

AN ACT

relating to the rights of a foster child and to assisting a foster child in obtaining the child's credit report.

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

SECTION 1. Subchapter A, Chapter 263, Family Code, is amended by adding Section 263.007 to read as follows:

Sec. 263.007. FOSTER CHILDREN'S BILL OF RIGHTS. (a) In this section:

(1) "Agency foster group home," "agency foster home," "facility," "foster group home," and "foster home" have the meanings assigned by Section 42.002, Human Resources Code.

(2) "Foster care" means the placement of a child who is in the conservatorship of the department or an authorized agency and in care outside the child's home in an agency foster group home, agency foster home, foster group home, foster home, or another facility licensed or certified under Chapter 42, Human Resources Code, in which care is provided for 24 hours a day.

(3) "Foster children's bill of rights" means the rights described by Subsection (b).

(b) It is the policy of this state that each child in foster care be informed of the child's rights provided by state or federal law or policy that relate to:

(1) abuse, neglect, exploitation, discrimination, and harassment;

- 1 (2) food, clothing, shelter, and education;
- 2 (3) medical, dental, vision, and mental health
3 services, including the right of the child to consent to treatment;
- 4 (4) emergency behavioral intervention, including what
5 methods are permitted, the conditions under which it may be used,
6 and the precautions that must be taken when administering it;
- 7 (5) placement with the child's siblings and contact
8 with members of the child's family;
- 9 (6) privacy and searches, including the use of storage
10 space, mail, and the telephone;
- 11 (7) participation in school-related extracurricular
12 or community activities;
- 13 (8) interaction with persons outside the foster care
14 system, including teachers, church members, mentors, and friends;
- 15 (9) contact and communication with caseworkers,
16 attorneys ad litem, guardians ad litem, and court-appointed special
17 advocates;
- 18 (10) religious services and activities;
- 19 (11) confidentiality of the child's records;
- 20 (12) job skills, personal finances, and preparation
21 for adulthood;
- 22 (13) participation in a court hearing that involves
23 the child;
- 24 (14) participation in the development of service and
25 treatment plans;
- 26 (15) if the child has a disability, the advocacy and
27 protection of the rights of a person with that disability; and

1 (16) any other matter affecting the child's ability to
2 receive care and treatment in the least restrictive environment
3 that is most like a family setting, consistent with the best
4 interests and needs of the child.

5 (c) The department shall provide a written copy of the
6 foster children's bill of rights to each child placed in foster care
7 in the child's primary language, if possible, and shall inform the
8 child of the rights described by the foster children's bill of
9 rights:

10 (1) orally in the child's primary language, if
11 possible, and in simple, nontechnical terms; or

12 (2) for a child who has a disability, including an
13 impairment of vision or hearing, through any means that can
14 reasonably be expected to result in successful communication with
15 the child.

16 (d) A child placed in foster care may, at the child's
17 option, sign a document acknowledging the child's understanding of
18 the foster children's bill of rights after the department provides
19 a written copy of the foster children's bill of rights to the child
20 and informs the child of the rights described by the foster
21 children's bill of rights in accordance with Subsection (c). If a
22 child signs a document acknowledging the child's understanding of
23 the foster children's bill of rights, the document must be placed in
24 the child's case file.

25 (e) An agency foster group home, agency foster home, foster
26 group home, foster home, or other facility in which a child is
27 placed in foster care shall provide a copy of the foster children's

1 bill of rights to a child on the child's request. The foster
2 children's bill of rights must be printed in English and in a second
3 language.

4 (f) The department shall promote the participation of
5 foster children and former foster children in educating other
6 foster children about the foster children's bill of rights.

7 (g) The department shall develop and implement a policy for
8 receiving and handling reports that the rights of a child in foster
9 care are not being observed. The department shall inform a child in
10 foster care and, if appropriate, the child's parent, managing
11 conservator, or guardian of the method for filing a report with the
12 department under this subsection.

13 (h) This section does not create a cause of action.

14 SECTION 2. Subchapter A, Chapter 264, Family Code, is
15 amended by adding Section 264.016 to read as follows:

16 Sec. 264.016. CREDIT REPORT FOR FOSTER CHILD. The
17 department shall ensure that each child in the permanent managing
18 conservatorship of the department who is 16 years of age or older:

19 (1) obtains a free copy of the child's credit report in
20 accordance with the Fair and Accurate Credit Transactions Act of
21 2003 (Pub. L. No. 108-159) each year until the child is discharged
22 from foster care; and

23 (2) receives information regarding interpreting the
24 report and the procedure for correcting inaccuracies in the report.

25 SECTION 3. Section 264.016, Family Code, as added by this
26 Act, applies to a child in the permanent managing conservatorship
27 of the Department of Family and Protective Services on or after the

1 effective date of this Act.

2 SECTION 4. This Act takes effect September 1, 2011.

President of the Senate

Speaker of the House

I certify that H.B. No. 2170 was passed by the House on April 21, 2011, by the following vote: Yeas 146, Nays 2, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2170 on May 24, 2011, by the following vote: Yeas 143, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2170 was passed by the Senate, with amendments, on May 18, 2011, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor