

BILL ANALYSIS

Senate Research Center
88R6069 BDP-D

S.B. 1864
By: Middleton
Health & Human Services
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

PURPOSE:

S.B. 1864 amends Section 264.752, Family Code, and aims to use the same language that was written into the Section 262.201 statute in the 87th Legislative Session regarding the priority placement of children. Because Chapter 264 does not contain this language currently, both the courts and the Department of Family and Protective Services (DFPS) have stated that the priority placement of children, with family first, is only applicable at the conclusion of adversary hearings.

ANALYSIS:

Children should always be placed with family first, if safe and appropriate, and it is common that family may not be located at the beginning of the case, or the father may be alleged only. It often takes eight to nine months to adjudicate the paternity of a father because DFPS utilizes the attorney general for paternity testing. In the meantime, DFPS will not place a child with an alleged father or the alleged father's family. Once that paternity is established, however, that should change, but often it does not because DFPS does not want to move the child. S.B. 1864 should remedy that.

As proposed, S.B. 1864 amends current law relating to certain placements for children in the conservatorship of 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 Subchapter A, Chapter 264, Family Code, by adding Section 264.020, as follows:

Sec. 264.020. PLACEMENT OF CHILDREN IN CONSERVATORSHIP OF DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES. (a) Defines "child."

(b) Requires the Department of Family and Protective Services, in making a placement decision for a child, to give preference to persons in the following order:

- (1) a person related to the child by blood, marriage, or adoption;
- (2) a person with whom the child has a long-standing and significant relationship;
- (3) a foster home; and
- (4) a general residential operation.

SECTION 2. Effective date: September 1, 2023.