

By: West
(Dukes)

S.B. No. 534

A BILL TO BE ENTITLED

AN ACT

relating to requiring permanency planning meetings 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. Section 263.009, Family Code, as added by this
21 Act, applies only to a child placed in the temporary managing
22 conservatorship of the Department of Family and Protective Services
23 on or after the effective date of this Act.

24 SECTION 4. This Act takes effect September 1, 2013.