

By: Perry, et al.
(Frank)

S.B. No. 614

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. Subchapter C, Chapter 264, Family Code, is amended by adding Section 264.2032 to read as follows:

Sec. 264.2032. REPORT ON COURT-ORDERED PARTICIPATION IN SERVICES. The department shall report the number of cases in which a court under Section 264.203 orders the following persons with respect to a child who is placed with a caregiver under a parental child safety placement under Subchapter L 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. Section 264.901, Family Code, is amended by amending Subdivision (2) to read as follows:

(2) "Parental child safety placement" means any [a] temporary out-of-home placement of a child with a caregiver that is made by a parent or other person with whom the child resides in accordance with a written agreement approved by the department that ensures the safety of the child:

- (A) during an investigation by the department of

1 alleged abuse or neglect of the child; or

2 (B) while the parent or other person is receiving
3 services from the department.

4 SECTION 3. Section 264.902, Family Code, is amended by
5 amending Subsection (a) and adding Subsections (e), (f), (g), (h),
6 (i), and (j) to read as follows:

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

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

14 (2) conditions under which the person placing the
15 child may have access to the child, including how often the person
16 may visit and the circumstances under which the person's visit may
17 occur;

18 (3) the duties of the department;

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

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

24 (e) Before a parent or other person making a parental child
25 safety placement and the caregiver enter into a parental child
26 safety placement agreement, the department shall notify each person
27 of the person's right to consult with an attorney and provide the

1 person with a reasonable time in which to do so.

2 (f) An initial parental child safety placement agreement
3 automatically terminates on the earlier of the 30th day after the
4 date:

5 (1) the agreement is signed; or

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

7 (g) On the expiration of a parental child safety placement
8 agreement, the department may for good cause enter into not more
9 than two additional parental child safety placement agreements for
10 the child. On entering an additional parental child safety
11 placement agreement under this subsection, the department shall:

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

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

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

16 (B) be represented by an attorney or a
17 court-appointed attorney if:

18 (i) the parent is indigent; and

19 (ii) the department subsequently seeks a
20 court order to require the parents to participate in services.

21 (h) An additional parental child safety placement agreement
22 described by Subsection (g) automatically terminates on the 30th
23 day after the date the agreement is signed.

24 (i) Notwithstanding Subsections (g) and (h), the department
25 may not place a child outside of the child's home under a parental
26 child safety placement for longer than 90 calendar days unless the
27 parental child safety placement agreement is signed by both the

1 parent and the parent's attorney or a court otherwise renders an
2 order regarding the placement under Chapter 262. This subsection
3 may not be construed to affect the duration of an agreement between
4 the department and the parent other than a parental child safety
5 placement agreement.

6 (j) A parental child safety placement agreement must
7 include the following language: "THIS AGREEMENT IS ENTIRELY
8 VOLUNTARY. THE AGREEMENT MAY NOT LAST LONGER THAN 30 DAYS. THE
9 AGREEMENT MAY BE RENEWED NOT MORE THAN TWO TIMES AND FOR NOT MORE
10 THAN 30 DAYS EACH TIME. A CHILD MAY NOT BE PLACED OUTSIDE OF THE
11 CHILD'S HOME FOR LONGER THAN A TOTAL OF 90 CALENDAR DAYS WITHOUT A
12 SIGNED AGREEMENT BY THE CHILD'S PARENT AND THE PARENT'S ATTORNEY OR
13 A COURT ORDER RENDERED UNDER CHAPTER 262."

14 SECTION 4. Subchapter L, Chapter 264, Family Code, is
15 amended by adding Section 264.907 to read as follows:

16 Sec. 264.907. INCLUSIONS IN REPORTS OF PARENTAL CHILD
17 SAFETY PLACEMENTS. The department shall, where appropriate:

18 (1) include children who are placed with a caregiver
19 under a parental child safety placement agreement in any report,
20 including reports submitted to the United States Department of
21 Health and Human Services or another federal agency, in which the
22 department is required to report the number of children in the child
23 protective services system who are removed from the children's
24 homes; and

25 (2) report the information described by Subdivision
26 (1) separately from information regarding the number of children
27 removed under a suit filed under Section 262.101 or 262.105.

1 SECTION 5. Section [264.902](#), Family Code, as amended by this
2 Act, applies only to a parental child safety placement agreement
3 executed on or after the effective date of this Act. A parental
4 child safety placement agreement executed before the effective date
5 of this Act is governed by the law in effect on the date the
6 agreement was executed, and the former law is continued in effect
7 for that purpose.

8 SECTION 6. This Act takes effect September 1, 2023.