

BILL ANALYSIS

C.S.H.B. 4121
By: Hughes
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Parents confronted with an investigation of alleged child abuse or neglect often feel intimidated by the process and are not aware of their rights or the responsibilities of the Department of Family and Protective Services to comply with the law. Concerned parties assert the need to level the information playing field. C.S.H.B. 4121 seeks to address this need.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 4121 amends the Family Code, including provisions amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, to require a service plan for a child under the care of the Department of Family and Protective Services (DFPS), unless otherwise ordered by a court, to include a specified statement prominently displayed immediately above each parent's signature regarding the voluntary nature and the effect of the service plan. The bill requires a representative of DFPS who discusses the terms and conditions of an original service plan with the child's parents before the plan is signed to inform the child's parents that compliance with the original service plan is voluntary. The bill removes the authority of DFPS to file the plan without the parents' signatures if determined that the child's parents are unable or unwilling to participate in the development of the plan or sign the plan and instead authorizes a parent or DFPS, on such determination, to file a motion for a hearing to approve an original or amended service plan and authorizes the court to accept or modify the plan or amended service plan, as applicable, based on the testimony of the parties. The bill removes a provision establishing that an amended service plan supersedes the previously filed service plan and takes effect when DFPS determines that the child's parents are unable or unwilling to sign the amended plan and files it without the parents' signatures and instead establishes that the amended service plan supersedes the previously filed service plan and takes effect when the court issues an order giving effect to the plan without the parents' signatures.

C.S.H.B. 4121 redefines "designated caregiver" to remove a specification that the individual has a longstanding and significant relationship with the child. The bill establishes, for purposes of DFPS's relative and other designated caregiver placement program, that there is a rebuttable presumption that placing a child in the care of a person designated by the parent or other person having legal custody of the child is in the best interest of the child. The bill removes the requirement that DFPS, before placing a child with a proposed relative or other designated

caregiver, conduct an investigation to determine whether the proposed placement is in the child's best interest and instead authorizes DFPS, after placing a child with a proposed relative or other designated caregiver, to conduct a comprehensive investigation, including a home study, to determine whether the placement provides a safe environment for the child.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 4121 differs from the original in minor or nonsubstantive ways to conform to changes made by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, which became effective April 2, 2015.