BILL ANALYSIS

Senate Research Center   S.B. 2009
88R7017 MLH-F   By: Sparks
                                                                     Health & Human Services
                                                                                    4/25/2023
                                                                                     As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, families who are ready to adopt children in foster care often have to wait more than six months for the Child Protective Services (CPS) redaction unit to provide the children's CPS records for adoptive parents to review, which must be done prior to adoption. The length of time it takes to receive these records ultimately delays the adoption process and prolongs children's stay in the foster care system when potential permanent placement is available for them.

The records that adoptive parents are required to see are the child's Health, Social, Educational, and Genetic History (HSEGH) report, as well as a redacted (de-identified) copy of the child's case file.

S.B. 2009 would decrease the amount of time it takes for children in foster care to be adopted by (1) putting deadlines on CPS to request and produce a redacted copy of the child's CPS records, and (2) by potentially decreasing the amount of information that needs to be redacted from the child's case file by creating the option for adoptive parents to sign a nondisclosure agreement to see more lightly redacted file.

Key Provisions

S.B. 2009 requires a foster child's HSEGH report to be completed no later than 30 days after the child's permanency plan is changed to include adoption.

The bill also requires a foster child's redacted CPS case file to be completed and given to adoptive parents no later than 90 days after DFPS, a licensed child-placing agency, or other entity placing the child for adoption requests the redacted file.

To allow this process to be more efficient, S.B. 2009 specifies that the case file may be more lightly redacted by including confidential information, excluding the identity of the child's biological parents and any other person whose identity is confidential. Adoptive parents may be required to sign a nondisclosure agreement to see this confidential information.

As proposed, S.B. 2009 amends current law relating to access to certain information in the adoption process and information in certain investigations conducted 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 Sections 162.005(b) and (c), Family Code, as follows:

> (b) Requires the Department of Family and Protective Services (DFPS), a licensed child-placing agency, or the child's parent or guardian, before placing a child for adoption, to compile a report on the available health, social, educational, and genetic history of the child to be adopted and distribute the report as required by Chapter 162 (Adoption).

(c) Requires DFPS to ensure that each licensed child-placing agency, single source continuum contractor, or other person placing a child for adoption receives a copy of any portion of the report prepared by DFPS not later than the 30th day after the date the child's permanency plan is changed to include adoption.

SECTION 2. Amends Section 162.0062, Family Code, by amending Subsection (a) and adding Subsections (a-2) and (a-3), as follows:

(a) Provides that the prospective adoptive parents of a child, except as provided by Subsection (c) (relating to authorizing DFPS, in certain circumstances, to allow the prospective adoptive parents of a child to examine the records and other information relating to the history of the child), are entitled to examine the records and other information relating to the history of the child including confidential information other than the identity of the biological parents and any other person whose identity is confidential.

(a-2) Authorizes DFPS, the licensed child-placing agency, or other person placing the child for adoption to require a prospective adoptive parent to sign a confidentiality agreement before releasing confidential information under Section 162.0062 (Access to Information).

(a-3) Requires DFPS, the licensed child-placing agency, or other person placing the child for adoption to provide the information under this section not later than the 90th day after the date the information is requested.

SECTION 3. Amends Subchapter A, Chapter 40, Human Resources Code, by adding Section 40.0051, as follows:

Sec. 40.0051. CONFIDENTIAL INVESTIGATION INFORMATION. Requires DFPS, not later than the 90th day after a request is made for information, to produce all requested information related to any investigation conducted by DFPS.

SECTION 4. Effective date: September 1, 2023.