

- SUBJECT:** Standing for foster parents to file suit affecting parent-child relationship
- COMMITTEE:** Judiciary and Civil Jurisprudence — committee substitute recommended
- VOTE:** 10 ayes — Jackson, Lewis, Bohac, S. Davis, Hartnett, Madden, Raymond, Scott, Thompson, Woolley
- 1 nays — Castro
- WITNESSES:** For — Heidi Bruegel Cox, Adoption Review Committee; (*Registered, but did not testify*: Shannon Noble, Texas Alliance of Child and Family Services)
- Against — Jane Burstain, Center for Public Policy Priorities; Susie Flores; Dennis Moreno; Mary Moreno; (*Registered, but did not testify*: Diana Martinez, TexProtects, The Texas Association for the Protection of Children)
- On — Tina Amberboy, Supreme Court Children’s Commission; Liz Kromrei, Department of Family and Protective Services; John J. Sampson
- BACKGROUND:** Family Code, sec. 102.003 specifies who has standing to bring a suit affecting the parent-child relationship. Sec. 102.003(a)(12) provides standing for a foster parent of a child placed by the Department of Protective and Regulatory Services in the person’s home for at least 12 months ending no more than 90 days before the petition filing date.
- DIGEST:** CSHB 436 would provide standing for a foster parent of a child placed by the Department of Family and Protective Services in the person’s home for at least:
- 12 months ending not more than 90 days before the petition filing date; or
 - six months ending not more than 90 days before the petition filing date if the department had removed the child from the child’s home more than once.

The bill would take effect September 1, 2011, and would apply to a suit filed on or after the effective date.

**SUPPORTERS
SAY:**

CSHB 436 would provide an opportunity for a court to receive valuable information regarding the child's well-being from foster parents. While foster parents currently are given notice of a hearing in Child Protective Services (CPS) cases, these notices are not always delivered in a timely fashion, preventing the court from understanding the entire picture. Earlier standing for foster parents to intervene in CPS cases will give foster parents the right to be heard by the judge. This is important because in some instances, foster parents have not been allowed in the court room.

Standing for foster parents comes too late in the process under current law, because at 12 months a final order generally must have been issued. In some cases, when a foster family is not given a chance to be involved in the proceedings, the foster family becomes disinterested in state adoptions. Getting foster parents more involved will allow the state to continue recruiting high-quality families for foster homes.

The bill would give foster parents the opportunity to express their desire to create a permanent family for a child and ask that their homes be considered over and above a "kinship care" plan if the child had no bond to the proposed kinship family. The bill would give foster parents a seat at the table, but would not give them greater legal standing than a parent.

Standing in six months would be available only if a child had been removed more than once. In these cases, family members would have been made aware of problems the first time the child was removed and would be contacted again by the state.

**OPPONENTS
SAY:**

Foster parents already are given notice of a hearing in CPS cases. This bill is not necessary for the court to receive information on the child's well-being.

Standing for foster parents in six months would be too soon because the state needs to ensure that family members have been notified when a child is removed from the child's home, and this process takes time. All relatives must be notified so that a child can stay with the family, if possible.

Six months also would be too soon for foster parents to bring a suit affecting the parent-child relationship because a parent's rights would not have been terminated at this point. It is not a good idea to pit a foster

parent against a biological parent. It would make more sense to allow foster parents to file suit after nine months.