

By: Uresti
(Rose)

S.B. No. 879

A BILL TO BE ENTITLED

AN ACT

relating to a review of a person's disqualification to serve as a relative or other designated caregiver for a child.

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

SECTION 1. Section 264.754, Family Code, is amended to read as follows:

Sec. 264.754. ASSESSMENT [~~INVESTIGATION~~] OF PROPOSED PLACEMENT. (a) In this section, "low-risk criminal offense" means a nonviolent criminal offense, including a fraud-based offense, the department determines has a low risk of impacting:

(1) a child's safety or well-being; or

(2) the stability of a child's placement with a relative or other designated caregiver.

(b) Before placing a child with a proposed relative or other designated caregiver, the department must conduct an assessment [~~investigation~~] to determine whether the proposed placement is in the child's best interest.

(c) If the department disqualifies a person 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, the person may appeal the disqualification in accordance with the procedure developed under Subsection (d).

(d) The department shall develop:

(1) a list of criminal offenses the department

1 determines are low-risk criminal offenses; and

2 (2) a procedure for appropriate regional
3 administration of the department to review a decision to disqualify
4 a person from serving as a relative or other designated caregiver
5 that includes the consideration of:

6 (A) when the person's conviction occurred;

7 (B) whether the person has multiple convictions
8 for low-risk criminal offenses; and

9 (C) the likelihood that the person will commit
10 fraudulent activity in the future.

11 (e) The department shall:

12 (1) publish the list of low-risk criminal offenses and
13 information regarding the review procedure developed under
14 Subsection (d) on the department's Internet website; and

15 (2) provide prospective relative and other designated
16 caregivers information regarding the review procedure developed
17 under Subsection (d).

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