

By: Hull

H.B. No. 1085

A BILL TO BE ENTITLED

AN ACT

relating to certain procedures relating to children placed under a parental child safety placement.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 264.902, Family Code, is amended by amending Subsection (a) and adding Subsections (e), (f), (g), (h), and (i) to read as follows:

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

(1) the respective duties of the person making the placement and the caregiver, including a plan for how the caregiver will access necessary medical treatment for the child and the caregiver's duty to ensure that a school-age child is enrolled in and attending school;

(2) the conditions under which the person placing the child may have access to and communicate with the child, including:

(A) how often the person may visit and communicate with the child; and

(B) the circumstances under which and methods by which the person's visit and communication may occur;

(3) the duties of the department;

(4) subject to Subsection (e), the date on which the agreement will terminate unless terminated sooner or extended to a subsequent date as provided under department policy; and

1 (5) any other term the department determines necessary
2 for the safety and welfare of the child.

3 (e) A parental child safety placement agreement
4 automatically terminates on the earlier of the 30th day after the
5 date:

6 (1) the agreement is signed; or

7 (2) the child is placed with the caregiver.

8 (f) On the expiration of a parental child safety placement
9 agreement, the department may for good cause enter into not more
10 than one additional parental child safety placement agreement for
11 the child. On entering the parental child safety placement
12 agreement, the department shall:

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

15 (2) notify the parents of their right to:

16 (A) refuse to enter into the agreement; and

17 (B) be represented by an attorney or a
18 court-appointed attorney if the parent is indigent if the
19 department subsequently seeks a court order to require the parents
20 to participate in services.

21 (g) A caregiver who enters into a parental child safety
22 placement agreement may, without the department's express
23 approval, use department resources, including respite care, to
24 maintain the safety and meet the needs of the child. The department
25 may not withdraw approval for a parental child safety placement
26 agreement based solely on a caregiver's use of department resources
27 as a means to maintain the placement.

1 (h) A requirement of a parental child safety placement
2 agreement may not impose an undue burden on any party to the
3 agreement.

4 (i) The department shall consider including as part of a
5 parental child safety placement agreement trauma-informed care for
6 the family of a child who is the subject of the agreement.

7 SECTION 2. Subchapter L, Chapter 264, Family Code, is
8 amended by adding Sections 264.907 and 264.908 to read as follows:

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

17 Sec. 264.908. REPORT ON COURT-ORDERED PARTICIPATION IN
18 SERVICES. The department shall report the number of cases in which
19 a court under Section 264.203 orders the parent, managing
20 conservator, guardian, or other member of the child's household of
21 a child who is placed with a caregiver under a parental child safety
22 placement to participate in services.

23 SECTION 3. This Act takes effect September 1, 2023.