

By: Naishtat

H.B. No. 884

A BILL TO BE ENTITLED

AN ACT

relating to the permanent placement of certain foster children.

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

SECTION 1. Section 263.404, Family Code, is amended by adding Subsection (c) to read as follows:

(c) If the court renders a final order under this section, the department shall continue to make an effort to identify a more permanent placement for the child, including adoption, appointing a relative or other suitable individual as permanent managing conservator, returning the child to a parent, or another planned, permanent living arrangement.

SECTION 2. Section 263.501(a), Family Code, is amended to read as follows:

(a) If the department has been named as a child's managing conservator in a final order that does not include termination of parental rights, the court shall conduct a placement review hearing at least once every six months until the child is adopted, an appropriate individual is appointed permanent managing conservator of the child, the child is returned to a parent, or the child becomes an adult.

SECTION 3. Section 263.502(c), Family Code, is amended to read as follows:

(c) The placement review report must:

(1) evaluate whether the child's current placement is

1 appropriate for meeting the child's needs;

2 (2) evaluate whether efforts have been made to ensure
3 placement of the child in the least restrictive environment
4 consistent with the best interest and special needs of the child if
5 the child is placed in institutional care;

6 (3) contain a discharge plan for a child who is at
7 least 16 years of age that identifies the services and specific
8 tasks that are needed to assist the child in making the transition
9 from substitute care to adult living and describes the services
10 that are available through the Preparation for Adult Living Program
11 operated by the department;

12 (4) evaluate whether the child's current educational
13 placement is appropriate for meeting the child's academic needs;

14 (5) identify other plans or services that are needed
15 to meet the child's special needs or circumstances; ~~and~~

16 (6) describe the efforts of the department or
17 authorized agency to place the child for adoption if parental
18 rights to the child have been terminated and the child is eligible
19 for adoption, including efforts to provide adoption promotion and
20 support services as defined by 42 U.S.C. Section 629a and other
21 efforts consistent with the federal Adoption and Safe Families Act
22 of 1997 (Pub. L. No. 105-89); and

23 (7) for a child for whom the department has been
24 appointed permanent managing conservator in a final order that does
25 not include termination of parental rights, describe the efforts of
26 the department to find a more permanent placement for the child,
27 including efforts to:

- 1 (A) locate an adoptive family;
2 (B) locate a relative or other suitable
3 individual to serve as permanent managing conservator of the child;
4 and
5 (C) evaluate any change in a parent's
6 circumstances to determine whether the child can be returned to the
7 parent.

8 SECTION 4. Section 263.503, Family Code, is amended to read
9 as follows:

10 Sec. 263.503. PLACEMENT REVIEW HEARINGS; PROCEDURE. (a)
11 At each placement review hearing, the court shall determine
12 whether:

13 (1) the child's current placement is necessary, safe,
14 and appropriate for meeting the child's needs, including with
15 respect to a child placed outside of the state, whether the
16 placement continues to be appropriate and in the best interest of
17 the child;

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

22 (3) the services that are needed to assist a child who
23 is at least 16 years of age in making the transition from substitute
24 care to independent living are available in the community;

25 (4) other plans or services are needed to meet the
26 child's special needs or circumstances;

27 (5) the department or authorized agency has exercised

1 due diligence in attempting to place the child for adoption if
2 parental rights to the child have been terminated and the child is
3 eligible for adoption; ~~and~~

4 (6) the department or authorized agency has made
5 reasonable efforts to finalize the permanency plan that is in
6 effect for the child; and

7 (7) for a child for whom the department has been
8 appointed permanent managing conservator in a final order that does
9 not include termination of parental rights, a permanent placement,
10 including adoption, appointing a relative as permanent managing
11 conservator, or returning the child to a parent, is appropriate for
12 the child.

13 (b) For a child for whom the department has been appointed
14 permanent managing conservator in a final order that does not
15 include termination of parental rights, the court may order the
16 department to continue to provide family reunification services to
17 a parent for a period not to exceed six months from the day of the
18 placement review hearing if:

19 (1) the child has been in foster care for more than 24
20 months;

21 (2) the child has not been placed in an adoptive home
22 or with a relative; and

23 (3) the court determines that further efforts at
24 reunification with a parent:

25 (A) are in the best interest of the child; and

26 (B) are likely to result in the child's safe
27 return to the child's parent.

1 SECTION 5. (a) Section 263.404(c), Family Code, as added by
2 this Act, applies to a child for whom the Department of Family and
3 Protective Services has been named permanent managing conservator
4 regardless of the date the final order appointing the department as
5 permanent managing conservator was rendered.

6 (b) Sections 263.501, 263.502, and 263.503, Family Code, as
7 amended by this Act, apply only to a placement review hearing
8 conducted under Chapter 263, Family Code, on or after the effective
9 date of this Act. A placement review hearing conducted before the
10 effective date of this Act is governed by the law in effect on the
11 date the hearing was conducted, and the former law is continued in
12 effect for that purpose.

13 SECTION 6. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2009.