

AN ACT

relating to certain requirements relating to permanency hearings and placement review hearings for children under the care of the Department of Family and Protective Services.

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

SECTION 1. Section 263.302, Family Code, is amended to read as follows:

Sec. 263.302. CHILD'S ATTENDANCE AT HEARING. The child shall attend each permanency hearing unless the court specifically excuses the child's attendance. The court shall consult with the child in a developmentally appropriate manner regarding the child's permanency plan, if the child is four years of age or older and if the court determines it is in the best interest of the child. Failure by the child to attend a hearing does not affect the validity of an order rendered at the hearing.

SECTION 2. Section 263.501, Family Code, is amended by amending Subsections (d) and (e) and adding Subsection (f) to read as follows:

(d) The following are entitled to not less than 10 days' notice of a placement review hearing and are entitled to present evidence and be heard at the hearing:

- (1) the department;
- (2) the foster parent, preadoptive parent, relative of the child providing care, or director of the group home or

1 institution in which the child is residing;

2 (3) each parent of the child;

3 (4) each possessory conservator or guardian of the  
4 child;

5 (5) the child's attorney ad litem and volunteer  
6 advocate, if the appointments were not dismissed in the final  
7 order; and

8 (6) any other person or agency named by the court as  
9 having an interest in the child's welfare.

10 (e) The licensed administrator of the child-placing agency  
11 responsible for placing the child is entitled to not less than 10  
12 days' notice of a placement review hearing.

13 (f) The child shall attend each placement review hearing  
14 unless the court specifically excuses the child's attendance. The  
15 court shall consult with the child in a developmentally appropriate  
16 manner regarding the child's permanency or transition plan, if the  
17 child is four years of age or older. Failure by the child to attend  
18 a hearing does not affect the validity of an order rendered at the  
19 ~~[The court may dispense with the requirement that the child attend a~~  
20 ~~placement review] hearing.~~

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

1           SECTION 4. This Act takes effect immediately if it receives  
2 a vote of two-thirds of all the members elected to each house, as  
3 provided by Section 39, Article III, Texas Constitution. If this  
4 Act does not receive the vote necessary for immediate effect, this  
5 Act takes effect September 1, 2007.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 759 passed the Senate on March 28, 2007, by the following vote: Yeas 30, Nays 0; May 21, 2007, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 24, 2007, House granted request of the Senate; May 26, 2007, Senate adopted Conference Committee Report by the following vote: Yeas 30, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 759 passed the House, with amendments, on May 16, 2007, by the following vote: Yeas 146, Nays 0, one present not voting; May 24, 2007, House granted request of the Senate for appointment of Conference Committee; May 26, 2007, House adopted Conference Committee Report by the following vote: Yeas 145, Nays 0, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor