the caregiver agrees to the disclosure.

2-19 Sec. 264.904. DEPARTMENT PROCEDURES FOR CLOSING CASE.

2-20 (a) Before closing a case in which the department has approved a
2-21 parental child safety placement, the department must develop a plan
2-22 with the person who made the placement and the caregiver for the
2-23 safe return of the child to the person who placed the child with the
2-24 caregiver or to another person legally entitled to possession of
2-25 the child, as appropriate.

2-26 (b) The department may close a case with a child still
2-27 living with the caregiver in a parental child safety placement if
2-28 the department has determined that the child could safely return to
2-29 the parent or person who made the parental child safety placement
2-30 but the parent or other person agrees in writing for the child to
2-31 continue to reside with the caregiver.

2-32 (c) If the department determines that the child is unable to
2-33 safely return to the parent or person who made the parental child
2-34 safety placement, the department shall determine whether the child
2-35 can remain safely in the home of the caregiver or whether the
2-36 department must seek legal conservatorship of the child in order to
2-37 ensure the child's safety.

2-38 (d) Before the department may close a case with a child
2-39 still living in a parental child safety placement, the department
2-40 must:

- 2-41 (1) determine and document in the case file that the
- 2-42 child can safely remain in the placement without the department's
- 2-43 supervision;
- 2-44 (2) obtain the written agreement of the parent or
- 2-45 person who made the parental child safety placement, if possible;
- 2-46 (3) obtain the caregiver's agreement in writing that
- 2-47 the child can continue living in the placement after the department
- 2-48 closes the case; and
- 2-49 (4) develop a written plan for the child's care after
- 2-50 the department closes the case.

2-51 (e) The department is not required to comply with Subsection
2-52 (d) if the department has filed suit seeking to be named conservator
2-53 of the child under Chapter 262 and been denied conservatorship of
2-54 the child.

2-55 Sec. 264.905. REMOVAL OF CHILD BY DEPARTMENT. This
2-56 subchapter does not prevent the department from removing a child at
2-57 any time from a person who makes a parental child safety placement
2-58 or from a caregiver if removal is determined to be necessary by the
2-59 department for the safety and welfare of the child as provided by
2-60 Chapter 262.

2-61 Sec. 264.906. PLACEMENT PREFERENCE DURING CONSERVATORSHIP.
2-62 If, while a parental child safety placement agreement is in effect,
2-63 the department files suit under Chapter 262 seeking to be named
2-64 managing conservator of the child, the department shall give
2-65 priority to placing the child with the parental child safety
2-66 placement caregiver as long as the placement is safe and available.

2-67 SECTION 2. This Act takes effect September 1, 2011.

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