

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Guillen, Raymond

H.B. No. 848

A BILL TO BE ENTITLED

AN ACT

1

2 relating to an agreement authorizing certain persons to make  
3 decisions regarding a child during an investigation of child abuse  
4 or neglect.

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

6 SECTION 1. Section 34.001, Family Code, is amended to read  
7 as follows:

8 Sec. 34.001. APPLICABILITY. This chapter applies only to:

9 (1) an authorization agreement between a parent of a  
10 child and a person who is the child's:

11 (A) [~~1~~] grandparent;

12 (B) [~~2~~] adult sibling; or

13 (C) [~~3~~] adult aunt or uncle; and

14 (2) an authorization agreement between a parent of a  
15 child and the person with whom the child is placed under a parental  
16 child safety placement agreement.

17 SECTION 2. Chapter 34, Family Code, is amended by adding  
18 Section 34.0021 to read as follows:

19 Sec. 34.0021. AUTHORIZATION AGREEMENT BY PARENT IN CHILD  
20 PROTECTIVE SERVICES CASE; TERMINATION. (a) A parent may enter into  
21 an authorization agreement with a relative or other person with  
22 whom a child is placed under a parental child safety placement  
23 agreement approved by the Department of Family and Protective  
24 Services to allow the person to perform the acts described by

1 Section 34.002(a) with regard to the child:

2 (1) during an investigation of abuse or neglect; or

3 (2) while the department is providing services to the  
4 parent.

5 (b) An authorization agreement under Subsection (a)  
6 terminates if:

7 (1) the department terminates the parental child  
8 safety agreement; or

9 (2) the parental child safety agreement expires.

10 SECTION 3. This Act takes effect September 1, 2011.

# ADOPTED

MAY 13 2011

*Atalay Spaul*  
Secretary of the Senate

By: GUILLÉN

H.B. No. 848

Substitute the following for H.B. No. 848:

By: Zaffirini

C.S.H.B. No. 848

## A BILL TO BE ENTITLED

1 AN ACT  
2 relating to an agreement authorizing certain persons to make  
3 decisions regarding a child during an investigation of child abuse  
4 or neglect.

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

6 SECTION 1. Section 34.001, Family Code, is amended to read  
7 as follows:

8 Sec. 34.001. APPLICABILITY. This chapter applies only to:

9 (1) an authorization agreement between a parent of a  
10 child and a person who is the child's:

11 (A) [~~1~~] grandparent;

12 (B) [~~2~~] adult sibling; or

13 (C) [~~3~~] adult aunt or uncle; and

14 (2) an authorization agreement between a parent of a  
15 child and the person with whom the child is placed under a parental  
16 child safety placement agreement.

17 SECTION 2. Chapter 34, Family Code, is amended by adding  
18 Section 34.0021 to read as follows:

19 Sec. 34.0021. AUTHORIZATION AGREEMENT BY PARENT IN CHILD  
20 PROTECTIVE SERVICES CASE. A parent may enter into an authorization  
21 agreement with a relative or other person with whom a child is  
22 placed under a parental child safety placement agreement approved  
23 by the Department of Family and Protective Services to allow the  
24 person to perform the acts described by Section 34.002(a) with

1 regard to the child:

2 (1) during an investigation of abuse or neglect; or

3 (2) while the department is providing services to the  
4 parent.

5 SECTION 3. This Act takes effect September 1, 2011.

**ADOPTED**

MAY 13 2011

*Steph. Eoyden*

FLOOR AMENDMENT NO. 1

*Letty Spaw*  
Secretary of the Senate

1 Amend C.S.H.B. No. 848 (senate committee printing) by  
2 adding new SECTION 2 (page one, between lines 24 and 25) to read  
3 as follows and renumbering subsequent SECTIONS appropriately:  
4 SECTION 2. Subsection (c), Section 34.002, Family Code, is  
5 amended to read as follows:  
6 (c) An authorization agreement under this chapter does not  
7 confer on a relative of the child listed in Section 34.001 or a  
8 relative or other person with whom the child is placed under a  
9 child safety placement agreement the right to authorize the  
10 performance of an abortion on the child or the administration of  
11 emergency contraception to the child.

