

By: Janek

S.B. No. 813

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 ~~[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, the department or an
25 independent administrator may contract with a child welfare board
26 established under Section 264.005, a local governmental board
27 granted the powers and duties of a child welfare board under state

1 law, or a children's advocacy center established under Section
2 264.402 for the provision of substitute care and case management
3 services in this state if the board or center provided direct
4 substitute care or case management services under a contract with
5 the department before September 1, 2006.

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

8 (a) To the extent that money is appropriated for the
9 purpose, the department shall fund evidence-based programs offered
10 by community-based organizations that are designed to prevent or
11 ameliorate child abuse and neglect. The evidence-based programs
12 funded under this subsection may be offered by a child welfare board
13 established under Section 264.005, a local governmental board
14 granted the powers and duties of a child welfare board under state
15 law, or a children's advocacy center established under Section
16 264.402.

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

19 Sec. 45.005. PROVISION OF SUBSTITUTE CARE AND CASE
20 MANAGEMENT SERVICES BY CERTAIN PERSONS. Notwithstanding any other
21 law, the department or an independent administrator may contract
22 with a child welfare board established under Section 264.005,
23 Family Code, a local governmental board granted the powers and
24 duties of a child welfare board under state law, or a children's
25 advocacy center established under Section 264.402, Family Code, for
26 the provision of substitute care and case management services in
27 this state if the board or center provided direct substitute care or

1 case management services under a contract with the department
2 before September 1, 2006.

3 Sec. 45.006. VALUE-ADDED SERVICES. A substitute care or
4 case management services provider that contracts with the
5 department or an independent administrator to provide substitute
6 care or case management services may provide value-added services
7 that supplement the substitute care or case management services
8 required to be provided under the contract.

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

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

24 SECTION 8. 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.