

By: Turner

H.B. No. 2287

A BILL TO BE ENTITLED

AN ACT

relating to child protective services.

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

SECTION 1. Section 107.013, Family Code, is amended by adding Subsection (d) to read as follows:

(d) A parent who claims indigence under Subsection (a) must file an affidavit of indigence in accordance with Rule 145(b) of the Texas Rules of Civil Procedure before the court can conduct a hearing to determine the parent's indigence under this section.

SECTION 2. Section 263.405, Family Code, is amended by amending Subsections (b), (d), and (e) and adding Subsections (b-1) and (j) to read as follows:

(b) Not later than the 15th day after the date a final order is signed by the trial judge, a party who intends to request a new trial or appeal the order [~~intending to appeal the order~~] must file with the trial court:

(1) a request for a new trial; or

(2) if an appeal is sought, a statement of the point or points on which the party intends to appeal.

(b-1) The statement under Subsection (b)(2) may be combined with a motion for a new trial.

(d) The trial court shall hold a hearing not later than the 30th day after the date the final order is signed to determine whether:

1 (1) a new trial should be granted; and

2 (2) [~~a party's claim of indigence, if any, should be~~
3 ~~sustained, and~~

4 [~~3~~] the appeal is frivolous as provided by Section
5 13.003(b), Civil Practice and Remedies Code.

6 (e) An attorney ad litem appointed to represent an indigent
7 parent under Section 107.013 shall continue to represent that
8 parent in any postjudgment or appellate matter unless the parent
9 fails to establish indigence as provided by Rule 20.1, Texas Rules
10 of Appellate Procedure. The trial court may not order substitution
11 of an attorney ad litem unless the court finds good cause to order
12 the substitution. [~~If a party claims indigency and requests the~~
13 ~~appointment of an attorney, the court shall require the person to~~
14 ~~file an affidavit of indigency and shall hear evidence to determine~~
15 ~~the issue of indigency. If the court does not render a written~~
16 ~~order denying the claim of indigence or requiring the person to pay~~
17 ~~partial costs before the 36th day after the date the final order~~
18 ~~being appealed is signed, the court shall consider the person to be~~
19 ~~indigent and shall appoint counsel to represent the person.]~~

20 (j) A party whose appeal is determined to be frivolous is
21 liable for all appellate costs.

22 SECTION 3. Section 264.106, Family Code, is amended by
23 adding Subsection (1) to read as follows:

24 (1) Notwithstanding any other law, in a county with a
25 population of 3.3 million or more, the department or an independent
26 administrator may contract with a county governmental agency or a
27 child advocacy center established under Section 264.402 for the

1 provision of substitute care and case management services in this
2 state if the agency or center contracted with the department before
3 September 1, 2006, to provide substitute care or case management
4 services.

5 SECTION 4. Section 265.004(a), Family Code, is amended to
6 read as follows:

7 (a) To the extent that money is appropriated for the
8 purpose, the department shall fund evidence-based programs offered
9 by community-based organizations that are designed to prevent or
10 ameliorate child abuse and neglect. In a county with a population
11 of 3.3 million or more, the evidence-based programs funded under
12 this subsection may be offered by a county governmental agency or a
13 child advocacy center established under Section 264.402.

14 SECTION 5. Subchapter A, Chapter 45, Human Resources Code,
15 is amended by adding Sections 45.005 and 45.006 to read as follows:

16 Sec. 45.005. PROVISION OF SUBSTITUTE CARE AND CASE
17 MANAGEMENT SERVICES BY COUNTY GOVERNMENTAL AGENCIES AND CHILD
18 ADVOCACY CENTERS. Notwithstanding any other law, in a county with a
19 population of 3.3 million or more, the department or an independent
20 administrator may contract with a county governmental agency or a
21 child advocacy center established under Section 264.402, Family
22 Code, for the provision of substitute care and case management
23 services in this state if the agency or center contracted with the
24 department before September 1, 2006, to provide substitute care or
25 case management services.

26 Sec. 45.006. VALUE-ADDED SERVICES. A substitute care or
27 case management services provider that contracts with the

1 department or an independent administrator to provide substitute
2 care or case management services may provide value-added services
3 that supplement the substitute care or case management services
4 required to be provided under the contract.

5 SECTION 6. The changes in law made by Section 107.013(d),
6 Family Code, as added by this Act, and Section 263.405, Family Code,
7 as amended by this Act, apply only to a suit affecting the
8 parent-child relationship filed on or after the effective date of
9 this Act. A suit affecting the parent-child relationship filed
10 before the effective date of this Act is governed by the law in
11 effect on the date the suit was filed, and the former law is
12 continued in effect for that purpose.

13 SECTION 7. The authority provided by Section 45.005, Human
14 Resources Code, and Section 264.106(1), Family Code, as added by
15 this Act, applies to a contract described by those sections,
16 regardless of whether the contract is executed before or after
17 September 1, 2011, and the authority does not expire on September 1,
18 2012, notwithstanding the expiration of Chapter 45, Human Resources
19 Code.

20 SECTION 8. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2007.