

**House Bill 1481**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Section 102.006, Family Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Except as provided by Subsections ~~[Subsection]~~ (b) and (c), if the parent-child relationship between the child and every living parent of the child has been terminated, an original suit may not be filed by:

(1) a former parent whose parent-child relationship with the child has been terminated by court order;

(2) the father of the child; or

(3) a family member or relative by blood, adoption, or marriage of either a former parent whose parent-child relationship has been terminated or of the father of the child.

(c) The limitations on filing suit imposed by this section do not apply to an adult sibling of the child, a grandparent of the child, an aunt who is a sister of a parent of the child, or an uncle who is a brother of a parent of the child if the adult sibling, grandparent, aunt, or uncle files an original suit or a suit for modification requesting managing conservatorship of the child not later than the 90th day after the date the parent-child relationship between the child and the parent is terminated in a suit filed by the Department of Family and Protective Services requesting the termination of the parent-child relationship.

No equivalent provision.

SENATE VERSION

Same as House version.

CONFERENCE

SECTION \_\_. Subchapter A, Chapter 263, Family Code, is amended by adding Section 263.007 to read as

**House Bill 1481**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

follows:

Sec. 263.007. FOSTER CHILDREN'S BILL OF RIGHTS.(a) In this section, "foster children's bill of rights" means the list of rights prescribed by Subsection (b) to which each child in substitute care is entitled.

(b) It is the policy of this state that each child in substitute care has the right:

(1) to live in a safe, healthy, and comfortable home where the child is treated with respect;

(2) to be free from physical, sexual, emotional, and other abuse, including corporal punishment and any form of discipline that humiliates or demeans the child;

(3) to be free from discrimination or harassment on the basis of gender, race, ethnicity, religion, national origin, disability, sexual orientation, or HIV status;

(4) to receive adequate and healthy food;

(5) to receive and keep adequate clothing suitable to the child's age and size and comparable to the clothing of other children in the community;

(6) to receive appropriate medical, dental, vision, and mental health services;

(7) subject to Subdivisions (8) and (9), to not be physically restrained for longer than one minute unless other less restrictive behavioral interventions have been unsuccessful and physical restraint is necessary to:

(A) prevent substantial physical harm or imminent, probable death to the child or imminent physical harm to another person; or

(B) administer medication or provide medical treatment prescribed by a physician;

**House Bill 1481**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

(8) to not be physically restrained for any period as punishment, retribution, retaliation, or discipline, to obtain compliance from the child, for the convenience of the foster parent or other substitute care provider, or as a substitute for effective treatment or rehabilitation;

(9) to not be locked or otherwise confined in any room, building, or facility or placed in an area where the child is physically prevented from leaving, unless the child is placed in a residential treatment facility or a mental health facility under an order of a physician or court;

(10) to be placed in substitute care with the child's siblings unless that placement is not in the best interests of the child or the child's sibling;

(11) if a sibling of the child is not placed in substitute care with the child, to be informed in writing of the name, address, and telephone number of the foster care home or other child-care facility in which the sibling is placed, unless prohibited by court order or the child's caseworker or a department supervisor determines that it is not in the child's best interests and the caseworker or supervisor, as applicable, includes the reason for that, determination in the child's case records;

(12) to have a private storage space in the home or facility in which the child resides to store the child's personal belongings;

(13) to not be subjected to unreasonable searches of the child's personal belongings;

(14) to contact caseworkers, attorneys ad litem, guardians ad litem, and court-appointed special advocates;

**House Bill 1481**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

- (15) to communicate with caseworkers, judges, attorneys ad litem, guardians ad litem, court-appointed special advocates, foster parents, and other providers in the child's primary language, including in sign language;
- (16) to regularly visit and regularly contact siblings and to regularly contact other family members, unless prohibited by court order or the child's caseworker or a department supervisor determines that it is not in the child's best interests and the caseworker or supervisor, as applicable, includes the reason for that determination in the child's case records;
- (17) to never be denied contact or visitation with siblings or other family members as a form of discipline;
- (18) to attend religious services and activities of the child's choice;
- (19) to interact with persons outside of the foster care system, including teachers, church members, mentors, and friends;
- (20) to make and receive confidential telephone calls and to send and receive unopened mail, unless prohibited by court order or the child's caseworker or a department supervisor determines that it is not in the child's best interests and the caseworker or supervisor, as applicable, includes the reason for that determination in the child's case records;
- (21) to receive an age-appropriate money allowance, in an amount determined by the foster parent or other substitute care provider, for the purpose of developing money management skills, using money from the foster care payments made by the department to the foster

