

BILL ANALYSIS

H.B. 3189
By: Garcia
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Potential relative and designated caregivers of a child in the conservatorship of the Department of Family and Protective Services (DFPS) have raised concerns about being denied as a placement for the child because of a failure to meet DFPS's spatial requirements during a home study. DFPS evaluates potential relative and designated caregivers before conducting a home study, and certain information is provided to these potential caregivers as part of the evaluation. However, this information does not include the spatial requirements and other minimum living standards DFPS uses to evaluate a potential caregiver during a home study. H.B. 3189 seeks to address this issue by ensuring that DFPS and other agencies adequately inform potential relative and designated caregivers of a child of the minimum living standards used to evaluate the individual's home as a prerequisite to placing the child with that caregiver.

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

H.B. 3189 amends the Family Code to include in the information the Department of Family and Protective Services (DFPS) must provide to certain relatives or a potential relative or designated caregiver of a child in the temporary managing conservatorship of DFPS or another agency information explaining the minimum living standards used to evaluate the individual's home under a home study required before the child may potentially be placed with the individual. The bill requires the minimum living standards explanation to include the following:

- requirements regarding appropriate sleeping arrangements for the child;
- spatial requirements for the home, including any play spaces; and
- any exceptions to the minimum living standards that may be made based on the child's age, the child's needs, or the individual's capacity to reasonably comply.

EFFECTIVE DATE

September 1, 2023.