

1-1 By: Nelson S.B. No. 759
1-2 (In the Senate - Filed February 20, 2007; March 6, 2007,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; March 19, 2007, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 March 19, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 759 By: Nelson

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to certain requirements relating to permanency hearings
1-11 and placement review hearings for children under the care of the
1-12 Department of Family and Protective Services.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 263.302, Family Code, is amended to read
1-15 as follows:

1-16 Sec. 263.302. CHILD'S ATTENDANCE AT HEARING. The child
1-17 shall attend each permanency hearing unless the court specifically
1-18 excuses the child's attendance. The court shall consult with the
1-19 child in a developmentally appropriate manner regarding the child's
1-20 permanency plan, if the child is four years of age or older and if
1-21 the court determines it is in the best interest of the child.
1-22 Failure by the child to attend a hearing does not affect the
1-23 validity of an order rendered at the hearing.

1-24 SECTION 2. Subsections (d) and (e), Section 263.501, Family
1-25 Code, are amended to read as follows:

1-26 (d) The following are entitled to not less than 10 days'
1-27 notice of a placement review hearing and are entitled to present
1-28 evidence and be heard at the hearing:

1-29 (1) the department;

1-30 (2) the foster parent, preadoptive parent, relative of
1-31 the child providing care, or director of the group home or
1-32 institution in which the child is residing;

1-33 (3) each parent of the child;

1-34 (4) each possessory conservator or guardian of the
1-35 child;

1-36 (5) the child's attorney ad litem and volunteer
1-37 advocate, if the appointments were not dismissed in the final
1-38 order; and

1-39 (6) any other person or agency named by the court as
1-40 having an interest in the child's welfare.

1-41 (e) The child shall attend each placement review hearing
1-42 unless the court specifically excuses the child's attendance. The
1-43 court shall consult with the child in a developmentally appropriate
1-44 manner regarding the child's permanency or transition plan, if the
1-45 child is four years of age or older. Failure by the child to attend
1-46 a hearing does not affect the validity of an order rendered at the
1-47 [The court may dispense with the requirement that the child attend a
1-48 placement review] hearing.

1-49 SECTION 3. The changes in law made by this Act apply only to
1-50 a permanency hearing or a placement review hearing conducted under
1-51 Chapter 263, Family Code, on or after the effective date of this
1-52 Act. A permanency hearing or a placement review hearing conducted
1-53 before the effective date of this Act is governed by the law in
1-54 effect on the date the hearing was conducted, and the former law is
1-55 continued in effect for that purpose.

1-56 SECTION 4. This Act takes effect immediately if it receives
1-57 a vote of two-thirds of all the members elected to each house, as
1-58 provided by Section 39, Article III, Texas Constitution. If this
1-59 Act does not receive the vote necessary for immediate effect, this
1-60 Act takes effect September 1, 2007.

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