

By: Rose

H.B. No. 704

A BILL TO BE ENTITLED

AN ACT

relating to the jurisdiction of a court to conduct placement review hearings for a child in the managing conservatorship of the state after the child's 18th birthday.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter F, Chapter 263, Family Code, is amended by adding Section 263.504 to read as follows:

Sec. 263.504. EXTENDED JURISDICTION AFTER CHILD'S 18TH BIRTHDAY. (a) If the department has been named as a child's managing conservator and the child remains in substitute care on the child's 18th birthday or receives services from the department after the child's 18th birthday, the court may render an order that continues the court's jurisdiction of the child if:

(1) the court finds that the child is subject to the court's jurisdiction under a suit affecting the parent-child relationship filed by the department before the child's 18th birthday and the child consents to or requests an extension of the court's jurisdiction after the child's 18th birthday; or

(2) on the court's own motion, the court determines that the child is substantially unable to provide for the child's own food, clothing, or shelter because of a mental or physical disability.

(b) The extended jurisdiction of the court terminates on the earliest of:

1 (1) the child's 21st birthday;

2 (2) the date the child withdraws consent to the
3 extension of the court's jurisdiction in writing or in court, if the
4 court extends jurisdiction under Subsection (a)(1); or

5 (3) the date the court determines that the child is
6 able to provide for the child's own food, clothing, or shelter, if
7 the court extends jurisdiction under Subsection (a)(2).

8 (c) If the court's jurisdiction is extended, the court may
9 continue to hold periodic review hearings under this section or may
10 schedule a hearing on request of the child, the child's attorney, or
11 the child's guardian ad litem or volunteer advocate.

12 (d) The court may continue the appointment or renew the
13 appointment of a guardian ad litem, volunteer advocate, or attorney
14 ad litem for the child on request of the child.

15 (e) In any review hearing held under this section, the court
16 shall determine whether:

17 (1) the child's current placement is necessary, safe,
18 and appropriate for meeting the child's needs and continues to be
19 appropriate and in the best interest of the child;

20 (2) if the child is placed in institutional care,
21 efforts have been made to ensure placement of the child in the least
22 restrictive environment consistent with the best interest and
23 special needs of the child;

24 (3) the services that are needed to assist the child in
25 making the transition from substitute care to independent living
26 are available in the community;

27 (4) other plans or services are needed to meet the

1 child's special needs or circumstances; and

2 (5) the department has:

3 (A) exercised due diligence in providing the
4 child with services identified in the service plan; and

5 (B) made reasonable efforts to develop the
6 child's service plan after consulting with the child.

7 SECTION 2. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2009.