

By: Nelson, Shapleigh, Uresti

S.B. No. 759

A BILL TO BE ENTITLED

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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. Subsections (d) and (e), Section 263.501, Family Code, are amended 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 institution in which the child is residing;

- 1           (3) each parent of the child;
- 2           (4) each possessory conservator or guardian of the  
3 child;
- 4           (5) the child's attorney ad litem and volunteer  
5 advocate, if the appointments were not dismissed in the final  
6 order; and
- 7           (6) any other person or agency named by the court as  
8 having an interest in the child's welfare.

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

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

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

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1 Act takes effect September 1, 2007.