

By: Uresti

S.B. No. 269

A BILL TO BE ENTITLED

AN ACT

relating to a foster children's bill of rights.

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;

(2) food, clothing, shelter, and education;

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

1 receive care and treatment in the least restrictive environment
2 that is most like a family setting, consistent with the best
3 interests and needs of the child.

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

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

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

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

24 (e) An agency foster group home, agency foster home, foster
25 group home, foster home, or other facility in which a child is
26 placed in foster care shall provide a copy of the foster children's
27 bill of rights to a child on the child's request. The foster

1 children's bill of rights must be printed in English and in a second
2 language.

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

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

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

13 SECTION 2. 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, 2011.