

By: Nelson

S.B. No. 759

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certain requirements relating to permanency hearings
3 and placement review hearings for children under the care of the
4 Department of Family and Protective Services.

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

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

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

15 SECTION 2. Sections 263.501(d), and (e), Family Code, are
16 amended to read as follows:

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

20 (1) the department;

21 (2) the foster parent, preadoptive parent, relative of
22 the child providing care, or director of the group home or
23 institution in which the child is residing;

24 (3) each parent of the child;

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

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

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

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

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

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