

## **BILL ANALYSIS**

H.B. 4157  
By: Gervin-Hawkins  
Human Services  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Parents of children in the managing conservatorship of the Department of Family and Protective Services (DFPS) are not always notified of events affecting their child while in the care of the state. Moreover, there are currently no requirements for a parent's attorney to be notified of any significant events and other changes in the child's circumstance. H.B. 4157 seeks to address these issues by requiring that DFPS provide to a parent's attorney any notice concerning certain events related to the parent's child while in DFPS conservatorship and by requiring notification of a significant event affecting the child within 48 hours of DFPS becoming aware, rather than within 10 days as is currently required.

### **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. 4157 amends the Family Code to revise requirements for the Department of Family and Protective Services (DFPS) in notifying certain persons concerning certain events related to children in DFPS managing conservatorship by requiring that any notification currently required to be provided to the child's parent also be provided to the parent's attorney, if the parent is represented by an attorney. The bill further revises these notification requirements as follows:

- requires DFPS to make a reasonable effort to notify a child's parent and the parent's attorney, if applicable, not later than 24 hours after a change in the child's placement;
- changes the deadline for DFPS to provide notice of a significant event affecting a child from not later than the 10th day after the date DFPS becomes aware of the event to not later than 48 hours after becoming aware of the event; and
- requires DFPS to provide notice to a parent's attorney, if the parent is represented by an attorney, if DFPS cannot locate the parent or if the child is in the permanent managing conservatorship of DFPS and the parent has not participated in the child's case for at least six months despite DFPS efforts to involve the parent.

The bill requires DFPS to document all notifications and attempted notifications concerning certain events in the child's case record.

### **EFFECTIVE DATE**

September 1, 2023.