

## **BILL ANALYSIS**

S.B. 614  
By: Perry  
Human Services  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Parental child safety placement agreements were originally designed to balance the safety needs of a child during abuse or neglect investigations while minimizing the child's trauma if they were to be temporarily removed. Parents who are being investigated by Child Protective Services (CPS) may be asked to sign a temporary agreement with the Department of Family and Protective Services to voluntarily place their child with another trusted individual known by the child if there is a possible safety risk or if the investigation is unable to quickly determine the level of risk. These agreements are often used as an alternative to removing a child into formal foster care and are not subject to court oversight or approval. However, the balance these agreements were intended to achieve has shifted toward an unintended mechanism of threat and compliance in some cases when families are coerced into temporarily giving up their child during the investigation to avoid facing state action. Furthermore, the agreements typically provide little oversight concerning the duration and terms of the agreement, leaving those involved unsure when and how to end them. S.B. 614 seeks to address these issues by providing for legal counsel for certain parents whose children are in parental child safety placements, limiting the amount of time that a placement agreement may seek to keep a child out of their own home, and requiring certain data related to these placements to be reported.

### **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**

S.B. 614 amends the Family Code to require the Department of Family and Protective Services (DFPS) to report the number of cases in which a court, in a suit for a temporary order to require a child's parent, managing conservator, guardian, or another member of the child's household to participate in certain child and family services, orders any such person with respect to a child who is placed with a caregiver under a child safety placement to participate in services.

S.B. 614 provides the following with respect to a parental child safety placement agreement:

- before a parent or other person making a parental child safety placement and the caregiver enter into an agreement, DFPS must notify each person of the person's right to consult with an attorney and must provide that person with a reasonable time in which to do so;
- an initial parental child safety placement agreement automatically terminates on the earlier of the 30th day after:

- the date the agreement is signed; or
- the date the child is placed with the caregiver;
- on the expiration of a parental child safety placement agreement, DFPS may for good cause enter into not more than two additional parental child safety placement agreements for the child;
- on entering an additional agreement, DFPS must do the following:
  - reevaluate the terms and conditions of the original agreement; and
  - notify the parents of the following rights:
    - the right to refuse to enter into the agreement; and
    - the right to be represented by an attorney or a court-appointed attorney if the parent is indigent and if DFPS subsequently seeks a court order to require the parents to participate in services;
- an additional parental child safety placement agreement automatically terminates on the 30th day after the agreement is signed;
- DFPS may not place a child outside of the child's home under a parental child safety placement for longer than 90 calendar days unless the agreement is signed by both the parent and the parent's attorney or a court otherwise renders an order regarding the placement; and
- that prohibition may not be construed to affect the duration of an agreement between DFPS and the parent other than a parental child safety placement agreement.

The bill requires a parental child safety placement agreement to include language, the specific phrasing for which is prescribed by the bill, alerting a person to the voluntary nature of the agreement, the 30-day cap on the initial duration of an agreement, the fact that an agreement may be renewed a maximum of two times and for not more than 30 days each time, and the 90-calendar-day cap on the duration of a child's placement outside of the child's home without a signed agreement by the child's parent and the parent's attorney or an applicable court order. These provisions apply only to a parental child safety placement agreement executed on or after the bill's effective date.

S.B. 614 requires DFPS, where appropriate, to include children who are placed with a caregiver under a parental child safety placement agreement in any report, including reports submitted to a federal agency, in which DFPS is required to report the number of children in the child protective services system who are removed from their homes. In addition, DFPS must, where appropriate, report such information separately from information regarding the number of children removed under a filed suit.

**EFFECTIVE DATE**

September 1, 2023.