

By: Gervin-Hawkins

H.B. No. 4161

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the procedures for providing notice to certain
3 individuals on placement of a child in the managing conservatorship
4 of the Department of Family and Protective Services.

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

6 SECTION 1. Section 262.1095, Family Code, is amended by
7 amending Subsections (d), (d-1), and (e) and adding Subsections
8 (d-2) and (f) to read as follows:

9 (d) The department shall:

10 (1) begin identifying and locating individuals
11 described by Subsection (a) not later than 24 hours after the
12 department files a suit affecting the parent-child relationship;
13 and

14 (2) use due diligence to identify and locate all
15 individuals described by Subsection (a) not later than 72 hours
16 [the 30th day] after [the date] the department files a suit
17 affecting the parent-child relationship.

18 (d-1) In order to identify and locate the individuals
19 described by Subsection (a), the department shall seek information
20 from:

21 (1) each parent, relative, and alleged father of the
22 child; and

23 (2) the child in an age-appropriate manner.

24 (d-2) [~~(d-1)~~] Immediately after the Department of Family

1 and Protective Services identifies and locates an individual
2 described by Subsection (a)(1), the department shall provide the
3 information required by this section.

4 (e) The failure of a parent or alleged father of the child to
5 complete the proposed child placement resources form does not
6 relieve the department of its duty to seek information about the
7 person under Subsection (d-1) [~~(d)~~].

8 (f) Not later than 120 hours after the department files a
9 suit affecting the parent-child relationship, the department shall
10 report to the child's state representative, the child's state
11 senator, and the governor:

12 (1) whether the department:

13 (A) identified all of the individuals related to
14 the child within the fourth degree by consanguinity as determined
15 under Chapter 573, Government Code; and

16 (B) contacted each individual and provided the
17 information required by Subsection (a); and

18 (2) the reason the department failed to contact an
19 individual described by Subdivision (1)(A).

20 SECTION 2. (a) Not later than April 1, 2024, the Department
21 of Family and Protective Services shall report to the legislature
22 the following information for cases in which the department was
23 named managing conservator of a child after September 1, 2023, but
24 before February 1, 2024:

25 (1) the total percentage of individuals identified as
26 being related to the child within the fourth degree by
27 consanguinity as determined under Chapter 573, Government Code, the

1 department was unable to contact as required by Section 262.1095,
2 Family Code, and the reason the department was unable to contact
3 each individual;

4 (2) the percentage of children in the conservatorship
5 of the department who were placed with a relative or other
6 designated caregiver;

7 (3) the percentage of children in the conservatorship
8 of the department who were placed in foster care;

9 (4) the total number of children in the
10 conservatorship of the department who were placed with a relative
11 or other designated caregiver;

12 (5) the total number of children in the
13 conservatorship of the department who were placed in foster care
14 and, for each child, the reasons the department did not place the
15 child with a relative or other designated caregiver; and

16 (6) any legislative or other recommendations to ensure
17 the department contacts all of a child's relatives identified under
18 Section 262.1095, Family Code.

19 (b) Not later than November 1, 2024, the Department of
20 Family and Protective Services shall report to the legislature the
21 information described by Subsection (a) of this section for all
22 cases in which the department was named managing conservator of a
23 child during the fiscal year ending August 31, 2024.

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