

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 135
By: West
Health & Human Services
4/13/2023
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

This bill results from constituent casework where the disposition or tracking of a timely home study would have resulted in quicker placement for the child. The Texas Department of Family and Protective Services (DFPS) lacks centralized recording of the status of home studies. This deficiency has delayed kinship placements, which leads to a lengthier period during which children are kept in the system. Additionally, the lack of home study tracking has caused families to miss statutory deadlines, denying parents due process during traditional removal proceedings.

Under Texas Family Code Section 262.201(a), a full adversarial hearing in the case of the State taking possession of a child occurs fourteen (14) days after the child has been taken into custody. Section 262.201(e) authorizes the court to grant a one-week postponement after a showing of "good cause." Section 262.114(a) states that a home study must be conducted before this adversarial hearing. Similarly, Section 264.207(a) requires a home study before a child can be adopted. Without access to the results of the home study in a centralized electronic case management system, Texans have been unable to use the results during hearings. All stages of the adversarial custody process, from DFPS to single source continuum providers, should be aware of the results of the home study and always have access to it.

Bill Purpose

S.B. 135 directs DFPS to maintain an electronic record of the status of home studies conducted related to potential relative or designated caregiver placements.

S.B. 135 would take effect on September 1, 2023.

C.S.S.B. 135 amends current law relating to recording the status of certain home studies performed by the Department of Family and Protective Services.

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 Section 262.114, Family Code, by adding Subsection (a-3) to require the Department of Family and Protective Services (DFPS) to maintain an electronic record of the status of a home study required under Subsection (a) (relating to requiring DFPS to perform an evaluation of a potential relative or designated caregiver) of a potential relative or designated caregiver.

SECTION 2. Makes application of Section 262.114(a-3), Family Code, as added by this Act, prospective.

SECTION 3. Effective date: September 1, 2023.