

## **BILL ANALYSIS**

C.S.H.B. 2551  
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Human Services  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Under current law, the Department of Family and Protective Services (DFPS) equates neighbors and fictive kin with relatives in finding a placement for a child. As a result, DFPS at times places a child with fictive kin and not with family even if there is a family member available to take custody. Ideally, fictive kin should only be an option when there are not suitable relatives available. Additionally, it is imperative that a parent whose rights have not yet been terminated or another person having managing conservatorship of a child is provided the opportunity to consent to a potential placement for the child.

C.S.H.B. 2551 seeks to address these issues by expanding the pool of individuals who qualify as a relative to include those up to the fourth degree of consanguinity and by prohibiting DFPS from placing a child with a relative or other designated caregiver unless the parent or guardian consents to the placement, while also ensuring that the parent or guardian has the right to withdraw that consent.

### **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**

C.S.H.B. 2551 amends the Family Code to change the requirement that the Department of Family and Protective Services (DFPS), when taking possession of a child, provide prescribed information to certain adult relatives of a child in the conservatorship of DFPS. Rather than providing the prescribed information to each adult who is related to the child within the third degree by consanguinity, DFPS must provide the information to each adult who is related to the child instead within the fourth degree by consanguinity.

C.S.H.B. 2551 establishes the following as the order of preference when DFPS is making a placement decision for a child:

- a person related to the child by blood, marriage, or adoption;
- a person with whom the child has a long-standing and significant relationship;
- a foster home; and
- a general residential operation.

C.S.H.B. 2551 prohibits DFPS from placing a child with a relative or other designated caregiver under the relative and other designated caregiver placement program unless the child's parent or

other person having legal custody of the child, other than DFPS, consents to the placement. The parent or other custodian may withdraw consent at any time. DFPS may place a child with a relative or other designated caregiver under the program without that consent if a court determines that the child's parent or other person having legal custody of the child is unreasonably withholding consent to the placement.

**EFFECTIVE DATE**

September 1, 2021.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2551 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute clarifies that DFPS, as the custodian of a child, cannot provide consent to itself to a placement under the relative and other designated caregiver placement program, whereas the original did not specify this.

The substitute also includes a provision not in the original authorizing DFPS to place a child with a relative or other designated caregiver without consent if a court determines that consent to the placement is being unreasonably withheld.