

1-1 By: Perry S.B. No. 614
1-2 (In the Senate - Filed January 26, 2023; February 17, 2023,
1-3 read first time and referred to Committee on Health & Human
1-4 Services; April 3, 2023, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 April 3, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Kolkhorst	X		
1-10	Perry	X		
1-11	Blanco	X		
1-12	Hall	X		
1-13	Hancock	X		
1-14	Hughes	X		
1-15	LaMantia	X		
1-16	Miles	X		
1-17	Sparks	X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 614 By: Hancock

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to certain procedures relating to children placed under a
1-22 parental child safety placement.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subchapter C, Chapter 264, Family Code, is
1-25 amended by adding Section 264.2032 to read as follows:

1-26 Sec. 264.2032. REPORT ON COURT-ORDERED PARTICIPATION IN
1-27 SERVICES. The department shall report the number of cases in which
1-28 a court under Section 264.203 orders the following persons with
1-29 respect to a child who is placed with a caregiver under a parental
1-30 child safety placement under Subchapter L to participate in
1-31 services:

- 1-32 (1) the child's parent;
- 1-33 (2) the child's managing conservator;
- 1-34 (3) the child's guardian; or
- 1-35 (4) another member of the child's household.

1-36 SECTION 2. Section 264.901, Family Code, is amended by
1-37 amending Subdivision (2) to read as follows:

1-38 (2) "Parental child safety placement" means any [a]
1-39 temporary out-of-home placement of a child with a caregiver that is
1-40 made by a parent or other person with whom the child resides in
1-41 accordance with a written agreement approved by the department that
1-42 ensures the safety of the child:

- 1-43 (A) during an investigation by the department of
1-44 alleged abuse or neglect of the child; or
- 1-45 (B) while the parent or other person is receiving
1-46 services from the department.

1-47 SECTION 3. Section 264.902, Family Code, is amended by
1-48 amending Subsection (a) and adding Subsections (e), (f), (g), (h),
1-49 (i), and (j) to read as follows:

1-50 (a) A parental child safety placement agreement must
1-51 include terms that clearly state:

1-52 (1) the respective duties of the person making the
1-53 placement and the caregiver, including a plan for how the caregiver
1-54 will access necessary medical treatment for the child and the
1-55 caregiver's duty to ensure that a school-age child is enrolled in
1-56 and attending school;

1-57 (2) conditions under which the person placing the
1-58 child may have access to the child, including how often the person
1-59 may visit and the circumstances under which the person's visit may
1-60 occur;

2-1 (3) the duties of the department;
 2-2 (4) subject to Subsection (f), the date on which the
 2-3 agreement will terminate unless terminated sooner or extended to a
 2-4 subsequent date as provided under department policy; and

2-5 (5) any other term the department determines necessary
 2-6 for the safety and welfare of the child.

2-7 (e) Before a parent or other person making a parental child
 2-8 safety placement and the caregiver enter into a parental child
 2-9 safety placement agreement, the department shall notify each person
 2-10 of the person's right to consult with an attorney and provide the
 2-11 person with a reasonable time in which to do so.

2-12 (f) An initial parental child safety placement agreement
 2-13 automatically terminates on the earlier of the 30th day after the
 2-14 date:

2-15 (1) the agreement is signed; or

2-16 (2) the child is placed with the caregiver.

2-17 (g) On the expiration of a parental child safety placement
 2-18 agreement, the department may for good cause enter into not more
 2-19 than two additional parental child safety placement agreements for
 2-20 the child. On entering an additional parental child safety
 2-21 placement agreement under this subsection, the department shall:

2-22 (1) reevaluate the terms and conditions of the
 2-23 original agreement; and

2-24 (2) notify the parents of their right to:

2-25 (A) refuse to enter into the agreement; and

2-26 (B) be represented by an attorney or a
 2-27 court-appointed attorney if:

2-28 (i) the parent is indigent; and

2-29 (ii) the department subsequently seeks a
 2-30 court order to require the parents to participate in services.

2-31 (h) An additional parental child safety placement agreement
 2-32 described by Subsection (g) automatically terminates on the 30th
 2-33 day after the date the agreement is signed.

2-34 (i) Notwithstanding Subsections (g) and (h), the department
 2-35 may not place a child outside of the child's home under a parental
 2-36 child safety placement for longer than 90 calendar days unless the
 2-37 parental child safety placement agreement is signed by both the
 2-38 parent and the parent's attorney or a court otherwise renders an
 2-39 order regarding the placement under Chapter 262. This subsection
 2-40 may not be construed to affect the duration of an agreement between
 2-41 the department and the parent other than a parental child safety
 2-42 placement agreement.

2-43 (j) A parental child safety placement agreement must
 2-44 include the following language: "THIS AGREEMENT IS ENTIRELY
 2-45 VOLUNTARY. THE AGREEMENT MAY NOT LAST LONGER THAN 30 DAYS. THE
 2-46 AGREEMENT MAY BE RENEWED NOT MORE THAN TWO TIMES AND FOR NOT MORE
 2-47 THAN 30 DAYS EACH TIME. A CHILD MAY NOT BE PLACED OUTSIDE OF THE
 2-48 CHILD'S HOME FOR LONGER THAN A TOTAL OF 90 CALENDAR DAYS WITHOUT A
 2-49 SIGNED AGREEMENT BY THE CHILD'S PARENT AND THE PARENT'S ATTORNEY OR
 2-50 A COURT ORDER RENDERED UNDER CHAPTER 262."

2-51 SECTION 4. Subchapter L, Chapter 264, Family Code, is
 2-52 amended by adding Section 264.907 to read as follows:

2-53 Sec. 264.907. INCLUSIONS IN REPORTS OF PARENTAL CHILD
 2-54 SAFETY PLACEMENTS. The department shall, where appropriate:

2-55 (1) include children who are placed with a caregiver
 2-56 under a parental child safety placement agreement in any report,
 2-57 including reports submitted to the United States Department of
 2-58 Health and Human Services or another federal agency, in which the
 2-59 department is required to report the number of children in the child
 2-60 protective services system who are removed from the children's
 2-61 homes; and

2-62 (2) report the information described by Subdivision
 2-63 (1) separately from information regarding the number of children
 2-64 removed under a suit filed under Section 262.101 or 262.105.

2-65 SECTION 5. Section 264.902, Family Code, as amended by this
 2-66 Act, applies only to a parental child safety placement agreement
 2-67 executed on or after the effective date of this Act. A parental
 2-68 child safety placement agreement executed before the effective date
 2-69 of this Act is governed by the law in effect on the date the

3-1 agreement was executed, and the former law is continued in effect
3-2 for that purpose.

3-3 SECTION 6. This Act takes effect September 1, 2023.

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