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Chapter 856

AN ACT

1
2 relating to information regarding the relative or designated
3 caregivers for a child in the managing conservatorship of the
4 state.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 262.114, Family Code, is amended by
7 adding Subsections (a-1) and (a-2) to read as follows:

8 (a-1) At the full adversary hearing under Section 262.201,
9 the department shall, after redacting any social security numbers,
10 file with the court:

11 (1) a copy of each proposed child placement resources
12 form completed by the parent or other person having legal custody of
13 the child;

14 (2) a copy of any completed home study performed under
15 Subsection (a); and

16 (3) the name of the relative or other designated
17 caregiver, if any, with whom the child has been placed.

18 (a-2) If the child has not been placed with a relative or
19 other designated caregiver by the time of the full adversary
20 hearing under Section 262.201, the department shall file with the
21 court a statement that explains:

22 (1) the reasons why the department has not placed the
23 child with a relative or other designated caregiver listed on the
24 proposed child placement resources form; and

1 (2) the actions the department is taking, if any, to
2 place the child with a relative or other designated caregiver.

3 SECTION 2. Subsection (c), Section 262.201, Family Code, is
4 amended to read as follows:

5 (c) If the court finds sufficient evidence to satisfy a
6 person of ordinary prudence and caution that there is a continuing
7 danger to the physical health or safety of the child and for the
8 child to remain in the home is contrary to the welfare of the child,
9 the court shall issue an appropriate temporary order under Chapter
10 105. The court shall require each parent, alleged father, or
11 relative of the child before the court to complete [~~submit~~] the
12 proposed child placement resources form provided under Section
13 261.307 and file the form with the court, if the form has not been
14 previously filed with the court [~~provided~~], and provide the
15 Department of Family and Protective Services with information
16 necessary to locate any other absent parent, alleged father, or
17 relative of the child. The court shall inform each parent, alleged
18 father, or relative of the child before the court that the person's
19 failure to submit the proposed child placement resources form will
20 not delay any court proceedings relating to the child. The court
21 shall inform each parent in open court that parental and custodial
22 rights and duties may be subject to restriction or to termination
23 unless the parent or parents are willing and able to provide the
24 child with a safe environment. If the court finds that the child
25 requires protection from family violence by a member of the child's
26 family or household, the court shall render a protective order
27 under Title 4 for the child. In this subsection, "family violence"

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1 has the meaning assigned by Section 71.004.

2 SECTION 3. Subchapter A, Chapter 263, Family Code, is
3 amended by adding Section 263.003 to read as follows:

4 Sec. 263.003. INFORMATION RELATING TO PLACEMENT OF CHILD.

5 (a) Except as provided by Subsection (b), not later than the 10th
6 day before the date set for a hearing under this chapter, the
7 department shall file with the court any document described by
8 Sections 262.114(a-1) and (a-2) that has not been filed with the
9 court.

10 (b) The department is not required to file the documents
11 required by Subsection (a) if the child is in an adoptive placement
12 or another placement that is intended to be permanent.

13 SECTION 4. Subsections (a-1) and (a-2), Section 262.114,
14 and Section 263.003, Family Code, as added by this Act, apply only
15 to a suit affecting the parent-child relationship filed by the
16 Department of Family and Protective Services on or after the
17 effective date of this Act. A suit filed before the effective date
18 of this Act is governed by the law in effect on the date the suit was
19 filed, and the former law is continued in effect for that purpose.

20 SECTION 5. This Act takes effect September 1, 2009.

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S.B. No. 2385

David Newkirk
President of the Senate

Jim Strawn
Speaker of the House

I hereby certify that S.B. No. 2385 passed the Senate on April 30, 2009, by the following vote: Yeas 31, Nays 0.

Datay Spaw
Secretary of the Senate

I hereby certify that S.B. No. 2385 passed the House on May 27, 2009, by the following vote: Yeas 148, Nays 0, one present not voting.

Robert Haney
Chief Clerk of the House

Approved:

19 JUN '09
Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2PM O'CLOCK
JUN 19 2009

Coly Hunter III