

BILL ANALYSIS

S.B. 886
By: Uresti
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

S.B. 886 addresses a recommendation by the Department of Family and Protective Services (DFPS) that clarifies provisions that allow Texas to receive federal reimbursement on behalf of young people between the ages of 18 and 21 who were permanently or temporarily placed under the care of DFPS and who elect to take advantage of extended foster care after turning 18 years of age.

The current system allows young people who are in either the permanent managing conservatorship or temporary managing conservatorship of DFPS to enter into extended foster care after they turn 18 years of age, but does not provide for the extended jurisdiction of the court necessary to qualify for federal reimbursement for youths who were only in the temporary managing conservatorship of DFPS when they turned 18 years of age. Amendments will make all youths who remain in extended foster care eligible for federal reimbursement.

This bill also clarifies the status of trial independence, which is necessary for federal funding and is mandatory for a minimum of six months for all youths who exit extended foster care on or after turning 18 years of age. A youth may be in trial independence more than once if the youth exits care more than once. These clarifications also serve to ensure maximum federal reimbursement of the costs of youths who remain in extended foster care.

S.B. 886 also adds a provision stating that a young person who has been appointed a guardian is not in extended foster care, and is therefore not required to have the mandatory extended jurisdiction of the family law court after the probate court appoints a guardian and has jurisdiction over the young adult ward.

As proposed, S.B. 886 amends current law relating to extended foster care for certain young adults and the extended jurisdiction of a court in a suit affecting the parent-child relationship involving those young adults.

RULEMAKING AUTHORITY

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

ANALYSIS

SECTION 1. Amends Sections 263.601(1), (3-a), and (4), Family Code, as follows:

- (1) Defines "extended foster care," rather than "foster care."
- (3-a) Defines "trial independence," rather than "independence period."
- (4) Redefines "young adult."

SECTION 2. Amends Subchapter G, Chapter 263, Family Code, by adding Section 263.6015, as follows:

Sec. 263.6015. TRIAL INDEPENDENCE. (a) Provides that a young adult is assigned trial independence status when the young adult:

(1) does not enter extended foster care at the time of the young adult's 18th birthday; or

(2) exits extended foster care before the young adult's 21st birthday.

(b) Provides that a court order, except as provided by Subsection (c), is not required for a young adult to be assigned trial independence status. Provides that trial independence is mandatory for a period of at least six months beginning on:

(1) the date of the young adult's 18th birthday for a young adult described by Subsection (a)(1); or

(2) the date the young adult exits extended foster care.

(c) Authorizes a court to order trial independence status extended for a period that exceeds the mandatory period under Subsection (b) but does not exceed one year from the date the period under Subsection (b) commences.

(d) Requires a young adult who enters or reenters extended foster care after a period of trial independence, except as provided by Subsection (e), to complete a new period of trial independence as provided by Subsection (b)(2).

(e) Provides that the trial independence status of a young adult ends on the young adult's 21st birthday.

SECTION 3. Amends Sections 263.602(a), (b), (f), and (g), Family Code, as follows:

(a) Provides that, except as provided by Subsection (f), a court that had jurisdiction, rather than continuing, exclusive jurisdiction, over a young adult on the day before the young adult's 18th birthday continues to have extended jurisdiction over the young adult and requires the court to retain the case on the court's docket while the young adult is in extended foster care and during trial independence as described by Section 263.6015, rather than during a trial independence period described this section.

(b) Makes a conforming change.

(f) Provides that the court's extended jurisdiction over a young adult as described in Subsection (a), unless the court extends its jurisdiction over a young adult beyond the end of trial independence as provided by Section 263.6021(a) or 263.603(a) (relating to authorizing the court, under certain circumstances, to extend its jurisdiction on its own motion without a young adult's consent), terminates on the earlier of the last day of the month in which trial independence ends or the young adult's 21st birthday. Deletes existing text requiring a court with extended jurisdiction over a young adult as described in Subsection (a) to continue to have jurisdiction over the young adult and to retain the case on the court's docket until the earlier of the last day of the sixth month after the date the young adult leaves foster care or 12th month after the date the young adult leaves foster care if specified in a court order, for the purpose of allowing the young adult to pursue a trial independence period or the young adult's 21st birthday.

(g) Provides that a court with extended jurisdiction described by this section is not required to conduct periodic hearings described in this section for a young adult during trial independence and prohibits the court from compelling a young adult who has elected to not enter or has exited extended foster care to attend a court hearing. Authorizes a court with extended jurisdiction during trial independence to, at the request of a young adult, conduct a hearing described by Subsection (b) or by Section 263.6021 (Voluntary Extended Jurisdiction for Young Adult Receiving Transitional Living Services) to review any transitional living services the young adult is receiving during trial independence.

SECTION 4. Amends Sections 263.6021(a) and (b), Family Code, as follows:

(a) Makes conforming and nonsubstantive changes.

(b) Provides that the extended jurisdiction of the court under this section, unless the young adult reenters extended foster care before the end of the court's extended jurisdiction described by Subsection (a), terminates on the earlier of the young adult's 21st birthday, or the date the young adult withdraws consent to the extension of the court's jurisdiction in writing or in court.

SECTION 5. Amends Section 263.603, Family Code, by adding Subsection (d), to provide that a young adult for whom a guardian is appointed and qualifies, notwithstanding any other provision of this subchapter (Extended Jurisdiction After Child's 18th Birthday), is not considered to be in extended foster care or trial independence and the court's jurisdiction ends on the date the guardian for the young adult is appointed and qualifies unless the guardian requests the extended jurisdiction of the court under Section 263.604 (Guardian's Consent to Extended Jurisdiction).

SECTION 6. Provides that the changes in law made by this Act to Subchapter G, Chapter 263, Family Code, apply to a suit affecting the parent-child relationship that is filed on or after the effective date of this Act, and pending in a trial court on the effective date of this Act, regardless of the date on which the suit was filed.

EFFECTIVE DATE

September 1, 2013.