

BILL ANALYSIS

Senate Research Center
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S.B. 428
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Health & Human Services
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, child-care facilities and child-placing agencies are required to conduct background checks on people who may visit the facility or foster home. The Department of Family and Protective Services (DFPS) conducts background checks on biological parents as part of its investigation. Thus, a duplication in checks occurs when birth parents visit their children at the facility or foster home.

S.B. 428 removes the requirement for foster homes to conduct a background check on those who visit the facility if a current check is on file with DFPS and that check occurred within the last two years.

As proposed, S.B. 428 amends current law relating to background and criminal history checks for parents or other relatives of children in residential child-care facilities.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 42.056, Human Resources Code, by adding Subsection (a-1), as follows:

(a-1) Provides that the director, owner, or operator of a residential child-care facility, notwithstanding Subsection (a) (relating to certain information that the director, owner, or operator of a child-care facility, child-placing agency, or family home is required to submit to the Department of Family and Protective Services (DFPS) for use in conducting background and criminal history checks), is not required to submit to DFPS the information required under that subsection for use in conducting a background and criminal history check on a parent or other relative of a child who is a client in care at the facility if DFPS has on file for the parent or relative a background and criminal history check, and the background and criminal history check was conducted within the two-year period preceding the date the parent or relative visits the client at the facility.

SECTION 2. Effective date: September 1, 2013.