

BILL ANALYSIS

Senate Research Center
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S.B. 614
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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 may be asked to 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. However, that balance 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.

As proposed, S.B. 614 amends current law relating to certain procedures relating to children placed under a parental child safety placement.

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 264.902, Family Code, by amending Subsection (a) and adding Subsections (e), (f), and (g), as follows:

(a) Requires that a parental child safety placement agreement include terms that clearly state:

(1)-(3) makes no changes to these subdivisions;

(4) subject to Subsection (f), the date on which the agreement will terminate unless terminated sooner or extended to a subsequent date as provided under Department of Family Protective Services (DFPS) policy; and

(5) makes no change to this subdivision.

(e) Requires DFPS, before a parent or other person making a parental child safety placement and the caregiver enter into a parental child safety placement agreement, to notify each person of the person's right to consult with an attorney and provide the person with a reasonable time in which to do so. Requires DFPS to continue to monitor the child to ensure the child's safety during the time period in which the person seeks to consult with an attorney. Requires DFPS, if person waives the person's right to consult with an

attorney before entering into the agreement, to include language stating that fact in the agreement.

(f) Provides that a parental child safety placement agreement automatically terminates on the earlier of the 30th day after the date the agreement is signed, or the child is placed with the caregiver.

(g) Authorizes DFPS, on the expiration of a parental child safety placement agreement, to for good cause enter into not more than one additional parental child safety placement agreement for the child. Requires DFPS, on entering the additional parental child safety placement agreement under this subsection, to:

(1) reevaluate the terms and conditions of the original agreement; and

(2) notify the parents of their right to refuse to enter into the agreement and their right to be represented by an attorney or a court-appointed attorney if the parent is indigent if DFPS subsequently seeks a court order to require the parents to participate in services.

SECTION 2. Amends Subchapter L, Chapter 264, Family Code, by adding Sections 264.907 and 264.908, as follows:

Sec. 264.907. INCLUSIONS IN REPORTS OF PARENTAL CHILD SAFETY PLACEMENTS. Requires DFPS to include children who are placed with a caregiver under a parental child safety placement agreement in any report, including reports submitted to the United States Department of Health and Human Services or another federal agency, in which DFPS is required to report the number of children in the child protective services system who are removed from the children's homes.

Sec. 264.908. REPORT ON COURT-ORDERED PARTICIPATION IN SERVICES. Requires DFPS to report the number of cases in which a court under Section 264.203 (Required Participation) orders the parent, managing conservator, guardian, or other member of the child's household of a child who is placed with a caregiver under a parental child safety placement to participate in services.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2023.