

By: Rose

H.B. No. 2443

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to benefits and services for children in the  
3 conservatorship of the Department of Family and Protective  
4 Services.

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

6 SECTION 1. Section 54.211, Education Code, is amended to  
7 read as follows:

8 Sec. 54.211. EXEMPTIONS FOR STUDENTS IN FOSTER OR OTHER  
9 RESIDENTIAL CARE. (a) A student is exempt from the payment of  
10 tuition and fees authorized in this chapter if the student:

11 (1) was in [ ~~Foster care or other residential care~~  
12 ~~under~~] the conservatorship of the Department of Family and  
13 Protective Services [~~on or after~~]:

14 (A) on the day preceding the student's 18th  
15 birthday;

16 (B) on or after the day of the student's 14th  
17 birthday, if the student was also eligible for adoption on or after  
18 that day; [~~or~~]

19 (C) on the day the student graduated from high  
20 school or received the equivalent of a high school diploma; or

21 (D) on the day preceding:  
22 (i) the date the student is adopted; or  
23 (ii) the date permanent managing  
24 conservatorship of the student is awarded to a person other than the

1 student's parent; and

2 (2) enrolls in an institution of higher education as  
3 an undergraduate student not later than [+

4 [~~(A) the third anniversary of the date the~~  
5 ~~student was discharged from the foster or other residential care,~~  
6 ~~the date the student graduated from high school, or the date the~~  
7 ~~student received the equivalent of a high school diploma, whichever~~  
8 ~~date is earliest; or~~

9 [~~(B)~~] the student's 25th [~~21st~~] birthday.

10 (b) The Texas Education Agency and the Texas Higher  
11 Education Coordinating Board shall develop outreach programs to  
12 ensure that students in the conservatorship of the Department of  
13 Family and Protective Services and [~~foster or other residential~~  
14 ~~care~~] in grades 9-12 are aware of the availability of the exemption  
15 from the payment of tuition and fees provided by this section.

16 SECTION 2. Section 261.312(b), Family Code, is amended to  
17 read as follows:

18 (b) A review team consists of at least five members who  
19 serve staggered two-year terms. Review team members are appointed  
20 by the director of the department and consist of volunteers who live  
21 in and are broadly representative of the region in which the review  
22 team is established and have expertise in the prevention and  
23 treatment of child abuse and neglect. At least two members of a  
24 review team [~~community representatives and private citizens who~~  
25 ~~live in the region for which the team is established. Each member~~]  
26 must be parents [~~a parent~~] who have [~~has~~] not been convicted of or  
27 indicted for an offense involving child abuse or neglect, have

1 ~~has~~ not been determined by the department to have engaged in child  
2 abuse or neglect, and are ~~or is~~ not under investigation by the  
3 department for child abuse or neglect. A member of a review team is  
4 a department volunteer for the purposes of Section 411.114,  
5 Government Code.

6 SECTION 3. Section 263.3025, Family Code, is amended by  
7 adding Subsection (d) to read as follows:

8 (d) In accordance with department rules, a child's  
9 permanency plan must include concurrent permanency goals  
10 consisting of a primary permanency goal and at least one alternate  
11 permanency goal.

12 SECTION 4. Subchapter D, Chapter 263, Family Code, is  
13 amended by adding Section 263.3026 to read as follows:

14 Sec. 263.3026. LIMITATION ON CERTAIN PERMANENCY GOALS. The  
15 department's permanency plan for a child may not include as a goal  
16 the continuation of the department as the child's permanent  
17 managing conservator until the date the child reaches adulthood  
18 unless that goal is in the best interest of the child.

19 SECTION 5. Section 263.303(b), Family Code, is amended to  
20 read as follows:

21 (b) The permanency progress report must:

22 (1) recommend that the suit be dismissed; or

23 (2) recommend that the suit continue, and:

24 (A) identify the date for dismissal of the suit  
25 under this chapter;

26 (B) provide:

27 (i) the name of any person entitled to

1 notice under Chapter 102 who has not been served;

2 (ii) a description of the efforts by the  
3 department or another agency to locate and request service of  
4 citation; and

5 (iii) a description of each parent's  
6 assistance in providing information necessary to locate an unserved  
7 party;

8 (C) evaluate the parties' compliance with  
9 temporary orders and with the service plan;

10 (D) evaluate whether the child's placement in  
11 substitute care meets the child's needs and recommend other plans  
12 or services to meet the child's special needs or circumstances;

13 (E) describe the permanency plan for the child  
14 and recommend actions necessary to ensure that a final order  
15 consistent with that permanency plan, including the concurrent  
16 permanency goals contained in that plan, is rendered before the  
17 date for dismissal of the suit under this chapter; and

18 (F) with respect to a child 16 years of age or  
19 older, identify the services needed to assist the child in the  
20 transition to adult life.

