

## **BILL ANALYSIS**

Senate Research Center

S.B. 534  
By: West  
Health & Human Services  
7/19/2013  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, during the period of time in which the Department of Family and Protective Services (DFPS) has temporary managing conservatorship of a child, the Family Code requires that permanency planning meetings occur when the child has been in custody for 45 days, and again at five months. There is no requirement for a planning meeting prior to the one-year mark at which a trial may occur and a final order can be designated. At this stage, parental rights may be terminated and permanent managing conservatorship can be given to a relative or the state. Permanency planning meetings are opportunities for various stakeholders in a child's case to come together to ensure appropriate goals and objectives are set and acted upon to achieve permanency for a child in foster care. Frequent meetings help to ensure that complex cases can be appropriately addressed in the limited time frames set by the state. By establishing timely permanency planning meetings, the opportunity for timelier reunification or another permanent placement for children in foster care increases. To increase the likelihood of reunification for a child, S.B. 534 enhances the permanent planning meeting that currently occurs at the five-month mark. Additionally, the bill authorizes an additional staffing between the five-month meeting and the rendition of the final order if DFPS deems it important to the child's permanency.

Also, child placing agencies, which are currently not listed as a mandatory recipient of meeting notification, have valuable information on children and their cases and could contribute to the permanency planning process if they receive timely notification. More efficient notification of all professional stakeholders can be increased through the use of electronic notification versus traditional postal services. Because decreasing the amount of time a child spends in foster care provides great savings to the state, S.B. 534 requires that notification of permanency meetings be provided to child placing agencies involved with the child and other interested parties, and that it be done electronically if possible.

S.B. 534 amends current law relating to providing stable placement for certain children in the conservatorship of the Department of Family and Protective Services.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends the heading to Chapter 263, Family Code, to read as follows:

#### **CHAPTER 263. REVIEW OF PLACEMENT OF CHILDREN UNDER CARE OF DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES**

SECTION 2. Amends Subchapter A, Chapter 263, Family Code, by adding Section 263.009, as follows:

Sec. 263.009. PERMANENCY PLANNING MEETINGS. (a) Requires the Department of Family and Protective Services (DFPS) to hold a permanency planning meeting for each child for whom DFPS is appointed temporary managing conservator:

(1) not later than the 45th day after the date DFPS is named temporary managing conservator of the child; and

(2) not later than five months after the date DFPS is named temporary managing conservator of the child.

(b) Requires DFPS, at the five-month permanency planning meeting described by Subsection (a)(2), to identify any barriers to achieving a timely permanent placement for the child, and develop strategies and determine actions that will increase the probability of achieving a timely permanent placement for the child.

(c) Authorizes the five-month permanency planning meeting described by Subsection (a)(2) and any subsequent permanency planning meeting to be conducted as a multidisciplinary permanency planning meeting if DFPS determines that a multidisciplinary permanency planning meeting will assist DFPS in placing the child with an adult caregiver who will permanently assume legal responsibility for the child and facilitate the child's exit from the conservatorship of DFPS.

(d) Requires DFPS, except as provided by Subsection (e), to make reasonable efforts to include the following persons in each multidisciplinary permanency planning meeting and notify those persons of the meeting:

(1) the child, if the child is at least seven years of age;

(2) the child's attorney ad litem;

(3) the child's guardian ad litem;

(4) any court-appointed volunteer advocate for the child;

(5) the child's substitute care provider and any child-placing agency involved with the child;

(6) each of the child's parents and the parents' attorney, unless:

(A) the parent cannot be located;

(B) the parent has executed an affidavit of relinquishment of parental rights; or

(C) the parent's parental rights have been terminated;

(7) each attorney ad litem appointed to represent the interests of a parent in the suit; and

(8) any other person DFPS determines should attend the permanency planning meeting.

(e) Provides that DFPS is not required to include a person listed in Subsection (d) in a multidisciplinary permanency planning meeting or to notify that person of a meeting if DFPS or its authorized designee determines that the person's presence at the meeting may have a detrimental effect on the safety or well-being of another participant in the meeting or the success of the meeting because a parent or the child has expressed an unwillingness to include that person in the meeting.

(f) Requires DFPS to give the notice required by Subsection (d) by e-mail if possible.

SECTION 3. Amends Section 263.502(c), Family Code, as follows:

(c) Requires that the placement review report identify DFPS's permanency goal for the child and:

(1)-(6) Makes no change to these subdivisions;

(7) Makes a nonsubstantive change;

(8) with respect to a child committed to the Texas Juvenile Justice Department (TJJD), rather than the Texas Youth Commission (TYC), or released under supervision by TJJD:

(A) evaluate whether the child's needs for treatment and education are being met;

(B) describe, using information provided by TJJD, rather than TYC, the child's progress in any rehabilitation program administered by TJJD; and

(C) recommend other plans or services to meet the child's needs; and

(9) identify any placement changes that have occurred since the most recent court hearing concerning the child and describe any barriers to sustaining the child's placement, including any reason for which a substitute care provider has requested a placement change.

Makes conforming changes.

SECTION 4. Amends Subchapter B, Chapter 264, Family Code, by adding Section 264.120, as follows:

Sec. 264.120. DISCHARGE NOTICE. (a) Requires a substitute care provider with whom DFPS contracts to provide substitute care services for a child to include in a discharge notice the reason for the child's discharge, and the provider's recommendation regarding a future placement for the child that would increase the child's opportunity to attain a stable placement, except as provided by Subsection (b).

(b) Requires the provider to provide the information required by Subsection (a) to DFPS not later than 48 hours after the provider sends the discharge notice in an emergency situation in which DFPS is required under the terms of the contract with the substitute care provider to remove a child within 24 hours after receiving the discharge notice.

SECTION 5. Provides that Section 263.009, Family Code, as added by this Act, applies only to a child placed in the temporary managing conservatorship of DFPS on or after the effective date of this Act.

SECTION 6. Effective date: September 1, 2013.