

BILL ANALYSIS

H.B. 1790
By: Darby
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised regarding a recent situation in which a couple was unaware of their legal rights to participate in the parent-child termination case of their biological grandchild, including their options to participate in the care and placement of their grandchild. Having missed important legal deadlines, the grandparents were unable to timely ask the court to consider them as potential conservators, and their grandchild was subsequently placed into a contentious foster care situation and has endured years of distress due to legal disputes between the foster parents. In light of situations like this, there have been calls to better inform relatives of the options available to them should they seek to participate in the care and placement of a child. H.B. 1790 seeks to address this issue by establishing certain notification requirements for the Department of Family and Protective Services (DFPS) when a court renders an order terminating the parent-child relationship and when a child is placed in DFPS conservatorship.

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

H.B. 1790 amends the Family Code to require the Department of Family and Protective Services (DFPS), immediately after a court renders an order terminating the parent-child relationship in a suit filed by DFPS, to notify certain identified relatives of the termination and that the relative has 90 days after the date the order is rendered to file an original suit or a suit for modification requesting managing conservatorship of the child.

H.B. 1790 requires the information provided to certain relatives or other potential caregivers of a child when DFPS or another agency takes possession of the child to be in writing and to include the following:

- information regarding the procedures and timeline for a child protection suit;
- an explanation of the methods by which the individual receiving the information may exercise available options to participate in the care and placement of the child and the support of the child's family; and
- an explanation of any requirements the individual must satisfy to exercise those options, including the requirement that the individual be evaluated by DFPS before the individual may serve as a substitute caregiver and the deadlines before which the individual must respond to exercise those options.

The bill requires DFPS to provide the requisite information immediately after it identifies and locates an applicable individual. The bill replaces the requirement for the information to state that some options available to the individual may be lost on the failure to respond in a timely manner with a requirement for the information to identify which options may be lost in such a circumstance.

EFFECTIVE DATE

September 1, 2021.