

- SUBJECT:** Placement of a child with a noncustodial parent or relative
- COMMITTEE:** Juvenile Justice and Family Issues — committee substitute recommended
- VOTE:** 5 ayes — Dutton, Goodman, Castro, Nixon, Strama  
0 nays  
4 absent — Y. Davis, Dunnam, J. Moreno, Thompson
- WITNESSES:** For — Roy Getting, Texas Fathers Alliance; Lee Spiller, Citizens Commission on Human Rights  
Against — None
- BACKGROUND:** The Department of Family and Protective Services (DFPS) is responsible for investigating reports of child abuse and neglect. If the investigator concludes that a child is at risk of abuse or neglect, then the worker may have the child removed from the home. The child could be placed in the home of a relative or other caregiver, a foster home, or a residential facility.
- DIGEST:** CSHB 384 would require that a proposed child placement resources form be included in the notice to parents that is provided when the Department of Family and Protective Services (DFPS) takes possession of their child. On the form, the parent would identify any relative or other individual with whom the child could be placed, and the form would be submitted to the court.
- The bill would require placement of the child with a noncustodial parent or other relative unless DFPS overcame a presumption that placement with these parties was in the best interest of the child.
- The court could render a final order appointing DFPS as the managing conservator of the child without terminating the rights of the parent of the child if the court found that it would not be in the best interest of the child to appoint the parent and DFPS had overcome the presumption that it would be in the best interest of the child to appoint a relative or other person as managing conservator.

DFPS would develop the proposed child placement resources form by November 1, 2005, and would be required to provide this form only in a notice on or after that date.

The bill would take effect September 1, 2005 and apply only to suits affecting the parent-child relationship filed on or after this date.

**SUPPORTERS  
SAY:**

CSHB 384 would allow parents to have a say in which caregivers are considered for their children and would place the burden of proof on DFPS to demonstrate why a child's interests could not best be served by placement with a relative.

It is a traumatic experience for a child to be removed from his or her home, and the stress and confusion of this process often can lead to emotional and behavioral problems and difficulties in school. A child's transition out of the care of parents is dramatically improved when the child is placed with a relative or another caregiver with whom the child has a longstanding relationship. These individuals have a history with the child and through this knowledge have a better understanding of how to relate to the child and meet the child's unique needs.

Too often, DFPS refuses to place a child in a relative's home for reasons that do not make sense and seem discriminatory against low-income individuals. Just because a relative does not have much furniture or has a leaky roof does not mean that individual could not provide quality care to the child.

**OPPONENTS  
SAY:**

While it is beneficial to have parents provide names of potential caregivers, in many cases none of the individuals listed on the form would be an ideal caregiver for a child. DFPS caseworkers are highly trained and experienced in making assessments regarding the proper placement of children. The current statute already requires that they place the child with a relative or other designated caregiver unless it is deemed not in the best interest of the child to do so. Under the provisions of this bill, the extra burdens of proof on DFPS caseworkers could prevent them from placing children in an environment that would better serve their needs. Caseworkers should not have to confront such barriers to exercising their best judgment.

NOTES:

HB 384 as introduced did not include provisions relating to providing a proposed child placement form in the notice to parents upon removal of a child.

The bill is estimated to cost \$2,183,970 in general revenue-related funds through the end of fiscal 2006-07 and cost the state a total \$6,088,368 by fiscal 2010. This is based on estimates for conducting criminal background checks and home studies of potential caregivers.