

By: Perry

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. Section 264.902, Family Code, is amended by amending Subsection (a) and adding Subsections (e), (f), and (g) 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) conditions under which the person placing the child may have access to the child, including how often the person may visit and the circumstances under which the person's visit may occur;

(3) the duties of the department;

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

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

1 (e) Before a parent or other person making a parental child
2 safety placement and the caregiver enter into a parental child
3 safety placement agreement, the department shall notify each person
4 of the person's right to consult with an attorney and provide the
5 person with a reasonable time in which to do so. The department
6 shall continue to monitor the child to ensure the child's safety
7 during the time period in which the person seeks to consult with an
8 attorney. If a person waives the person's right to consult with an
9 attorney before entering into the agreement, the department shall
10 include language stating that fact in the agreement.

11 (f) A parental child safety placement agreement
12 automatically terminates on the earlier of the 30th day after the
13 date:

14 (1) the agreement is signed; or

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

16 (g) On the expiration of a parental child safety placement
17 agreement, the department may for good cause enter into not more
18 than one additional parental child safety placement agreement for
19 the child. On entering the additional parental child safety
20 placement agreement under this subsection, the department shall:

21 (1) reevaluate the terms and conditions of the
22 original agreement; and

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

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

25 (B) be represented by an attorney or a
26 court-appointed attorney if the parent is indigent if the
27 department subsequently seeks a court order to require the parents

1 to participate in services.

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

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

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

18 SECTION 3. The changes in law made by this Act apply only to
19 a parental child safety placement agreement executed on or after
20 the effective date of this Act. A parental child safety placement
21 agreement executed before the effective date of this Act is
22 governed by the law in effect on the date the agreement was
23 executed, and the former law is continued in effect for that
24 purpose.

25 SECTION 4. This Act takes effect September 1, 2023.