

BILL ANALYSIS

S.B. 759
By: Nelson
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law requires that courts provide 10 days notice of a permanency hearing to foster parents, guardian ad litem, Court Appointed Special Advocates, biological parents, and the Department of Family and Protective Services (DFPS). The Interstate Placement Act states that foster parents, pre-adoptive parents, and relative caregivers should be provided notice of their right to be heard at any proceeding. New federal requirements in the Safe and Timely Interstate Placement of Foster Children Act of 2006 and the Child and Family Services Act of 2006 clarify that foster parents, pre-adoptive parents, and relative caregivers should be provided notice for the permanency and placement review hearings.

S.B. 759 requires courts to consult with children in an appropriate manner regarding a child's permanency plan if the child is at least four years old and if the court determines it is in the best interest of the child. S.B. 759 entitles DFPS, foster parents, pre-adoptive parents, biological parents, and guardian ad litem to be present during a placement or permanency hearing. This bill also requires that a child be present at each review hearing unless the court excuses the child's attendance.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Section 263.302, Family Code, to require the district court, juvenile court having the same jurisdiction as a district court, or other court expressly given jurisdiction of a suit affecting the parent-child relationship (court) to consult with a child four years of age or older in a developmentally appropriate manner regarding the child's permanency plan and if the court determines it is in the best interest of the child.

SECTION 2. Amends Sections 263.501(d) and (e), Family Code, as follows:

(d) Entitles certain persons to present evidence and be heard at a placement review hearing (hearing) with not less than ten days notice.

(e) Requires the child to attend each hearing unless the court specifically excuses the child's attendance. Requires the court to consult with a child four years of age or older in a developmentally appropriate manner regarding the child's permanency or transition plan. Provides that failure by the child to attend a hearing does not affect the validity of an order rendered at the hearing. Deletes existing text authorizing the court to dispense with the requirement that the child attend a hearing.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: upon passage or September 1, 2007.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

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