By:  Dutton H.B. No. 2551

Substitute the following for H.B. No. 2551:

By:  Shaheen C.S.H.B. No. 2551

A BILL TO BE ENTITLED

AN ACT

relating to certain placements for children in the conservatorship of the Department of Family and Protective Services.

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

SECTION 1.  Section 262.1095(a), Family Code, is amended to read as follows:

(a)  When the Department of Family and Protective Services or another agency takes possession of a child under this chapter, the department:

(1)  shall provide information as prescribed by this section to each adult the department is able to identify and locate who is:

(A)  related to the child within the fourth [~~third~~] degree by consanguinity as determined under Chapter 573, Government Code;

(B)  an adult relative of the alleged father of the child if the department has a reasonable basis to believe the alleged father is the child's biological father; or

(C)  identified as a potential relative or designated caregiver, as defined by Section 264.751, on the proposed child placement resources form provided under Section 261.307; and

(2)  may provide information as prescribed by this section to each adult the department is able to identify and locate who has a long-standing and significant relationship with the child.

SECTION 2.  Section 262.114, Family Code, is amended by adding Subsection (d) to read as follows:

(d)  In making a placement decision for a child, the department shall give preference to persons in the following order:

(1)  a person related to the child by blood, marriage, or adoption;

(2)  a person with whom the child has a long-standing and significant relationship;

(3)  a foster home; and

(4)  a general residential operation.

SECTION 3.  Section 264.752, Family Code, is amended by adding Subsections (b) and (b-1) to read as follows:

(b)  Except as provided by Subsection (b-1), the department may not place a child with a relative or other designated caregiver under the program, unless the child's parent or other person having legal custody of the child, other than the department, consents to the placement. The parent or other person having legal custody of the child may withdraw consent at any time.

(b-1)  The department may place a child with a relative or other designated caregiver under the program without the consent of the child's parent or other person having legal custody of the child if a court determines that the child's parent or other person having legal custody of the child is unreasonably withholding consent to the placement.

SECTION 4.  This Act takes effect September 1, 2021.