

By: Raymond

H.B. No. 3399

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the stability of placements for children in the  
3 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. Chapter 263, Family Code, is amended by adding  
7 Subchapter D-1 to read as follows:

8 SUBCHAPTER D-1. PLACEMENT STABILITY

9 Sec. 263.351. PLACEMENT STABILITY CONFERENCE. (a) The  
10 department shall hold a placement stability conference for each  
11 child for whom the department has been appointed temporary or  
12 permanent managing conservator after the department receives  
13 notice of a second failed placement for the child. The goal of the  
14 placement stability conference is to determine a placement for the  
15 child that will provide the greatest opportunity for future  
16 stability and permanency.

17 (b) The department shall hold the placement stability  
18 conference as soon as practicable after the child's second failed  
19 placement, but not later than the 10th day after the date the  
20 department receives notice of the failed placement.

21 (c) The department may hold additional placement stability  
22 conferences for the child after any subsequent failed placement at  
23 the department's discretion.

24 (d) A child's attorney ad litem, guardian ad litem, or

1 court-appointed volunteer advocate may request the department to  
2 hold additional placement stability conferences for the child.

3 Sec. 263.352. NOTICE. (a) Not later than the second day  
4 after the date the department receives notice that a second  
5 placement for a child has failed, the department shall give notice  
6 of the placement stability conference to:

- 7 (1) each person listed in Section 263.301(b); and  
8 (2) the child, if the child is at least four years of  
9 age.

10 (b) The notice may be given by any appropriate means,  
11 including by mail, e-mail, telephone, or other electronic means.

12 Sec. 263.353. ATTENDANCE AT PLACEMENT STABILITY  
13 CONFERENCE. (a) The child's attorney ad litem, the child's guardian  
14 ad litem, the child protective services caseworker assigned to the  
15 child, and any court-appointed volunteer advocate for the child  
16 shall attend the placement stability conference.

17 (b) Each person entitled to receive notice of the placement  
18 stability conference may attend the conference, except that a  
19 child's parents may attend the conference only if the department  
20 determines it is appropriate.

21 (c) A person may attend a placement stability conference in  
22 person or by use of telephone conference call or video conference  
23 call.

24 Sec. 263.354. RECOMMENDATION FOR PLACEMENT. (a) At the  
25 placement stability conference, the child's caseworker shall make a  
26 recommendation for the placement of the child that will provide the  
27 greatest opportunity for future stability and permanency.

1       (b) The child's attorney ad litem, the child's guardian ad  
2 litem, and any court-appointed volunteer advocate for the child may  
3 make a placement recommendation for the child.

4       (c) The child's attorney ad litem, the child's guardian ad  
5 litem, the child's caseworker, and any court-appointed volunteer  
6 advocate for the child must all agree to the placement.

7       (d) If the child's attorney ad litem, the child's guardian  
8 ad litem, the child's caseworker, and any court-appointed volunteer  
9 advocate reach a unanimous agreement on placement, the child shall  
10 be placed in the agreed placement.

11       Sec. 263.355. JUDICIAL REVIEW OF PLACEMENT. (a) If the  
12 child's attorney ad litem, the child's guardian ad litem, the  
13 child's caseworker, and any court-appointed volunteer advocate are  
14 not able to reach a unanimous agreement regarding the child's  
15 placement at the placement stability conference, the court shall  
16 decide the placement for the child.

17       (b) Not later than the next business day after the date of a  
18 placement stability conference at which there is not a unanimous  
19 agreement for the placement of the child, the department shall file  
20 a motion with the court requesting that the court render an order on  
21 the child's placement.

22       (c) The court shall hold a hearing on the child's placement  
23 not later than the 12th day after the date the motion for a hearing  
24 is filed under Subsection (b).

25       (d) The department shall provide notice of the hearing to  
26 each person listed in Section 263.301(b) not later than the 10th day  
27 before the date of the hearing. The department shall give notice as

1 provided by Rule 21a, Texas Rules of Civil Procedure.

2 (e) The following are entitled to present evidence and be  
3 heard at the hearing:

- 4 (1) the department;  
5 (2) the child's attorney ad litem;  
6 (3) the child's guardian ad litem; and  
7 (4) any court-appointed volunteer advocate for the  
8 child.

9 (f) The child shall attend a hearing under this section  
10 unless the court specifically excuses the child's attendance. The  
11 court may consult with the child in a developmentally appropriate  
12 manner regarding the child's placement if the child is at least four  
13 years of age. Failure by the child to attend a hearing does not  
14 affect the validity of an order rendered at the hearing.

15 (g) The court shall conduct the hearing in any manner the  
16 court considers appropriate. The court may require the department  
17 or another party to submit written reports to assist the court in  
18 making the court's determination.

19 (h) At the conclusion of the hearing, the court shall render  
20 an order providing for the child's placement that is in the child's  
21 best interests and would provide the greatest opportunity for  
22 future stability and permanency.

23 Sec. 263.356. PERMANENCY PLANNING MEETINGS. The department  
24 is not required to hold a scheduled permanency planning meeting for  
25 a child if a placement stability conference for the child has been  
26 held not earlier than the 30th day before the date a permanency  
27 planning meeting is scheduled.

1       Sec. 263.357. PLACEMENT TRACKING SYSTEM. (a) The  
2 department shall identify each child for whom the department has  
3 been appointed temporary or permanent managing conservator who has  
4 had two or more placements during the preceding 12 months. For each  
5 child identified under this subsection, the department shall  
6 collect the following information:

7           (1) the number of placement changes for the child;

8           (2) whether a placement change occurred for any of the  
9 following reasons:

10           (A) the child ran away;

11           (B) the caregiver or child-placing agency  
12 responsible for placing the child requested the change;

13           (C) the child was hospitalized for medical or  
14 mental health reasons; or

15           (D) the child refused to remain in the placement;

16 and

17           (3) if a placement change occurred due to a reason  
18 listed under Subdivision (2):

19           (A) the child's name;

20           (B) the child's age;

21           (C) the address of the child's current placement;

22           (D) the court in which the suit affecting the  
23 parent-child relationship involving the child is pending;

24           (E) the county and department region in which the  
25 court is located;

26           (F) the reason for each placement change;

27           (G) the child-placing agency responsible for

1 placing the child;

2 (H) the child protective services program  
3 administrator assigned to the child;

4 (I) any centralized placement coordinator or  
5 centralized placement unit assigned to the child; and

6 (J) the level of care the child was determined to  
7 require.

8 (b) At least once each month, the department shall prepare a  
9 report from the information collected under Subsection (a) and  
10 provide the report to the commissioner of the department and the  
11 assistant commissioner for child protective services.

12 (c) The department shall include the aggregated data  
13 compiled under Subsection (b) in the department's annual data  
14 report.

15 SECTION 2. (a) Except as provided by Subsection (b) of this  
16 section, this Act takes effect January 1, 2014.

17 (b) Section 263.357, Family Code, as added by this Act,  
18 takes effect September 1, 2013.