

By: Parker

H.B. No. 3175

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to notice to certain persons that a child is in the  
3 managing 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. Subchapter B, Chapter 262, Family Code, is  
7 amended by adding Section 262.1095 to read as follows:

8 Sec. 262.1095. NOTICE TO RELATIVES AND CERTAIN INDIVIDUALS;  
9 INVESTIGATION. (a) When the Department of Family and Protective  
10 Services or another agency takes possession of a child under this  
11 chapter, the department shall give written notice as prescribed by  
12 this section to each of the following individuals the department is  
13 able to identify and locate:

14 (1) each adult who is related or is alleged to be  
15 related to the child within the third degree by consanguinity or the  
16 second degree by affinity as determined under Chapter 573,  
17 Government Code; and

18 (2) each adult who has a long-standing and significant  
19 relationship with the child.

20 (b) The written notice must include:

21 (1) a statement that the child has been removed from  
22 the child's home and is in the temporary managing conservatorship  
23 of the department;

24 (2) an explanation of the options available to the

1 individual to participate in the care and placement of the child and  
2 the support of the child's family; and

3 (3) a statement that some options available to the  
4 individual may be lost if the individual fails to respond to the  
5 notice in a timely manner.

6 (c) The department is not required to provide notice to an  
7 individual if the department determines that the individual's  
8 history of family violence makes notification inappropriate.

9 (d) The department shall conduct an investigation to  
10 identify and locate all individuals entitled to notice under this  
11 section. The department shall complete the investigation not later  
12 than the 30th day after the date the child is taken into possession.

13 (e) The department shall use due diligence in conducting the  
14 investigation under this section, including interviewing:

15 (1) each individual the department identifies and  
16 locates; and

17 (2) the child in an age-appropriate manner about  
18 adults who may have a long-standing and significant relationship  
19 with the child.

20 SECTION 2. Subchapter A, Chapter 263, Family Code, is  
21 amended by adding Section 263.007 to read as follows:

22 Sec. 263.007. NOTIFICATION OF RELATIVE AFFIDAVIT. Not  
23 later than the 10th day before the date set for a hearing under  
24 Subchapter C, the department shall file with the court an affidavit  
25 stating:

26 (1) the efforts the department made to identify,  
27 locate, and notify the individuals described by Section 262.1095;

1 and

2 (2) the name of each individual the department  
3 identified, located, or notified.

4 SECTION 3. Section 263.202, Family Code, is amended by  
5 amending Subsection (b) and adding Subsection (f) to read as  
6 follows:

7 (b) Except as provided by Subsections [~~Subsection~~] (e) and  
8 (f), a status hearing shall be limited to matters related to the  
9 contents and execution of the service plan filed with the  
10 court. The court shall review the service plan that the department  
11 or other agency filed under this chapter for reasonableness,  
12 accuracy, and compliance with requirements of court orders and make  
13 findings as to whether:

14 (1) a plan that has the goal of returning the child to  
15 the child's parents adequately ensures that reasonable efforts are  
16 made to enable the child's parents to provide a safe environment for  
17 the child; and

18 (2) the child's parents have reviewed and understand  
19 the service plan and have been advised that unless the parents are  
20 willing and able to provide the child with a safe environment, even  
21 with the assistance of a service plan, within the reasonable period  
22 of time specified in the plan, the parents' parental and custodial  
23 duties and rights may be subject to restriction or to termination  
24 under this code or the child may not be returned to the parents.

25 (f) The court shall review the affidavit filed by the  
26 department under Section 263.007 and inquire into the sufficiency  
27 of the department's efforts to identify, locate, and notify

1 relatives and alleged relatives of the child and adults who have a  
2 long-standing and significant relationship with the child. The  
3 court shall order the department to make further efforts to  
4 identify, locate, and notify relatives and alleged relatives of the  
5 child and adults who have a long-standing and significant  
6 relationship with the child if the court determines that the  
7 department's efforts have not been sufficient.

8           SECTION 4. The changes in law made by this Act apply only to  
9 a child taken into possession by the Department of Family and  
10 Protective Services or another agency on or after the effective  
11 date of this Act. A child taken into possession before that date is  
12 governed by the law in effect on the date the child is taken into  
13 possession, and the former law is continued in effect for that  
14 purpose.

15           SECTION 5. This Act takes effect September 1, 2011.