**House Bill 1481**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

parent or other substitute care provider for the care of the child;

(22) to maintain a personal bank account and manage personal income consistent with the child's age and developmental level, unless prohibited by the child's service plan;

(23) to expect that the child's records will be kept confidential in accordance with existing state and federal law, including the child's medical, mental health, child protective services, and educational records;

(24) to receive care and treatment in the least restrictive environment that is most like a family setting, consistent with the best interests and needs of the child;

(25) to not be unnecessarily or excessively medicated;

(26) to not be admitted as a voluntary inpatient to a mental health facility unless the child consents as required by Section 572.001(c), Health and Safety Code;

(27) if the child is at least 14 years of age, to request a medical review of the child's medical care, including a review of the medications prescribed to the child, by a medical review team, and to receive a copy of the results of any medical review;

(28) to be informed before the child is 16 years of age that the child, at 16 years of age, may request a court hearing to determine if the child has the capacity to consent to medical care under Section 266.010;

(29) if the child is at least 16 years of age, to consent to all or some medical care, as authorized by the court under Section 266.010;

(30) if the child is at least 12 years of age, to participate

**House Bill 1481**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

in the development of the child's service plan and permanency plan;

(31) if the child is at least 12 years of age, to review and receive information regarding the child's service plan and permanency plan, including any changes made to the plans;

(32) to receive information about the child's foster parent or other substitute care provider consistent with the child's age and developmental level;

(33) to be appointed an attorney ad litem who is competent and provides zealous legal representation of the child's interests, and to meet, in person, with the child's attorney ad litem before each hearing involving the child;

(34) to request the appointment of an attorney or guardian ad litem to represent the child, if the child is not already represented by an attorney or guardian ad litem;

(35) to attend a court hearing that affects the conservatorship or placement of the child, including a status hearing, a permanency review hearing, or a placement review hearing;

(36) if the child is at least 14 years of age, to remain in the courtroom during a court hearing that affects the conservatorship or placement of the child, including a status hearing, a permanency review hearing, or a placement review hearing;

(37) regardless of the child's age, to speak privately to the judge at a court hearing that affects the conservatorship or placement of the child, including a status hearing, a permanency review hearing, or a

**House Bill 1481**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

placement review hearing;

(38) if the child has a disability, to be informed, in writing, of the name, existence, purpose, telephone number, and address of the protection and advocacy system established in this state under the applicable federal developmental disability laws, as defined by Section 112.001, Human Resources Code, for the purpose of advocating for and protecting the rights of persons with that disability;

(39) to attend school and participate in sports, clubs, and other school-related extracurricular activities, consistent with the child's age and developmental level;

(40) to participate in community activities, including recreational and social activities, consistent with the child's age and developmental level;

(41) to the extent possible, to have minimal disruption in the child's education, including the right to attend the same school if placed with an alternative substitute care provider, unless otherwise ordered by the court;

(42) if the child participates in a special education program, to meet and consult with the surrogate parent assigned to the child in accordance with federal law, regarding the child's individualized education program prior to each admission, review, and dismissal committee meeting held regarding the child;

(43) to participate in an organization that advocates for or on behalf of foster youth;

(44) to work and develop job skills consistent with the child's age in accordance with state and federal law;

(45) if the child is at least 16 years of age, to have access

**House Bill 1481**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

to information regarding postsecondary educational and vocational options available to the child, including information regarding financial aid available for postsecondary education and the course work or other requirements required to complete vocational training and postsecondary educational programs;  
(46) to attend classes and receive other services provided under the Preparation for Adult Living Program established under Section 264.121;  
(47) on, or as soon as possible after, the date of the child's 18th birthday or the date the child's disabilities of minority are removed, to be provided with the child's health and education passport information, social security card, state-issued personal identification card, and a certified copy of the child's birth certificate;  
(48) to be informed in writing of how the child may obtain copies of the child's case records;  
(49) to be informed in writing of the name, address, and telephone number of the person at or the division or office of the department that handles complaints regarding a violation of the child's rights; and  
(50) to make a confidential complaint with the appropriate person at or the division or office of the department, or to speak confidentially with an appropriate person at the department, regarding a violation of the child's rights without punishment or threat of punishment for making the complaint.  
(c) This section may not be construed to require a foster parent or other substitute care provider to take any action that would impair the health or safety of a child in



**House Bill 1481**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

substitute care. Any action taken that is inconsistent with the foster children's bill of rights must be included in the permanency progress report or placement review report filed with a court.

