

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 614
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Health & Human Services
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Committee Report (Substituted)

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 (CPS) 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.

C.S.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.

Before a parent or other person making a parental child safety placement and the caregiver enter into a parental child safety placement agreement, the Department of Family Protective Services (DFPS) shall notify each person of the person's right to consult with an attorney.

DFPS must be clear that the safety placement terminates on the earlier of the 30th day or the child is placed with the caregiver. On the expiration of the placement agreement, DFPS may for good cause enter into an additional safety placement agreement for the child. There can not be more than three 30-day agreements unless there is a court order, or agreed to and signed by the parent and parent's attorney. Upon entering the additional placement agreement, DFPS shall notify the parents of their right to refuse to enter into the agreement and that they may be represented by an attorney.

C.S.S.B. 614 requires DFPS to include the children who are placed with a caregiver under a child safety placement agreement in any report where appropriate in which DFPS is required to report the number of children in the CPS system who are removed from the children's homes.

C.S.S.B. 614 requires DFPS to report the number of cases in which a court under Section 264.203 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.

C.S.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 Subchapter C, Chapter 264, Family Code, by adding Section 264.2032, as follows:

Sec. 264.2032. REPORT ON COURT-ORDERED PARTICIPATION IN SERVICES. Requires the Department of Family and Protective Services (DFPS) to report the number of cases in which a court under Section 264.203 (Required Participation) orders the following persons with respect to a child who is placed with a caregiver under a parental child safety placement under Subchapter L (Parental Child Safety Placements) to participate in services:

- (1) the child's parent;
- (2) the child's managing conservator;
- (3) the child's guardian; or
- (4) another member of the child's household.

SECTION 2. Amends Section 264.901, Family Code, by amending Subdivision (2) to make a nonsubstantive change.

SECTION 3. Amends Section 264.902, Family Code, by amending Subsection (a) and adding Subsections (e), (f), (g), (h), (i), and (j), 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 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.

(f) Provides that 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 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 two additional parental child safety placement agreements for the child. Requires DFPS, on entering an 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:
 - (A) refuse to enter into the agreement; and
 - (B) 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.

(h) Provides that an additional parental child safety placement agreement described by Subsection (g) automatically terminates on the 30th day after the date the agreement is signed.

(i) Prohibits DFPS, notwithstanding Subsections (g) and (h), from placing a child outside of the child's home under a parental child safety placement for longer than 90 calendar days unless the parental child safety placement agreement is signed by both the parent and the parent's attorney or a court otherwise renders an order regarding the placement under Chapter 262 (Procedures in Suit by Governmental Entity to Protect Health and Safety of Child). Prohibits this subsection from being construed to affect the duration of an agreement between DFPS and the parent other than a parental child safety placement agreement.

(j) Requires that a parental child safety placement agreement include certain language. Sets forth the required language of the agreement.

SECTION 4. Amends Subchapter L, Chapter 264, Family Code, by adding Section 264.907, as follows:

Sec. 264.907. INCLUSIONS IN REPORTS OF PARENTAL CHILD SAFETY PLACEMENTS. Requires DFPS, where appropriate, to:

(1) 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; and

(2) report the information described by Subdivision (1) separately from information regarding the number of children removed under a suit filed under certain sections.

SECTION 5. Makes application of Section 264.902, Family Code, as amended by this Act, prospective.

SECTION 6. Effective date: September 1, 2023.