

BILL ANALYSIS

Senate Research Center

S.B. 2385
By: Shapleigh
Jurisprudence
9/15/2009
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the Department of Family and Protective Services (DFPS) has specific procedures for documenting its evaluation of relatives as a possible placement resource for children in DFPS custody. There is currently no mechanism for systematically ensuring that the information DFPS obtains regarding relatives is provided to the court, the parties, or their attorneys.

S.B. 2385 amends current law relating to information regarding the relative or designated caregivers for a child in the managing conservatorship of the state.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 262.114, Family Code, by adding Subsections (a-1) and (a-2), as follows:

(a-1) Requires the Department of Family and Protective Services (DFPS), at the full adversary hearing under Section 262.201 (Full Adversary Hearing; Findings of the Court), after redacting any social security numbers, to file with the court a copy of each proposed child placement resources form completed by the parent or other person having legal custody of the child; a copy of any completed home study performed under Subsection (a) (relating to requiring DFPS to perform a background and criminal history check of the relatives and certain individuals); and the name of the relative or other designated caregiver, if any, with whom the child has been placed.

(a-2) Requires DFPS, if the child has not been placed with a relative or other designated caregiver by the time of the full adversary hearing under Section 262.201, to file with the court a statement that explains the reasons why DFPS has not placed the child with a relative or other designated caregiver listed on the proposed child placement resources form and the actions DFPS is taking, if any, to place the child with a relative or other designated caregiver.

SECTION 2. Amends Section 262.201(c), Family Code, to require the court to require each parent, alleged father, or relative of the child before the court to complete, rather than submit, the proposed child placement resources form provided under Section 261.307 (Information Relating to Investigation Procedure) and file the form with the court, if the form has not been previously filed with the court, rather than provided, and provide DFPS with information necessary to locate any other absent parent, alleged father, or relative of the child.

SECTION 3. Amends Subchapter A, Chapter 263, Family Code, by adding Section 263.003, as follows:

Sec. 263.003. INFORMATION RELATING TO PLACEMENT OF CHILD. (a) Requires DFPS, except as provided by Subsection (b), not later than the 10th day before the date set for a hearing under this chapter, to file with the court any document described by Sections 262.114(a-1) and (a-2) that has not been filed with the court.

(b) Provides that DFPS is not required to file the documents required by Subsection (a) if the child is in an adoptive placement or another placement that is intended to be permanent.

SECTION 4. Makes application of Sections 262.114(a-1) and (a-2) and Section 263.003, Family Code, as added by this Act, prospective.

SECTION 5. Effective date: September 1, 2009.