

By: Nelson

S.B. No. 493

A BILL TO BE ENTITLED

AN ACT

relating to benefits and services for children in the conservatorship of the Department of Family and Protective Services.

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

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

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

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

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

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

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

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

student's parent; and

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

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

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

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

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

(b) A review team consists of at least five members who serve staggered two-year terms. Review team members are appointed by the director of the department and 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. At least two members of a review team ~~[community representatives and private citizens who live in the region for which the team is established. Each member]~~ must be parents ~~[a parent]~~ who have ~~[has]~~ not been convicted of or 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

of the placement;

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

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

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

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

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

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

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

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

(3) contain a transition ~~[discharge]~~ 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

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.