

BILL ANALYSIS

C.S.H.B. 843
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Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties assert that youth in foster care frequently struggle to find their voice in a system that often ignores their strengths, values, and opinions. Relevant literature shows that permanency planning is most successful when youth are a part of the planning process and take ownership of decisions that impact their lives. The judicial system plays a critical role in protecting the best interests of youth in foster care, and at each hearing a judge reviews necessary information provided by stakeholders to make appropriate decisions that promote a child's well-being and path to permanency. Interested parties note that other states have made efforts to include older youth in judicial proceedings to ensure they are involved in decisions that impact their lives, and they contend that such efforts help to ensure that the court system and other parties can gather pertinent information that is needed to assess the best interests of the youth directly from the youth, ensure that youth are provided the opportunity to express their position to the court and benefit from the hearing review process, and support the development of individualized and appropriate service planning that takes into account the youth's perspective.

Under current Texas law, notice of a permanency or placement review hearing regarding a child is required to be given to certain parties, including the child's caregiver and attorney ad litem and certain volunteer advocates. While youth are often required to attend these hearings, it is not required that they be given notice of a hearing. C.S.H.B. 843 intends to provide certain youth a level of involvement in the permanency planning and placement review process by requiring that they receive notice of such hearings.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 843 amends the Family Code to entitle a child for whom the Department of Family and Protective Services (DFPS) has been appointed temporary managing conservator to at least 10 days' notice of a permanency hearing regarding the child and to present evidence and be heard at the hearing if the child is 10 years of age or older or the court determines it is appropriate for the child to receive notice. The bill entitles a child for whom DFPS has been named managing conservator in a final order that does not include termination of parental rights to the same notice of a placement review hearing regarding the child and to present evidence and be heard at the hearing under the same conditions. The bill's provisions apply only to a hearing held on or after September 10, 2013.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 843 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 263.301(b), Family Code, is amended.

No equivalent provision.

SECTION 2. The change in law made by this Act applies only to a permanency hearing held on or after September 10, 2013. A permanency hearing held before that date is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2013.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as introduced version.

SECTION 2. Section 263.501(d), Family Code, is amended to read as follows:

(d) The following are entitled to not less than 10 days' notice of a placement review hearing and are entitled to present evidence and be heard at the hearing:

- (1) the department;
- (2) the foster parent, preadoptive parent, relative of the child providing care, or director of the group home or institution in which the child is residing;
- (3) each parent of the child;
- (4) each possessory conservator or guardian of the child;
- (5) the child's attorney ad litem and volunteer advocate, if the appointments were not dismissed in the final order; ~~and~~
- (6) the child if:
 - (A) the child is 10 years of age or older; or
 - (B) the court determines it is appropriate for the child to receive notice; and
- (7) any other person or agency named by the court as having an interest in the child's welfare

SECTION 3. The change in law made by this Act applies only to a hearing held on or after September 10, 2013. A hearing held before that date is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 4. Same as introduced version.