21 SECTION 6. Section 263.306(b), Family Code, is amended to  
22 read as follows:

23 (b) The court shall also review the service plan, permanency  
24 report, and other information submitted at the hearing to:

25 (1) determine:

26 (A) the safety of the child;

27 (B) the continuing necessity and appropriateness

1 of the placement;

2 (C) the extent of compliance with the case plan;  
3 [~~and~~]

4 (D) the extent of progress that has been made  
5 toward alleviating or mitigating the causes necessitating the  
6 placement of the child in foster care; and

7 (E) whether the department has made reasonable  
8 efforts to finalize the permanency plan that is in effect for the  
9 child, including the concurrent permanency goals for the child; and

10 (2) project a likely date by which the child may be  
11 returned to and safely maintained in the child's home, placed for  
12 adoption, or placed in permanent managing conservatorship.

13 SECTION 7. Section 263.502, Family Code, is amended by  
14 amending Subsection (c) and adding Subsection (d) to read as  
15 follows:

16 (c) The placement review report must identify the  
17 department's permanency goal for the child and must:

18 (1) evaluate whether the child's current placement is  
19 appropriate for meeting the child's needs;

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

24 (3) contain a transition [~~discharge~~] plan for a child  
25 who is at least 16 years of age that identifies the services and  
26 specific tasks that are needed to assist the child in making the  
27 transition from substitute care to adult living and describes the

1 services that are being provided [~~available~~] through the  
2 Transitional Living Services [~~Preparation for Adult Living~~]  
3 Program operated by the department;

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

6 (5) identify other plans or services that are needed  
7 to meet the child's special needs or circumstances; [~~and~~]

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

15 (7) describe the department's efforts to place the  
16 child with a permanent managing conservator other than the  
17 department if the child is not eligible for adoption.

18 (d) If the department's permanency goal for the child is to  
19 continue the department as the child's permanent managing  
20 conservator until the date the child reaches adulthood, the  
21 placement review report must document that this goal is in the best  
22 interest of the child.

23 SECTION 8. Section 263.503, Family Code, is amended to read  
24 as follows:

25 Sec. 263.503. PLACEMENT REVIEW HEARINGS; PROCEDURE. At  
26 each placement review hearing, the court shall determine whether:

27 (1) the child's current placement is necessary, safe,

1 and appropriate for meeting the child's needs, including with  
2 respect to a child placed outside of the state, whether the  
3 placement continues to be appropriate and in the best interest of  
4 the child;

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

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

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

14 (5) the department or authorized agency has exercised  
15 due diligence in attempting to:

16 (A) place the child for adoption if parental  
17 rights to the child have been terminated and the child is eligible  
18 for adoption; or

19 (B) place the child with a permanent managing  
20 conservator other than the department if the child is not eligible  
21 for adoption; ~~and~~

22 (6) it is in the child's best interest to continue the  
23 department as permanent managing conservator until the date the  
24 child reaches adulthood, if that is the department's permanency  
25 plan for the child; and

26 (7) the department or authorized agency has made  
27 reasonable efforts to finalize the permanency plan that is in

1 effect for the child.

2 SECTION 9. (a) The changes in law made by this Act to  
3 Section 54.211, Education Code, apply beginning with tuition and  
4 fees imposed by a public institution of higher education for the  
5 2009 fall semester. Tuition and fees for a term or semester before  
6 the 2009 fall semester are covered by the law in effect immediately  
7 before the effective date of this Act, and the former law is  
8 continued in effect for that purpose.

9 (b) The changes in law made by this Act to Section 54.211,  
10 Education Code, apply only to a child who is in the conservatorship  
11 of the Department of Family and Protective Services on or after the  
12 effective date of this Act. A child who left the conservatorship of  
13 the Department of Family and Protective Services before the  
14 effective date of this Act is governed by the law in effect on the  
15 date the child left the department's conservatorship, and the  
16 former law is continued in effect for that purpose.

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