

BILL ANALYSIS

Senate Research Center
82R12990 MCK-D

H.B. 848
By: Guillen, Raymond (Zaffirini)
Health & Human Services
4/26/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

When parents are under investigation by Child Protective Services (CPS), they sometimes seek to place their child with a trusted community member or extended family member.

Under current law, Section 34.001, Family Code, does not authorize the person with whom the child is placed under a parental child safety placement to have an authorization agreement with the parent of a child. Also, under Section 34.002, the Family Code does not authorize the parent to enter into an agreement with a relative or with a person with whom the child is placed under a parental child safety placement to be allowed to perform certain acts with regard to the child.

In 2009, the 81st Legislature passed S.B. 1598, relating to an agreement authorizing a nonparent relative of a child to make certain decisions regarding the child and providing a penalty. That legislation offered parents a more cost-effective means of giving specified authority to a caregiver without the necessity of a court proceeding.

However, the bill only allowed for direct kin (aunts, uncles, or grandparents) to act on behalf of the child once the parent signed an authorization agreement and CPS approved.

H.B. 848 extends the possibility of authorization to members of the parent's extended family and other trusted community members. The bill allows certain persons to enter into such authorization agreements so they will be able to make decisions regarding a child during an investigation of abuse or neglect. The bill also allows the Department of Family and Protective Services to ensure that the needs of the child can be met by the placement family. It will give families the assurance that their desire to help a child whose parent is undergoing investigation is supported with legal authority.

H.B. 848 amends current law relating to an agreement authorizing certain persons to make decisions regarding a child during an investigation of child abuse or neglect.

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 34.001, Family Code, to provide that this chapter applies only to an authorization agreement between a parent of a child and a person who is the child's grandparent, adult sibling, or adult aunt or uncle, and an authorization agreement between a parent of a child and the person with whom the child is placed under a parental child safety placement agreement.

SECTION 2. Amends Chapter 34, Family Code, by adding Section 34.0021, as follows:

Sec. 34.0021. AUTHORIZATION AGREEMENT BY PARENT IN CHILD PROTECTIVE SERVICES CASE; TERMINATION. (a) Authorizes a parent to enter into an authorization agreement with a relative or other person with whom a child is placed under a parental child safety placement agreement approved by the Department of

Family and Protective Services (DFPS) to allow the person to perform the acts described by Section 34.002(a) with regard to the child:

(1) during an investigation of abuse or neglect; or

(2) while DFPS is providing services to the parent.

(b) Provides that an authorization agreement under Subsection (a) terminates if:

(1) DFPS terminates the parental child safety agreement; or

(2) the parental child safety agreement expires.

SECTION 3. Effective date: September 1, 2011.