

## **BILL ANALYSIS**

S.B. 879  
By: Uresti  
Human Services  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested stakeholders contend that children placed with kinship caregivers experience fewer disruptions and better outcomes than children in traditional foster care placements. S.B. 879 seeks to provide for the appeal and review of a person's disqualification from serving as a relative or other designated caregiver for a child on the basis that the person has been convicted of a low-risk criminal offense.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

S.B. 879 amends the Family Code to replace the requirement that the Department of Family and Protective Services (DFPS), before placing a child with a proposed relative or other designated caregiver, conduct an investigation to determine whether the proposed placement is in the child's best interest with a requirement that DFPS, before such time, conduct an assessment for that purpose. The bill authorizes a person who has been disqualified by DFPS from serving as a relative or other designated caregiver for a child on the basis that the person has been convicted of a low-risk criminal offense, defined by the bill as a nonviolent criminal offense that DFPS determines has a low risk of impacting a child's safety or well-being or the stability of a child's placement with a relative or other designated caregiver, to appeal the disqualification in accordance with the procedure developed under the bill's provisions.

S.B. 879 requires DFPS to develop a list of criminal offenses DFPS determines are low-risk criminal offenses and a procedure for appropriate regional administration of DFPS to review a decision to disqualify a person from serving as a relative or other designated caregiver that includes the consideration of when the person's conviction occurred, whether the person has multiple convictions for low-risk criminal offenses, and the likelihood that the person will commit fraudulent activity in the future. The bill requires DFPS to publish the list of low-risk criminal offenses and information regarding the developed review procedure on the DFPS website and to provide prospective relative and other designated caregivers information regarding that procedure.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.