

BILL ANALYSIS

Senate Research Center
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S.B. 1349
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Health & Human Services
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Studies have shown that the separation of a child from their parents has detrimental psychological and emotional consequences. When a child is removed, they must endure the confusion of removal from parental custody and the possibility of mistreatment in the foster care system, which has been shown to increase the possibility of negative outcomes such as homelessness and criminal justice involvement. Parents often work to reunite with their children by changing their parenting practices, their home environment and social network. These families should have a chance to reunify, if appropriate, in order to fortify the familial bond and heal the pain of parting.

Currently, the Texas Department of Family and Protective Services (DFPS) is not required to make a determination about whether family reunification should be recommended in a case. Instead, a parent must sue DFPS to reunify with their child, which can be costly and unnecessarily places the parent and DFPS in adversarial positions.

S.B. 1349 provides an option for a child who has been in the managing conservatorship of DFPS or another individual for at least two years to be reunited with their parent. After two years, DFPS shall at each placement review hearing determine whether the child could be reunited with a parent. DFPS may recommend reunification if the parent's parental rights were never terminated, the court had named the parent possessory conservator (meaning they were already being allowed visitation rights), the parent has remedied the conditions for which the child was removed, the parent is willing and able to care for the child, it is in the best interest of the child, it is the child's preference, and the child does not have any other options for a permanent placement.

The Texas Criminal Justice Coalition supports this bill. We are not aware of any opposition to this legislation.

As proposed, S.B. 1349 amends current law relating to placing a child in the possessory conservatorship of the child's parents in certain situations.

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 Subchapter F, Chapter 263, Family Code, by adding Section 263.504, as follows:

Sec. 263.504. RETURNING CHILD TO PARENT. (a) Requires the Department of Family and Protective Services (DFPS) to review the child's placement to determine whether the child could be returned to the child's parent if the parent was named possessory conservator for the child in the final order at each placement review hearing after the second anniversary of the date the court rendered the final order naming DFPS or another person as the child's managing conservator without terminating parental rights.

(b) Authorizes DFPS to recommend reunification with the child's parent if DFPS finds:

- (1) the parent of the child has remedied the condition or conditions that led to removal of the child;
- (2) the parent of the child is willing and able to care for the child;
- (3) the best interest of the child will be served by placing the child with the child's parent;
- (4) the child's preference is to reside with the child's parent; and
- (5) the child does not have other options for permanency.

(c) Authorizes the court to return the child to the child's parent if the court finds it is in the best interest of the child.

SECTION 2. Provides that the change in law made by this Act applies to a placement review hearing held on or after the effective date of this Act regardless of the date on which DFPS is named the child's managing conservator

SECTION 3. Effective date: September 1, 2021.