

BILL ANALYSIS

Senate Research Center
82R7850 MCK-D

H.B. 2370
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Health & Human Services
5/6/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The permanency care assistance (PCA) program administered by the Department of Family and Protective Services (DFPS) provides payment to relatives who take permanent custody of a child in state care. To participate in the program, the relative must become a licensed foster parent, which requires a background check. While an applicant can be deemed ineligible because of that applicant's criminal history, some criminal histories may be categorized for a risk evaluation, during which DFPS or the licensed child-placing agency performs an extensive review to determine whether or not a person with a criminal conviction poses a risk to children. Many times an applicant is not informed of the types of criminal convictions that could preclude the applicant from becoming a caregiver, or made aware of the possibility of the more extensive review.

H.B. 2370 seeks to provide prospective PCA program relative caregivers more complete information by requiring DFPS and licensed child-placing agencies to tell them that a background check will be performed, and to inform them of the specific criminal convictions that will preclude them participating in the program, as well as the potential risk evaluation.

H.B. 2370 amends current law relating to certain notice to applicants to provide care under the permanency care assistance program.

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 Subchapter K, Chapter 264, Family Code, by adding Section 264.8521, as follows:

Sec. 264.8521. NOTICE TO APPLICANTS. Requires the Department of Family and Protective Services (DFPS) or the child-placing agency, at the time a person applies to become licensed by DFPS or verified by a licensed child-placing agency or DFPS to provide foster care in order to qualify for the permanency care assistance program, to:

- (1) notify the applicant that a background check, including a criminal history record check, will be conducted on the individual; and
- (2) inform the applicant about criminal convictions that preclude an individual from becoming a licensed foster home or verified agency foster home, and that may also be considered in evaluating the individual's application.

SECTION 2. Makes application of Section 264.8521, Family Code, as added by this Act, prospective.

SECTION 3. Effective date: September 1, 2011.