

## **BILL ANALYSIS**

C.S.S.B. 493  
By: Nelson  
Human Services  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Child and Family Services Review (CFSR) is a federal-state collaborative effort designed to ensure that state child welfare systems provide quality services to children and families. The U.S. Department of Health and Human Services Children's Bureau, Administration for Children and Families, administers the review. A recent CFSR found that Texas was not achieving permanency placement quickly enough. It also cited the state for having so many children in managing conservatorship without parental rights being terminated.

C.S.S.B. 493 increases court oversight and the concurrent planning activities at the Department of Family and Protective Services, which will help improve the placement and speed of placement of foster youth. The bill also has educational provisions that will encourage the adoption of foster youth and additionally help them transition from the foster care system to a successful adult life.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.S.B. 493 amends the Education Code to extend the existing tuition and fee exemption for a student who has been in the conservatorship of the Department of Family and Protective Services (DFPS) to include a student who was in such conservatorship on the day preceding either the date the student is adopted or the date permanent managing conservatorship of the student is awarded to a person other than the student's parent, if either date is on or after September 1, 2009. The bill extends from a student's 21st birthday to the student's 25th birthday the deadline for enrolling in an institution of higher education to receive a tuition and fee exemption based on the student's time in DFPS conservatorship and removes an alternate deadline of the third anniversary of the student's discharge from foster or other residential care, of the student's graduation from high school, or of the student's receipt of a high school equivalent diploma, whichever occurs earliest. The bill requires the Texas Education Agency and the Texas Higher Education Coordinating Board to develop outreach programs to ensure that students in DFPS conservatorship and in grades 9-12 are aware of the availability of the tuition and fee exemption. The bill provides for these provisions to take effect on passage, or, if the bill does not receive the necessary vote, for the provision to take effect September 1, 2009, and makes these provisions applicable beginning with tuition and fees imposed by a public institution of higher education for the 2009 fall semester.

C.S.S.B. 493 amends the Family Code to specify that a review team that evaluates DFPS casework and decision-making related to investigations of child abuse or neglect consists of at least five members who serve staggered two-year terms. The bill specifies that review team members consist of volunteers who live in and are broadly representative of the region in which the review team is established and have expertise in the prevention and treatment of child abuse and neglect. The bill substitutes the above provision for the former provision that specified that review team members consist of community representatives and private citizens who live in the

region for which the team is established. The bill requires at least two members of a review team, rather than each member, to be parents provided the two members have the qualifications for appointment previously applicable to each member.

C.S.S.B. 493 requires a permanency plan for a child for whom DFPS has been appointed temporary managing conservator, in accordance with DFPS rules, to include concurrent permanency goals consisting of a primary permanency goal and at least one alternate permanency goal. The bill authorizes DFPS's permanency plan to include as a goal the reunification of the child with a parent or other individual from whom the child was removed, the termination of parental rights and adoption of the child by a relative or other suitable individual, the award of permanent managing conservatorship of the child to a relative or other suitable individual, or another planned, permanent living arrangement for the child. The bill requires DFPS, if the goal of DFPS's permanency plan for a child is to find another planned, permanent living arrangement for the child, to document that there is a compelling reason why the other permanency goals are not in the child's best interest. The bill makes conforming changes to state law on permanency progress report requirements and state law on court determinations in permanency hearings to reflect the added requirements relating to the inclusion of those permanency goals.

C.S.S.B. 493 requires a court, if DFPS has been named as a child's managing conservator in a final order that terminates a parent's parental rights, to conduct a placement review hearing not later than the 90th day after the date the court renders the final order. The bill requires the court to conduct additional placement review hearings at least once every six months until the date the child is adopted or the child becomes an adult.

C.S.S.B. 493 requires a placement review report to identify DFPS's permanency goals for a child. The bill adds requirements for such a report to contain a transition plan for a child who is at least 16 years of age that identifies the services and specific tasks that are needed to assist the child in making the transition from substitute care to adult living and describes the services that are being provided through the Transitional Living Services program operated by the department and to describe DFPS's efforts, for a child for whom DFPS has been named managing conservator in a final order that does not include termination of parental rights, to find a permanent placement for the child with certain efforts enumerated in the bill. The bill requires the placement review report, if DFPS's permanency goal for the child is to find another planned, permanent living arrangement, to document a compelling reason why adoption, permanent managing conservatorship with a relative or other suitable individual, or returning the child to a parent are not in the child's best interest.

C.S.S.B. 493 requires the court, at a placement review hearing for a child for whom DFPS has been named managing conservator in a final order that does not include termination of parental rights to determine whether a permanent placement, including appointing a relative as permanent managing conservator or returning the child to a parent, is appropriate for the child. The bill requires the court, at a placement hearing for a child whose permanency goal is another planned, permanent living arrangement, to determine whether DFPS has documented a compelling reason why adoption, permanent managing conservatorship with a relative or other suitable individual, or returning the child to a parent is not in the child's best interest and identified a family or other caring adult who has made a permanent commitment to the child.

C.S.S.B. 493 authorizes a court, for a child for whom DFPS has been named managing conservator in a final order that does not include termination of parental rights, to order DFPS to provide services to a parent for not more than six months after the date of the placement review hearing if the child has not been placed with a relative or other individual, including a foster parent, who is seeking permanent managing conservatorship of the child, and the court determines that further efforts at reunification with a parent are in the best interest of the child and likely to result in the child's safe return to the child's parent.

## **EFFECTIVE DATE**

Except as otherwise provided, September 1, 2009.

## **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.S.B. 493 differs from the original by extending a tuition and fee exemption on the basis of a student having been in the conservatorship of the Department of Family and Protective Services to a student who was in such conservatorship on the day preceding the date the student is adopted or the date permanent managing conservatorship of the student is awarded to a person other than the student's parent applies if that date is on or after September 1, 2009, whereas the original, in a similar provision, does not specify a calendar date for the adoption or award of permanent managing conservatorship.

C.S.S.B. 493 omits a standard saving provision included in the original relating to the applicability of the amended tuition and fee exemption. The substitute differs from the original by changing the effective date to September 1, 2009, except for the bill's provisions relating to the tuition and fee exemption and outreach programs that take effect on passage, or, if the bill does not receive the necessary vote, the provisions take effect September 1, 2009, whereas the original provides for immediate effect, or for an effective date of September 1, 2009, if the bill does not receive the necessary vote.