(d) The department shall provide a written copy of the foster children's bill of rights to each child placed in substitute care in the child's primary language, if possible, and shall inform the child of the rights provided by the foster children's bill of rights:

(1) orally in the child's primary language, if possible, and in simple, nontechnical terms; or

(2) for a child who has a disability, including an impairment of vision or hearing, through any means that can reasonably be expected to result in successful communication with the child.

(e) A home or facility in which a child is placed in substitute care shall provide a copy of the foster children's bill of rights to a child on the child's request. The foster children's bill of rights must be printed in English and in a second language.

(f) The department shall promote the participation of foster children and former foster children in educating other foster children about the foster children's bill of rights.

No equivalent provision.

SECTION \_\_. Sections 263.401(a), (b), and (c), Family Code, are amended to read as follows:

(a) Unless the court has commenced the trial on the merits ~~[rendered a final order]~~ or granted an extension

**House Bill 1481**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

under Subsection (b), on the first Monday after the first anniversary of the date the court rendered a temporary order appointing the department as temporary managing conservator, the court shall dismiss the suit affecting the parent-child relationship filed by the department that requests termination of the parent-child relationship or requests that the department be named conservator of the child.

(b) Unless the court has commenced the trial on the merits, the ~~[The]~~ court may not retain the suit on the court's docket after the time described by Subsection (a) unless the court finds that extraordinary circumstances necessitate the child remaining in the temporary managing conservatorship of the department and that continuing the appointment of the department as temporary managing conservator is in the best interest of the child. If the court makes those findings, the court may retain the suit on the court's docket for a period not to exceed 180 days after the time described by Subsection (a). If the court retains the suit on the court's docket, the court shall render an order in which the court:

- (1) schedules the new date on which the suit will be dismissed if the trial on the merits has not commenced, which date must be ~~[for dismissal of the suit]~~ not later than the 180th day after the time described by Subsection (a);
- (2) makes further temporary orders for the safety and welfare of the child as necessary to avoid further delay in resolving the suit; and
- (3) sets the trial on the merits ~~[a final hearing]~~ on a date

**House Bill 1481**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

~~not later than the date specified under Subdivision (1) [that allows the court to render a final order before the required date for dismissal of the suit under this subsection].~~

(c) If the court grants an extension but does not commence the trial on the merits ~~[render a final order or dismiss the suit on or]~~ before the required date for dismissal under Subsection (b), the court shall dismiss the suit. The court may not grant an additional extension that extends the suit beyond the required date for dismissal under Subsection (b).

No equivalent provision.

SECTION \_\_. Section 263.402(b), Family Code, is amended to read as follows:

(b) A party to a suit under this chapter who fails to make a timely motion to dismiss the suit ~~[or to make a motion requesting the court to render a final order before the deadline for dismissal]~~ under this subchapter waives the right to object to the court's failure to dismiss the suit. A motion to dismiss under this subsection is timely if the motion is made before the ~~[department has introduced all of the department's evidence, other than rebuttal evidence, at the]~~ trial on the merits commences.

No equivalent provision.

SECTION \_\_. Sections 263.403(b) and (c), Family Code, are amended to read as follows:

(b) If the court renders an order under this section, the court shall:

**House Bill 1481**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

(1) include in the order specific findings regarding the grounds for the order; and  
(2) schedule a new date, not later than the 180th day after the date the temporary order is rendered, for dismissal of the suit unless a trial on the merits has commenced.  
(c) If a child placed with a parent under this section must be moved from that home by the department before the dismissal of the suit or the commencement of the trial on the merits [~~rendering of a final order~~], the court shall, at the time of the move, schedule a new date for dismissal of the suit unless a trial on the merits has commenced. The new dismissal date may not be later than the original dismissal date established under Section 263.401 or the 180th day after the date the child is moved under this subsection, whichever date is later.

No equivalent provision.

SECTION \_\_. Section 263.401(d), Family Code, is repealed.

No equivalent provision.

SECTION \_\_. The changes in law made by this Act apply only to a suit affecting the parent-child relationship filed on or after the effective date of this Act. A suit affecting the parent-child relationship filed before the effective date of this Act is governed by the law in effect at the time the suit was filed, and the former law is continued in effect for that purpose.

**House Bill 1481**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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

SENATE VERSION

Same as House version.

CONFERENCE