

BILL ANALYSIS

C.S.H.B. 3390
By: Sanford
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There have been calls for the state to do more to ensure that every person who may possibly be a suitable caregiver for a child in the conservatorship of the Department of Family and Protective Services (DFPS) is identified. C.S.H.B. 3390 seeks to answer those calls by establishing provisions that seek to ensure that a child in DFPS conservatorship is asked to provide the name of any adult who could be a relative or designated caregiver for the child.

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 rulemaking authority is expressly granted to the commissioner of the Department of Family and Protective Services in SECTION 13 of this bill.

ANALYSIS

C.S.H.B. 3390 amends the Family Code to set out provisions providing for a child in the conservatorship of the Department of Family and Protective Services (DFPS) to be asked to provide names of any adult who could be a relative or designated caregiver for the child. The bill requires a guardian ad litem appointed for, or an attorney ad litem appointed to represent, a child under applicable state law to seek to elicit that information in a developmentally appropriate manner and to immediately provide the names of those individuals to DFPS. The bill, with respect to a child protection suit, sets out certain required actions for the court regarding determining whether the child was asked to make any such identification and whether any identified individuals are appropriately listed on a proposed child placement resources form. The bill revises the instructions included as part of that form for the parent or other person having legal custody of a child for whom DFPS determines removal may be warranted. The bill revises the definition of "designated caregiver" to provide for the designation of an individual who has a longstanding and significant relationship with the family of a child for whom DFPS has been appointed managing conservator as the child's caregiver. The bill requires the DFPS commissioner to adopt rules necessary to implement the bill's changes in law.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3390 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee

substitute versions of the bill.

The substitute includes provisions relating to identifying relatives and other designated caregivers for children in DFPS conservatorship but does not include provisions requiring DFPS to create a voluntary temporary caregiver program providing temporary care for children removed from their homes.