

By: Sanford

H.B. No. 3390

A BILL TO BE ENTITLED

AN ACT

relating to a voluntary temporary caregiver program providing temporary care for children removed from their homes.

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

SECTION 1. Subchapter B, Chapter 262, Family Code, is amended by adding Sections 262.1041 and 262.1042 to read as follows:

Sec. 262.1041. VOLUNTARY TEMPORARY CAREGIVER PROGRAM. (a)

The Department of Family and Protective Services shall create a program that allows a child who is removed from the child's home under this chapter to be placed in the care of an individual approved as a voluntary temporary caregiver under this section.

(b) The department shall establish an application and verification process to approve individuals to serve as voluntary temporary caregivers. The department's verification process must:

(1) include a background and criminal history record check of each caregiver;

(2) verify the caregiver:

(A) has a home with adequate sleeping space for each child placed with the caregiver;

(B) has six or fewer children in the caregiver's home, including the caregiver's own children and any children for whom the caregiver provides day care;

(C) agrees to nonphysical discipline;

1 (D) has had all pets in the caregiver's home
2 vaccinated; and

3 (E) maintains and submits to the department proof
4 of current certification in first aid and cardiopulmonary
5 resuscitation issued by the American Red Cross, the American Heart
6 Association, or another organization that provides equivalent
7 training and certification;

8 (3) require each member of the caregiver's household
9 to undergo a screening test for tuberculosis infection approved by
10 the executive commissioner of the Health and Human Services
11 Commission; and

12 (4) include any other administrative procedure the
13 department determines is necessary to ensure the caregiver will
14 provide a safe home for the child.

15 (c) The department shall require each voluntary temporary
16 caregiver to receive four hours of training relating to child
17 development and disciplinary techniques for children who are
18 classified above a basic service level. A caregiver who applies to
19 become a licensed or verified foster home shall receive a credit of
20 four hours toward the training hours required by Section 42.0537,
21 Human Resources Code, for a person to become a licensed or verified
22 foster home.

23 (d) A voluntary temporary caregiver must agree to care for a
24 child placed with the caregiver for at least 14 days.

25 (e) Except as provided by Subsection (f), a child may be
26 placed with a voluntary temporary caregiver for not more than 14
27 days after the date the child is removed from the child's home.

1 (f) If the child's caseworker determines that it is in the
2 child's best interest for the child to remain in the care of the
3 voluntary temporary caregiver for more than 14 days, the caseworker
4 may, if the voluntary temporary caregiver agrees:

5 (1) allow the child to remain in the care of the
6 voluntary temporary caregiver;

7 (2) designate the voluntary temporary caregiver as the
8 caregiver of the child under a parental child safety placement
9 agreement in accordance with Subchapter L, Chapter 264; or

10 (3) designate the voluntary temporary caregiver as a
11 designated caregiver of the child in accordance with Subchapter I,
12 Chapter 264.

13 (g) A voluntary temporary caregiver with whom a child is
14 placed under this section is not entitled to any reimbursement for
15 the care the caregiver provides for the child.

16 (h) A voluntary temporary caregiver is not liable for the
17 cost of any medical care the child receives while the child is
18 placed with the caregiver. The cost of any medical care shall be
19 covered by the existing health insurance provided for the child.

20 (i) A voluntary temporary caregiver shall ensure that the
21 child:

22 (1) continues to attend the school in which the child
23 was enrolled immediately before the child was removed from the
24 child's home; or

25 (2) attends another school chosen by the child's
26 caseworker if the child's caseworker determines that it is unsafe
27 for the child to continue to attend the school in which the child

1 was enrolled immediately before the child was removed from the
2 child's home.

3 (j) The department shall publicize the voluntary temporary
4 caregiver program and notify the parents of a child being removed
5 from the child's home whether the child will be placed with a
6 voluntary temporary caregiver.

7 (k) The executive commissioner of the Health and Human
8 Services Commission shall adopt rules necessary to implement this
9 section.

10 Sec. 262.1042. RELEASE OF CHILD BY LAW ENFORCEMENT OR
11 JUVENILE PROBATION OFFICER TO VOLUNTARY TEMPORARY CAREGIVER. A law
12 enforcement or juvenile probation officer who takes possession of a
13 child under this chapter may release the child to a voluntary
14 temporary caregiver approved under Section 262.1041.

15 SECTION 2. As soon as practicable after the effective date
16 of this Act:

17 (1) the executive commissioner of the Health and Human
18 Services Commission shall adopt rules necessary to implement the
19 changes in law made by this Act; and

20 (2) the Department of Family and Protective Services
21 shall implement the voluntary temporary caregiver program as
22 required by this Act.

23 SECTION 3. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2019.