

AN ACT

relating to providing stable placement for certain children in the conservatorship of the Department of Family and Protective Services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Chapter 263, Family Code, is amended to read as follows:

CHAPTER 263. REVIEW OF PLACEMENT OF CHILDREN UNDER CARE OF DEPARTMENT OF FAMILY AND PROTECTIVE [~~AND REGULATORY~~] SERVICES

SECTION 2. Subchapter A, Chapter 263, Family Code, is amended by adding Section 263.009 to read as follows:

Sec. 263.009. PERMANENCY PLANNING MEETINGS. (a) The department shall hold a permanency planning meeting for each child for whom the department is appointed temporary managing conservator:

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

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

(b) At the five-month permanency planning meeting described by Subsection (a)(2), the department shall:

(1) identify any barriers to achieving a timely permanent placement for the child; and

1 (2) develop strategies and determine actions that will
2 increase the probability of achieving a timely permanent placement
3 for the child.

4 (c) The five-month permanency planning meeting described by
5 Subsection (a)(2) and any subsequent permanency planning meeting
6 may be conducted as a multidisciplinary permanency planning meeting
7 if the department determines that a multidisciplinary permanency
8 planning meeting will assist the department in placing the child
9 with an adult caregiver who will permanently assume legal
10 responsibility for the child and facilitate the child's exit from
11 the conservatorship of the department.

12 (d) Except as provided by Subsection (e), the department
13 shall make reasonable efforts to include the following persons in
14 each multidisciplinary permanency planning meeting and notify
15 those persons of the meeting:

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

18 (2) the child's attorney ad litem;

19 (3) the child's guardian ad litem;

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

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

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

26 (A) the parent cannot be located;

27 (B) the parent has executed an affidavit of

1 relinquishment of parental rights; or

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

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

6 (8) any other person the department determines should
7 attend the permanency planning meeting.

8 (e) The department is not required to include a person
9 listed in Subsection (d) in a multidisciplinary permanency planning
10 meeting or to notify that person of a meeting if the department or
11 its authorized designee determines that the person's presence at
12 the meeting may have a detrimental effect on:

13 (1) the safety or well-being of another participant in
14 the meeting; or

15 (2) the success of the meeting because a parent or the
16 child has expressed an unwillingness to include that person in the
17 meeting.

18 (f) The department shall give the notice required by
19 Subsection (d) by e-mail if possible.

20 SECTION 3. Subsection (c), Section 263.502, Family Code, is
21 amended to read as follows:

22 (c) The placement review report must identify the
23 department's permanency goal for the child and must:

24 (1) evaluate whether the child's current placement is
25 appropriate for meeting the child's needs;

26 (2) evaluate whether efforts have been made to ensure
27 placement of the child in the least restrictive environment

1 consistent with the best interest and special needs of the child if
2 the child is placed in institutional care;

3 (3) contain a transition plan for a child who is at
4 least 16 years of age that identifies the services and specific
5 tasks that are needed to assist the child in making the transition
6 from substitute care to adult living and describes the services
7 that are being provided through the Transitional Living Services
8 Program operated by the department;

9 (4) evaluate whether the child's current educational
10 placement is appropriate for meeting the child's academic needs;

11 (5) identify other plans or services that are needed
12 to meet the child's special needs or circumstances;

13 (6) describe the efforts of the department or
14 authorized agency to place the child for adoption if parental
15 rights to the child have been terminated and the child is eligible
16 for adoption, including efforts to provide adoption promotion and
17 support services as defined by 42 U.S.C. Section 629a and other
18 efforts consistent with the federal Adoption and Safe Families Act
19 of 1997 (Pub. L. No. 105-89);

20 (7) for a child for whom the department has been named
21 managing conservator in a final order that does not include
22 termination of parental rights, describe the efforts of the
23 department to find a permanent placement for the child, including
24 efforts to:

25 (A) work with the caregiver with whom the child
26 is placed to determine whether that caregiver is willing to become a
27 permanent placement for the child;

1 (B) locate a relative or other suitable
2 individual to serve as permanent managing conservator of the child;
3 and

4 (C) evaluate any change in a parent's
5 circumstances to determine whether:

6 (i) the child can be returned to the parent;
7 or

8 (ii) parental rights should be terminated;
9 ~~and~~

10 (8) with respect to a child committed to the Texas
11 Juvenile Justice Department ~~[Youth Commission]~~ or released under
12 supervision by the Texas Juvenile Justice Department ~~[Youth~~
13 ~~Commission]~~:

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

16 (B) describe, using information provided by the
17 Texas Juvenile Justice Department ~~[Youth Commission]~~, the child's
18 progress in any rehabilitation program administered by the Texas
19 Juvenile Justice Department ~~[Youth Commission]~~; and

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

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

27 SECTION 4. Subchapter B, Chapter 264, Family Code, is

1 amended by adding Section 264.120 to read as follows:

2 Sec. 264.120. DISCHARGE NOTICE. (a) Except as provided by
3 Subsection (b), a substitute care provider with whom the department
4 contracts to provide substitute care services for a child shall
5 include in a discharge notice the following information:

- 6 (1) the reason for the child's discharge; and
7 (2) the provider's recommendation regarding a future
8 placement for the child that would increase the child's opportunity
9 to attain a stable placement.

10 (b) In an emergency situation in which the department is
11 required under the terms of the contract with the substitute care
12 provider to remove a child within 24 hours after receiving the
13 discharge notice, the provider must provide the information
14 required by Subsection (a) to the department not later than 48 hours
15 after the provider sends the discharge notice.

16 SECTION 5. Section 263.009, Family Code, as added by this
17 Act, applies only to a child placed in the temporary managing
18 conservatorship of the Department of Family and Protective Services
19 on or after the effective date of this Act.

20 SECTION 6. This Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 534 passed the Senate on April 3, 2013, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 23, 2013, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 534 passed the House, with amendment, on May 17, 2013, by the following vote: Yeas 134, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor