

Chapter 587

S.B. No. 879

AN ACT

relating to a review of a person's disqualification to serve as a relative or other designated caregiver for a child.

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

SECTION 1. Section 264.754, Family Code, is amended to read as follows:

Sec. 264.754. ASSESSMENT [~~INVESTIGATION~~] OF PROPOSED PLACEMENT. (a) In this section, "low-risk criminal offense" means a nonviolent criminal offense, including a fraud-based offense, the department determines has a low risk of impacting:

(1) a child's safety or well-being; or

(2) the stability of a child's placement with a relative or other designated caregiver.

(b) Before placing a child with a proposed relative or other designated caregiver, the department must conduct an assessment [~~investigation~~] to determine whether the proposed placement is in the child's best interest.

(c) If the department disqualifies a person from serving as a relative or other designated caregiver for a child on the basis that the person has been convicted of a low-risk criminal offense, the person may appeal the disqualification in accordance with the procedure developed under Subsection (d).

(d) The department shall develop:

(1) a list of criminal offenses the department

1 determines are low-risk criminal offenses; and

2 (2) a procedure for appropriate regional  
3 administration of the department to review a decision to disqualify  
4 a person from serving as a relative or other designated caregiver  
5 that includes the consideration of:

6 (A) when the person's conviction occurred;

7 (B) whether the person has multiple convictions  
8 for low-risk criminal offenses; and

9 (C) the likelihood that the person will commit  
10 fraudulent activity in the future.

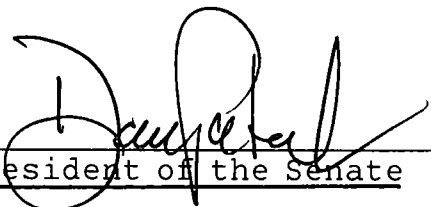
11 (e) The department shall:

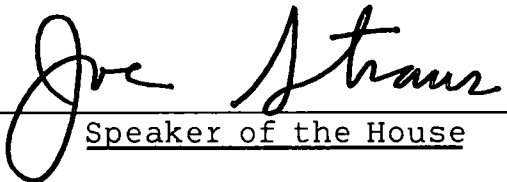
12 (1) publish the list of low-risk criminal offenses and  
13 information regarding the review procedure developed under  
14 Subsection (d) on the department's Internet website; and

15 (2) provide prospective relative and other designated  
16 caregivers information regarding the review procedure developed  
17 under Subsection (d).

18 SECTION 2. This Act takes effect immediately if it receives  
19 a vote of two-thirds of all the members elected to each house, as  
20 provided by Section 39, Article III, Texas Constitution. If this  
21 Act does not receive the vote necessary for immediate effect, this  
22 Act takes effect September 1, 2017.

S.B. No. 879

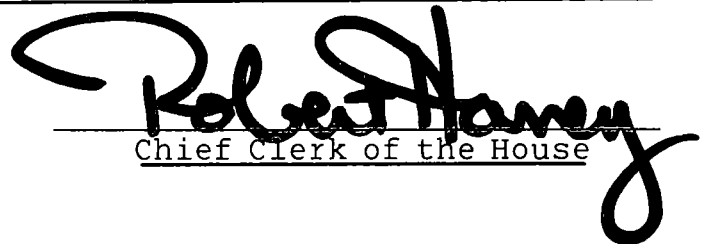
  
President of the Senate

  
Speaker of the House

I hereby certify that S.B. No. 879 passed the Senate on May 3, 2017, by the following vote: Yeas 27, Nays 4. \_\_\_\_\_

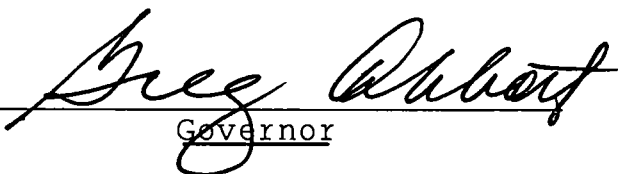
  
Secretary of the Senate

I hereby certify that S.B. No. 879 passed the House on May 21, 2017, by the following vote: Yeas 75, Nays 66, one present not voting. \_\_\_\_\_


  
Chief Clerk of the House

Approved:

6 - 9 - 2017 2017 (me)  
Date

  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
7:00 PM O'CLOCK

JUN 09 2017  
  
Secretary of State

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**April 27, 2017**

**TO:** Honorable Charles Schwertner, Chair, Senate Committee on Health & Human Services

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** SB879 by Uresti (Relating to a review of a person's disqualification to serve as a relative or other designated caregiver for a child.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Family Code relating to a review of a person's disqualification to serve as a relative or other designated caregiver for a child. The Department of Family and Protective Services has indicated it could absorb the costs associated with the bill within its current resources.

The bill would take effect immediately if it receives a vote of two-thirds of each house, otherwise the bill would take effect September 1, 2017.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 530 Family and Protective Services, Department of

**LBB Staff:** UP, KCA, EP, JLi

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**April 10, 2017**

**TO:** Honorable Charles Schwertner, Chair, Senate Committee on Health & Human Services

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: SB879** by Uresti (Relating to the eligibility of a person to serve as and receive monetary assistance for serving as a relative or other designated caregiver.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Family Code relating to the eligibility of a person to serve as and receive monetary assistance for serving as a relative or other designated caregiver. The bill would add certain criteria that the Department of Family Protective Services (DFPS) could not use to disqualify a person from serving as a relative or other designated caregiver. The bill would exclude DFPS from using a caregiver's homestead property and ownership interest in a motor vehicle in determining a family's need for monetary assistance. According to DFPS, the bill would codify existing practices, and any cost associated with implementing this bill could be absorbed with existing resources.

The bill would take effect immediately upon a vote of two-thirds of each house, otherwise it would take effect September 1, 2017.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 530 Family and Protective Services, Department of

**LBB Staff:** UP, KCA, EP, JLi