

85R2738 MCK-D

By: Sanford

H.B. No. 1620

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;
 - (D) has had all pets in the caregiver's home vaccinated; and
 - (E) maintains and submits to the department proof of current certification in first aid and cardiopulmonary resuscitation issued by the American Red Cross, the American Heart Association, or another organization that provides equivalent training and certification;
 - (3) require each member of the caregiver's household to undergo a screening test for tuberculosis infection approved by the executive commissioner of the Health and Human Services Commission; and
 - (4) include any other administrative procedure the department determines is necessary to ensure the caregiver will provide a safe home for the child.
- (c) A child may be placed with a voluntary temporary caregiver for not more than 14 days after the date the child is removed from the child's home.
- (d) A voluntary temporary caregiver with whom a child is placed under this section is not entitled to any reimbursement for the care the caregiver provides for the child.
- (e) A voluntary temporary caregiver is not liable for the cost of any medical care the child receives while the child is placed with the caregiver. The cost of any medical care shall be covered by the existing health insurance provided for the child.
- (f) A voluntary temporary caregiver shall ensure the child continues to attend the school in which the child was enrolled immediately before the child was removed from the child's home.
- (g) A voluntary temporary caregiver may be designated as the caregiver of the child under a parental child safety placement agreement in accordance with Subchapter L, Chapter 264.
- (h) The department shall publicize the voluntary temporary

caregiver program and notify the parents of a child being removed from the child's home whether the child will be placed with a voluntary temporary caregiver.

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

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

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

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

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

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.