

By: Wu

H.B. No. 1446

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the placement of a child in the possession of the  
3 Department of Family and Protective Services with a nonoffending  
4 parent or absentee parent of the child.

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

6 SECTION 1. Subchapter B, Chapter 262, Family Code, is  
7 amended by adding Section 262.1141 to read as follows:

8 Sec. 262.1141. ABSENTEE AND NONOFFENDING PARENTS;  
9 PLACEMENT. (a) In this section:

10 (1) "Absentee parent" means the parent of a child who:  
11 (A) does not have custody of the child;  
12 (B) has not contributed to the care or welfare of  
13 the child; and  
14 (C) has been ruled out as a caregiver for the  
15 child by the Department of Family and Protective Services on the  
16 basis of a child protective services background and criminal  
17 history check or a home study.

18 (2) "Nonoffending parent" means the parent of a child  
19 who:

20 (A) does not have custody of the child but has  
21 contributed to the care or welfare of the child; and

22 (B) has been determined by the Department of  
23 Family and Protective Services to be an appropriate caregiver for  
24 the child on the basis of a child protective services background and

1 criminal history check and a home study.

2 (b) When the Department of Family and Protective Services or  
3 another agency takes possession of a child under this chapter, the  
4 department shall give a nonoffending parent priority as a  
5 substitute caregiver for the child. The department may not place a  
6 child with an absentee parent without prior court approval.

7 SECTION 2. This Act takes effect immediately if it receives  
8 a vote of two-thirds of all the members elected to each house, as  
9 provided by Section 39, Article III, Texas Constitution. If this  
10 Act does not receive the vote necessary for immediate effect, this  
11 Act takes effect September 1, 2017.