

1-1 By: Janek S.B. No. 813
1-2 (In the Senate - Filed February 22, 2007; March 7, 2007,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; April 2, 2007, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 April 2, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 813 By: Janek

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

1-10 relating to child protective services.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 107.013, Family Code, is amended by
1-13 adding Subsection (d) to read as follows:

1-14 (d) A parent who claims indigence under Subsection (a) must
1-15 file an affidavit of indigence in accordance with Rule 145(b) of the
1-16 Texas Rules of Civil Procedure before the court can conduct a
1-17 hearing to determine the parent's indigence under this section.

1-18 SECTION 2. Section 263.405, Family Code, is amended by
1-19 amending Subsections (b), (d), and (e) and adding Subsections (b-1)
1-20 and (j) to read as follows:

1-21 (b) Not later than the 15th day after the date a final order
1-22 is signed by the trial judge, a party who intends to request a new
1-23 trial or [intending to] appeal the order must file with the trial
1-24 court:

1-25 (1) a request for a new trial; or

1-26 (2) if an appeal is sought, a statement of the point or
1-27 points on which the party intends to appeal.

1-28 (b-1) The statement under Subsection (b)(2) may be combined
1-29 with a motion for a new trial.

1-30 (d) The trial court shall hold a hearing not later than the
1-31 30th day after the date the final order is signed to determine
1-32 whether:

1-33 (1) a new trial should be granted; and

1-34 (2) [a party's claim of indigence, if any, should be
1-35 sustained; and

1-36 [~~(3)~~] the appeal is frivolous as provided by Section
1-37 13.003(b), Civil Practice and Remedies Code.

1-38 (e) An attorney ad litem appointed to represent an indigent
1-39 parent under Section 107.013 shall continue to represent that
1-40 parent in any postjudgment or appellate matter unless the parent
1-41 fails to establish indigence as provided by Rule 20.1, Texas Rules
1-42 of Appellate Procedure. The trial court may not order substitution
1-43 of an attorney ad litem unless the court finds good cause to order
1-44 the substitution [If a party claims indigency and requests the
1-45 appointment of an attorney, the court shall require the person to
1-46 file an affidavit of indigency and shall hear evidence to determine
1-47 the issue of indigency. If the court does not render a written
1-48 order denying the claim of indigence or requiring the person to pay
1-49 partial costs before the 36th day after the date the final order
1-50 being appealed is signed, the court shall consider the person to be
1-51 indigent and shall appoint counsel to represent the person].

1-52 (j) A party whose appeal is determined to be frivolous is
1-53 liable for all appellate costs.

1-54 SECTION 3. Section 264.106, Family Code, is amended by
1-55 adding Subsection (l) to read as follows:

1-56 (l) Notwithstanding any other law, the department or an
1-57 independent administrator may contract with a child welfare board
1-58 established under Section 264.005, a local governmental board
1-59 granted the powers and duties of a child welfare board under state
1-60 law, or a children's advocacy center established under Section
1-61 264.402 for the provision of substitute care and case management
1-62 services in this state if the board or center provided direct
1-63 substitute care or case management services under a contract with

2-1 the department before September 1, 2006.

2-2 SECTION 4. Subsection (a), Section 265.004, Family Code, is
2-3 amended to read as follows:

2-4 (a) To the extent that money is appropriated for the
2-5 purpose, the department shall fund evidence-based programs offered
2-6 by community-based organizations that are designed to prevent or
2-7 ameliorate child abuse and neglect. The evidence-based programs
2-8 funded under this subsection may be offered by a child welfare board
2-9 established under Section 264.005, a local governmental board
2-10 granted the powers and duties of a child welfare board under state
2-11 law, or a children's advocacy center established under Section
2-12 264.402.

2-13 SECTION 5. Subchapter A, Chapter 45, Human Resources Code,
2-14 is amended by adding Sections 45.005 and 45.006 to read as follows:

2-15 Sec. 45.005. PROVISION OF SUBSTITUTE CARE AND CASE
2-16 MANAGEMENT SERVICES BY CERTAIN PERSONS. Notwithstanding any other
2-17 law, the department or an independent administrator may contract
2-18 with a child welfare board established under Section 264.005,
2-19 Family Code, a local governmental board granted the powers and
2-20 duties of a child welfare board under state law, or a children's
2-21 advocacy center established under Section 264.402, Family Code, for
2-22 the provision of substitute care and case management services in
2-23 this state if the board or center provided direct substitute care or
2-24 case management services under a contract with the department
2-25 before September 1, 2006.

2-26 Sec. 45.006. VALUE-ADDED SERVICES. A substitute care or
2-27 case management services provider that contracts with the
2-28 department or an independent administrator to provide substitute
2-29 care or case management services may provide value-added services
2-30 that supplement the substitute care or case management services
2-31 required to be provided under the contract.

2-32 SECTION 6. The changes in law made by Subsection (d),
2-33 Section 107.013, Family Code, as added by this Act, and Section
2-34 263.405, Family Code, as amended by this Act, apply only to a suit
2-35 affecting the parent-child relationship filed on or after the
2-36 effective date of this Act. A suit affecting the parent-child
2-37 relationship filed before the effective date of this Act is
2-38 governed by the law in effect on the date the suit was filed, and the
2-39 former law is continued in effect for that purpose.

2-40 SECTION 7. The authority provided by Section 45.005, Human
2-41 Resources Code, and Subsection (l), Section 264.106, Family Code,
2-42 as added by this Act, applies to a contract described by those
2-43 sections, regardless of whether the contract is executed before or
2-44 after September 1, 2011, and the authority does not expire on
2-45 September 1, 2012, notwithstanding the expiration of Chapter 45,
2-46 Human Resources Code.

2-47 SECTION 8. This Act takes effect immediately if it receives
2-48 a vote of two-thirds of all the members elected to each house, as
2-49 provided by Section 39, Article III, Texas Constitution. If this
2-50 Act does not receive the vote necessary for immediate effect, this
2-51 Act takes effect September 1, 2007.

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