

SUBJECT: Assessing low-risk criminal offenses of prospective kinship caregivers

COMMITTEE: Human Services — favorable, without amendment

VOTE: 8 ayes — Raymond, Frank, Keough, Klick, Miller, Rose, Swanson, Wu

0 nays

1 absent — Minjarez

SENATE VOTE: On final passage, May 3 — 27-4 (Huffines, Kolkhorst, Nelson, Nichols)

WITNESSES: No public hearing

BACKGROUND: Family Code, sec. 264.754 requires the Department of Family and Protective Services to conduct an investigation to determine whether a proposed placement with a relative or other designated caregiver is in the child's best interest.

DIGEST: SB 879 would require the Department of Family and Protective Services (DFPS) to conduct an assessment, rather than an investigation, to determine whether a proposed placement with a relative or other designated caregiver was in the child's best interest.

If DFPS disqualified a person from serving as a kinship caregiver for a child based on a person's conviction of a low-risk criminal offense, the bill would allow a person to appeal the disqualification through a procedure developed by DFPS. The bill would define a low-risk criminal offense as a nonviolent criminal offense, including a fraud-based offense, that DFPS determined had a low risk of impacting a child's safety or well-being, or the stability of a child's placement with a relative or other designated caregiver.

The bill would require DFPS to develop a list of low-risk criminal offenses and a procedure for DFPS regional administration to review decisions that disqualified persons from serving as kinship caregivers. The

procedure would have to consider:

- when the person's conviction occurred;
- whether the person had multiple convictions for low-risk criminal offenses; and
- the likelihood that the person would commit fraudulent activity in the future.

DFPS would have to publish on its website a list of low-risk criminal offenses and provide information about the review procedure to prospective caregivers.

This 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, 2017.

**SUPPORTERS  
SAY:**

SB 879 would increase procedural consistency and allow prospective caregivers with low-risk criminal offenses to appeal decisions made by the Department of Family and Protective Services (DFPS) that denied them from serving as kinship caregivers. The bill would help DFPS regional directors apply consistent standards regarding the evaluation of a prospective caregiver's criminal history by clearly defining non-violent offenses that pose a minimal risk of impacting a child's safety or placement stability.

The bill would not automatically qualify prospective kinship caregivers with low-risk criminal offense convictions to serve as placements for children. It would only provide a process for these caregivers to appeal DFPS decisions that disqualified them from serving as kinship caregivers based on a low-risk criminal offense.

**OPPONENTS  
SAY:**

Considering fraudulent activity as a low-risk criminal offense could put a child at risk. The bill would not protect vulnerable children from exploitation by kinship caregivers who might only be interested in serving as caregivers in order to receive financial assistance.