

SUBJECT: Requiring children in DFPS care to be asked to name potential caregivers

COMMITTEE: Human Services — committee substitute recommended

VOTE: 6 ayes — Frank, Hinojosa, Clardy, Meza, Miller, Noble

0 nays

3 absent — Deshotel, Klick, Rose

WITNESSES: For — Sarah Crockett, Texas CASA; (*Registered, but did not testify*: Johana Scot, Parent Guidance Center; Kate Murphy, Texans Care for Children; Jennifer Allmon, The Texas Catholic Conference of Bishops)

Against — None

On — Kaysie Taccetta, Department of Family and Protective Services; (*Registered, but did not testify*: Jean Shaw, Health and Human Services Commission)

BACKGROUND: Family Code sec. 264.751(1) defines a designated caregiver as an individual who has a longstanding and significant relationship with a child under the conservatorship of the Department of Family and Protective Services (DFPS) and who is appointed to provide substitute or permanent care for the child.

Interested parties have called for a more thorough process by which the state identifies and seeks out every person who may be a suitable caregiver for a child in DFPS conservatorship.

DIGEST: CSHB 3390 would require children in the conservatorship of the Department of Family and Protective Services (DFPS) to be asked in a developmentally appropriate manner to identify the name of any adult, particularly an adult residing in their communities, who could be a relative or designated caregiver. Any names provided by the child would have to be immediately given to DPFS, and DFPS would be authorized to place a

child with any adult the child had identified if it was determined that it was in the child's best interest.

The question would be posed to the child by the guardian ad litem, attorney ad litem or amicus attorney, the parent or other person with legal custody, and DFPS at several points throughout the placement process. The bill also would expand the definition of a designated caregiver to include a person who had a longstanding and significant relationship with the family of the child.

If DFPS determined that a removal of a child was warranted, the parent or person with legal custody would have to identify at least three individuals who could be relatives or designated caregivers as well as asking the child to identify any such adults and providing their names.

The court would have to include in its findings when reviewing the placement of a child whether the child had been asked to identify an adult that could be a relative or designated caregiver. The court also would have to ask all parties who were present at the full adversary hearing and at the status hearing whether the child had had the opportunity to identify such an adult, and whether each individual identified had been listed on the proposed child placement resources form.

At the permanency hearing before a final order was rendered, the court would have to review the efforts of DFPS or another agency in obtaining the assistance of a parent in providing information necessary to locate any adult identified by the child as a potential relative or designated caregiver. At permanency hearings after the final order was rendered the court would have to review the permanency progress report to determine whether the child had been provided the opportunity to identify any adult who could be a relative or designated caregiver.

DFPS would have to adopt any rules necessary to implement the bill as soon as was practicable after the effective date.

The bill would take immediate effect if finally passed by a two-thirds

record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.