

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 879
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Health & Human Services
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Department of Family and Protective Services (DFPS) reports that kinship placements experience fewer disruptions, better outcomes for children, and shorter lengths of stay compared to the traditional foster care system. S.B. 879 allows DFPS to consider a kinship placement with an individual who has been convicted of a non-violent offense, if placement with that individual would be in the child's best interest. Every potential kinship placement is required to submit to a criminal background check, and non-violent criminal offenses are eliminating otherwise appropriate placements for children entering into the foster care system.

As filed, S.B. 879 excludes homestead property and up to \$5,000, indexed to Child Protective Services, of the fair market value of the caretaker's car when determining the household's need for monetary benefits. A committee substitute for S.B. 879 removes the language regarding monetary benefits from the bill as filed.

COMMITTEE SUBSTITUTE

The committee substitute removes language from S.B. 879 as filed regarding eligibility for monetary benefits. Furthermore, S.B. 879 requires DFPS to make public a list of low-risk offenses that would not disqualify an individual as a kinship placement, to create an appeals process through the regional chain of command for a family/individual who was denied placement based on a criminal offense, and to inform prospective families about the process of becoming a kinship placement.

If a family member is denied as a kinship placement and decides to appeal the decision, the regional administration shall review the decision based on the offense committed, the date(s) when the offense occurred, whether the person has had multiple convictions, and the likelihood that that person will commit fraudulent activity in the future.

C.S.S.B. 879 amends current law relating to a review of a person's disqualification to serve as a relative or other designated caregiver for a child.

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 264.754, Family Code, as follows:

Sec. 264.754. New heading: ASSESSMENT OF PROPOSED PLACEMENT. (a) Defines "low-risk criminal offense."

(b) Requires the Department of Family and Protective Services (DFPS), before placing a child with a proposed relative or other designated caregiver, to conduct an assessment, rather than investigation, to determine whether the proposed placement is in the child's best interest.

(c) Authorizes the person, if DFPS disqualifies a person from serving as a relative or other designated caregiver for a child on the basis that the person has been convicted of a low-risk criminal offense, to appeal the disqualification in accordance with the procedure developed under Subsection (d).

(d) Requires DFPS to develop a list of criminal offenses DFPS determines are low-risk and a procedure for appropriate regional administration of DFPS to review certain decisions.

(e) Requires DFPS to publish the list of low-risk criminal offenses and information regarding the review procedure developed under Subsection (d) on DFPS's Internet website and provide prospective relative and other designated caregivers information regarding the review procedure developed under Subsection (d).

SECTION 2. Effective date: upon passage or September 1, 2017.