

By: Gervin-Hawkins

H.B. No. 30

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the notice provided to certain persons concerning
3 children in the managing conservatorship of the Department of
4 Family and Protective Services.

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

6 SECTION 1. Section 264.018, Family Code, is amended by
7 amending Subsections (d), (e), (f), and (g) and adding Subsections
8 (h-1) and (m) to read as follows:

9 (d) Not later than 24 hours after an event described by this
10 subsection, the department shall make a reasonable effort to notify
11 a parent of a child in the managing conservatorship of the
12 department and the attorney of a parent who is represented by an
13 attorney of:

14 (1) a significant change in medical condition of the
15 child;

16 (2) the enrollment or participation of the child in a
17 drug research program under Section 266.0041; ~~and~~

18 (3) an initial prescription of a psychotropic
19 medication; and

20 (4) a change in the child's placement.

21 (e) Not later than 48 hours before the department changes
22 the residential child-care facility of a child in the managing
23 conservatorship of the department, the department shall provide
24 notice of the change to:

1 (1) the child's parent and the attorney of a parent who
2 is represented by an attorney;

3 (2) an attorney ad litem appointed for the child under
4 Chapter 107;

5 (3) a guardian ad litem appointed for the child under
6 Chapter 107;

7 (4) a volunteer advocate appointed for the child under
8 Chapter 107; and

9 (5) the licensed administrator of the child-placing
10 agency responsible for placing the child or the licensed
11 administrator's designee.

12 (f) Except as provided by Subsection (d-1), as soon as
13 possible but not later than 48 hours [~~the 10th day~~] after [~~the date~~]
14 the department becomes aware of a significant event affecting a
15 child in the conservatorship of the department, the department
16 shall provide notice of the significant event to:

17 (1) the child's parent and the attorney of a parent who
18 is represented by an attorney;

19 (2) an attorney ad litem appointed for the child under
20 Chapter 107;

21 (3) a guardian ad litem appointed for the child under
22 Chapter 107;

23 (4) a volunteer advocate appointed for the child under
24 Chapter 107;

25 (5) the licensed administrator of the child-placing
26 agency responsible for placing the child or the licensed
27 administrator's designee;

1 (6) a foster parent, prospective adoptive parent,
2 relative of the child providing care to the child, or director of
3 the group home or general residential operation where the child is
4 residing; and

5 (7) any other person determined by a court to have an
6 interest in the child's welfare.

7 (g) For purposes of Subsection (f), if a hearing for the
8 child is conducted during the 48-hour [~~10-day~~] notice period
9 described by that subsection, the department shall provide notice
10 of the significant event at the hearing.

11 (h-1) Notwithstanding Subsection (h), the department shall
12 provide notice under this section to the attorney of a parent who is
13 represented by an attorney if:

14 (1) the department cannot locate the parent; or

15 (2) the child is in the permanent managing
16 conservatorship of the department and the parent has not
17 participated in the child's case for at least six months despite the
18 department's efforts to involve the parent.

19 (m) The department shall document in the child's case record
20 all notifications and attempted notifications made under this
21 section.

22 SECTION 2. This Act takes effect on the 91st day after the
23 last day of the legislative session.