



17 MAY -8 AM 8:12
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: _____

Sanford

1 Amend H.B. No. 39 (house committee report) by adding the
2 following appropriately numbered SECTIONS to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION ____ Subchapter B, Chapter 262, Family Code, is
5 amended by adding Sections 262.1041 and 262.1042 to read as
6 follows:

7 Sec. 262.1041. VOLUNTARY TEMPORARY CAREGIVER PROGRAM. (a)
8 The Department of Family and Protective Services shall create a
9 program that allows a child who is removed from the child's home
10 under this chapter to be placed in the care of an individual
11 approved as a voluntary temporary caregiver under this section.

12 (b) The department shall establish an application and
13 verification process to approve individuals to serve as voluntary
14 temporary caregivers. The department's verification process must:

15 (1) include a background and criminal history record
16 check of each caregiver;

17 (2) verify the caregiver:

18 (A) has a home with adequate sleeping space for
19 each child placed with the caregiver;

20 (B) has six or fewer children in the caregiver's
21 home, including the caregiver's own children and any children for
22 whom the caregiver provides day care;

23 (C) agrees to nonphysical discipline;

24 (D) has had all pets in the caregiver's home
25 vaccinated; and

26 (E) maintains and submits to the department proof
27 of current certification in first aid and cardiopulmonary
28 resuscitation issued by the American Red Cross, the American Heart
29 Association, or another organization that provides equivalent

1 training and certification;

2 (3) require each member of the caregiver's household
3 to undergo a screening test for tuberculosis infection approved by
4 the executive commissioner of the Health and Human Services
5 Commission; and

6 (4) include any other administrative procedure the
7 department determines is necessary to ensure the caregiver will
8 provide a safe home for the child.

9 (c) The department shall require each voluntary temporary
10 caregiver to receive four hours of training relating to child
11 development and disciplinary techniques for children who are
12 classified above a basic service level. A caregiver who applies to
13 become a licensed or verified foster home shall receive a credit of
14 four hours toward the training hours required by Section 42.0537,
15 Human Resources Code, for a person to become a licensed or verified
16 foster home.

17 (d) A voluntary temporary caregiver must agree to care for a
18 child placed with the caregiver for at least 14 days.

19 (e) Except as provided by Subsection (f), a child may be
20 placed with a voluntary temporary caregiver for not more than 14
21 days after the date the child is removed from the child's home.

22 (f) If the child's caseworker determines that it is in the
23 child's best interest for the child to remain in the care of the
24 voluntary temporary caregiver for more than 14 days, the caseworker
25 may, if the voluntary temporary caregiver agrees:

26 (1) allow the child to remain in the care of the
27 voluntary temporary caregiver;

28 (2) designate the voluntary temporary caregiver as the
29 caregiver of the child under a parental child safety placement
30 agreement in accordance with Subchapter L, Chapter 264; or

31 (3) designate the voluntary temporary caregiver as a

1 designated caregiver of the child in accordance with Subchapter I,
2 Chapter 264.

3 (g) A voluntary temporary caregiver with whom a child is
4 placed under this section is not entitled to any reimbursement for
5 the care the caregiver provides for the child.

6 (h) A voluntary temporary caregiver is not liable for the
7 cost of any medical care the child receives while the child is
8 placed with the caregiver. The cost of any medical care shall be
9 covered by the existing health insurance provided for the child.

10 (i) A voluntary temporary caregiver shall ensure that the
11 child:

12 (1) continues to attend the school in which the child
13 was enrolled immediately before the child was removed from the
14 child's home; or

15 (2) attends another school chosen by the child's
16 caseworker if the child's caseworker determines that it is unsafe
17 for the child to continue to attend the school in which the child
18 was enrolled immediately before the child was removed from the
19 child's home.

20 (j) The department shall publicize the voluntary temporary
21 caregiver program and notify the parents of a child being removed
22 from the child's home whether the child will be placed with a
23 voluntary temporary caregiver.

24 (k) The executive commissioner of the Health and Human
25 Services Commission shall adopt rules necessary to implement this
26 section.

27 Sec. 262.1042. RELEASE OF CHILD BY LAW ENFORCEMENT OR
28 JUVENILE PROBATION OFFICER TO VOLUNTARY TEMPORARY CAREGIVER. A law
29 enforcement or juvenile probation officer who takes possession of a
30 child under this chapter may release the child to a voluntary
31 temporary caregiver approved under Section 262.1041.

1 SECTION _____. As soon as practicable after the effective date
2 of this Act:

3 (1) the executive commissioner of the Health and Human
4 Services Commission shall adopt rules necessary to implement
5 Sections 262.1041 and 262.1042, Family Code, as added by this Act;
6 and

7 (2) the Department of Family and Protective Services
8 shall implement the voluntary temporary caregiver program as
9 required by Sections 262.1041 and 262.1042, Family Code, as added
10 by this Act.