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 13, 2011**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB848** by Guillen (Relating to an agreement authorizing certain persons to make decisions regarding a child during an investigation of child abuse or neglect.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Family Code to allow a parent to enter an authorization agreement with a care provider when placing a child under a parental child safety placement approved by the Department of Family and Protective Services (DFPS). According to the Office of Court Administration, these agreements are made outside of court supervision and would have no impact on court operations.

DFPS indicates costs for revising authorization agreement forms and instructing DFPS staff on the bill's changes to the law would be absorbed within existing resources. Accordingly, no significant fiscal implication to the state is anticipated.

The bill would take effect September 1, 2011.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** JOB, TB, CL, NM

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 4, 2011**

**TO:** Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB848** by Guillen (Relating to an agreement authorizing certain persons to make decisions regarding a child during an investigation of child abuse or neglect.), **Committee Report 2nd House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Family Code to allow a parent to enter an authorization agreement with a care provider when placing a child under a parental child safety placement approved by the Department of Family and Protective Services (DFPS). According to the Office of Court Administration, these agreements are made outside of court supervision and would have no impact on court operations.

DFPS indicates costs for revising authorization agreement forms and instructing DFPS staff on the bill's changes to the law would be absorbed within existing resources. Accordingly, no significant fiscal implication to the state is anticipated.

The bill would take effect September 1, 2011.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** JOB, TB, CL, NM

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**April 29, 2011**

**TO:** Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB848** by Guillen (Relating to an agreement authorizing certain persons to make decisions regarding a child during an investigation of child abuse or neglect.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Family Code to allow a parent to enter an authorization agreement with a care provider when placing a child under a parental child safety placement approved by the Department of Family and Protective Services (DFPS). The bill would provide for terminations of such agreements under certain conditions. According to the Office of Court Administration, these agreements are made outside of court supervision and would have no impact on court operations.

DFPS indicates costs for revising authorization agreement forms and instructing DFPS staff on the bill's changes to the law would be absorbed within existing resources. Accordingly, no significant fiscal implication to the state is anticipated.

The bill would take effect September 1, 2011.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**BB Staff:** JOB, CL, TB, NM



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**March 16, 2011**

**TO:** Honorable Richard Pena Raymond, Chair, House Committee on Human Services

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB848** by Guillen (Relating to an agreement authorizing certain persons to make decisions regarding a child during an investigation of child abuse or neglect.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Family Code to allow a parent to enter an authorization agreement with a care provider when placing a child under a parental child safety placement approved by the Department of Family and Protective Services (DFPS). The bill would provide for terminations of such agreements under certain conditions. According to the Office of Court Administration, these agreements are made outside of court supervision and would have no impact on court operations.

DFPS indicates costs for revising authorization agreement forms and instructing DFPS staff on the bill's changes to the law would be absorbed within existing resources. Accordingly, no significant fiscal implication to the state is anticipated.

The bill would take effect September 1, 2011.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** JOB, CL, TB, NM

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**March 7, 2011**

**TO:** Honorable Richard Pena Raymond, Chair, House Committee on Human Services

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB848** by Guillen (Relating to an agreement authorizing certain persons to make decisions regarding a child during an investigation of child abuse or neglect.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Family Code to allow a parent to enter an authorization agreement with a care provider when placing a child under a parental child safety placement approved by the Department of Family and Protective Services (DFPS). According to the Office of Court Administration, these agreements are made outside of court supervision and would have no impact on court operations.

DFPS indicates costs for revising authorization agreement forms and instructing DFPS staff on the bill's changes to the law would be absorbed within existing resources. Accordingly, no significant fiscal implication to the state is anticipated.

The bill would take effect September 1, 2011.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** JOB, CL, TB, NM