

1-1 By: Klick (Senate Sponsor - Zaffirini) H.B. No. 2058  
 1-2 (In the Senate - Received from the House April 19, 2021;  
 1-3 May 4, 2021, read first time and referred to Committee on Health &  
 1-4 Human Services; May 18, 2021, reported favorably by the following  
 1-5 vote: Yeas 8, Nays 0; May 18, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11			X	
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to age-appropriate normalcy activities for children in the  
 1-20 managing conservatorship of the state.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section [263.5031](#), Family Code, is amended to  
 1-23 read as follows:

1-24 Sec. 263.5031. PERMANENCY HEARINGS FOLLOWING FINAL ORDER.

1-25 (a) At each permanency hearing after the court renders a final  
 1-26 order, the court shall:

1-27 (1) identify all persons and parties present at the  
 1-28 hearing;

1-29 (2) review the efforts of the department or other  
 1-30 agency in notifying persons entitled to notice under Section  
 1-31 [263.0021](#);

1-32 (3) for a child placed with a relative of the child or  
 1-33 other designated caregiver, review the efforts of the department to  
 1-34 inform the caregiver of:

1-35 (A) the option to become verified by a licensed  
 1-36 child-placing agency to operate an agency foster home, if  
 1-37 applicable; and

1-38 (B) the permanency care assistance program under  
 1-39 Subchapter [K](#), Chapter [264](#); and

1-40 (4) review the permanency progress report to  
 1-41 determine:

1-42 (A) the safety and well-being of the child and  
 1-43 whether the child's needs, including any medical or special needs,  
 1-44 are being adequately addressed;

1-45 (B) whether the child has been provided the  
 1-46 opportunity, in a developmentally appropriate manner, to identify  
 1-47 any adult, particularly an adult residing in the child's community,  
 1-48 who could be a relative or designated caregiver for the child;

1-49 (C) whether the department placed the child with  
 1-50 a relative or designated caregiver and the continuing necessity and  
 1-51 appropriateness of the placement of the child, including with  
 1-52 respect to a child who has been placed outside of this state,  
 1-53 whether the placement continues to be in the best interest of the  
 1-54 child;

1-55 (D) if the child is placed in institutional care,  
 1-56 whether efforts have been made to ensure that the child is placed in  
 1-57 the least restrictive environment consistent with the child's best  
 1-58 interest and special needs;

1-59 (E) the appropriateness of the primary and  
 1-60 alternative permanency goals for the child, whether the department  
 1-61 has made reasonable efforts to finalize the permanency plan,

2-1 including the concurrent permanency goals, in effect for the child,  
 2-2 and whether:

2-3 (i) the department has exercised due  
 2-4 diligence in attempting to place the child for adoption if parental  
 2-5 rights to the child have been terminated and the child is eligible  
 2-6 for adoption; or

2-7 (ii) another permanent placement,  
 2-8 including appointing a relative as permanent managing conservator  
 2-9 or returning the child to a parent, is appropriate for the child;

2-10 (F) for a child whose permanency goal is another  
 2-11 planned permanent living arrangement:

2-12 (i) the desired permanency outcome for the  
 2-13 child, by asking the child;

2-14 (ii) whether, as of the date of the hearing,  
 2-15 another planned permanent living arrangement is the best permanency  
 2-16 plan for the child and, if so, provide compelling reasons why it  
 2-17 continues to not be in the best interest of the child to:

2-18 (a) return home;

2-19 (b) be placed for adoption;

2-20 (c) be placed with a legal guardian;

2-21 or

2-22 (d) be placed with a fit and willing  
 2-23 relative;

2-24 (iii) whether the department has conducted  
 2-25 an independent living skills assessment under Section  
 2-26 [264.121\(a-3\)](#);

2-27 (iv) whether the department has addressed  
 2-28 the goals identified in the child's permanency plan, including the  
 2-29 child's housing plan, and the results of the independent living  
 2-30 skills assessment;

2-31 (v) if the youth is 16 years of age or  
 2-32 older, whether there is evidence that the department has provided  
 2-33 the youth with the documents and information listed in Section  
 2-34 [264.121\(e\)](#); and

2-35 (vi) if the youth is 18 years of age or  
 2-36 older or has had the disabilities of minority removed, whether  
 2-37 there is evidence that the department has provided the youth with  
 2-38 the documents and information listed in Section [264.121\(e-1\)](#);

2-39 (G) if the child is 14 years of age or older,  
 2-40 whether services that are needed to assist the child in  
 2-41 transitioning from substitute care to independent living are  
 2-42 available in the child's community;

2-43 (H) whether the child is receiving appropriate  
 2-44 medical care and has been provided the opportunity, in a  
 2-45 developmentally appropriate manner, to express the child's opinion  
 2-46 on any medical care provided;

2-47 (I) for a child receiving psychotropic  
 2-48 medication, whether the child:

2-49 (i) has been provided appropriate  
 2-50 nonpharmacological interventions, therapies, or strategies to meet  
 2-51 the child's needs; or

2-52 (ii) has been seen by the prescribing  
 2-53 physician, physician assistant, or advanced practice nurse at least  
 2-54 once every 90 days;

2-55 (J) whether an education decision-maker for the  
 2-56 child has been identified, the child's education needs and goals  
 2-57 have been identified and addressed, and there are major changes in  
 2-58 the child's school performance or there have been serious  
 2-59 disciplinary events;

2-60 (K) for a child for whom the department has been  
 2-61 named managing conservator in a final order that does not include  
 2-62 termination of parental rights, whether to order the department to  
 2-63 provide services to a parent for not more than six months after the  
 2-64 date of the permanency hearing if:

2-65 (i) the child has not been placed with a  
 2-66 relative or other individual, including a foster parent, who is  
 2-67 seeking permanent managing conservatorship of the child; and

2-68 (ii) the court determines that further  
 2-69 efforts at reunification with a parent are:

(a) in the best interest of the child;

and

(b) likely to result in the child's safe return to the child's parent; and

(L) whether the department has identified a family or other caring adult who has made a permanent commitment to the child.

(b) In addition to the requirements of Subsection (a), at each permanency hearing after the court renders a final order, the court shall review the department's efforts to ensure the child has regular, ongoing opportunities to engage in age-appropriate normalcy activities, including activities not listed in the child's service plan.

SECTION 2. Section 263.503, Family Code, is repealed.

SECTION 3. The changes in law made by this Act apply only to a permanency hearing conducted under Chapter 263, Family Code, on or after the effective date of this Act. A permanency hearing conducted before the effective date of this Act is governed by the law in effect on the date the hearing was conducted, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2021.

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