

By: Uresti

S.B. No. 886

A BILL TO BE ENTITLED

AN ACT

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.

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

SECTION 1. Subdivisions (1), (3-a), and (4), Section 263.601, Family Code, are amended to read as follows:

(1) "Extended foster [~~Foster~~] care" means a [~~voluntary~~] residential living arrangement in which a young adult voluntarily delegates to the department responsibility for the young adult's placement and care and in which the young adult resides with a foster parent or other residential services [~~child-care~~] provider that is:

(A) licensed or approved by the department or verified by a licensed or certified child-placing agency; and

(B) paid under a contract with the department.

(3-a) "Trial independence [~~period~~]" means the status assigned to a young adult under Section 263.6015 [~~a period of not less than six months, or a longer period as a court may order not to exceed 12 months, during which a young adult exits foster care with the option to return to foster care under the continuing extended jurisdiction of the court~~].

(4) "Young adult" means a person [~~between 18 and 21 years of age~~] who [+

1 [~~(A)~~] was in the conservatorship of the
2 department on the day before the person's 18th birthday[, and
3 [~~(B)~~ after the person's 18th birthday, resides in
4 foster care or receives transitional living services from the
5 department].

6 SECTION 2. Subchapter G, Chapter 263, Family Code, is
7 amended by adding Section 263.6015 to read as follows:

8 Sec. 263.6015. TRIAL INDEPENDENCE. (a) A young adult is
9 assigned trial independence status when the young adult:

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

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

14 (b) Except as provided by Subsection (c), a court order is
15 not required for a young adult to be assigned trial independence
16 status. Trial independence is mandatory for a period of at least
17 six months beginning on:

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

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

22 (c) A court may order trial independence status extended for
23 a period that exceeds the mandatory period under Subsection (b) but
24 does not exceed one year from the date the period under Subsection
25 (b) commences.

26 (d) Except as provided by Subsection (e), a young adult who
27 enters or reenters extended foster care after a period of trial

1 independence must complete a new period of trial independence as
2 provided by Subsection (b)(2).

3 (e) The trial independence status of a young adult ends on
4 the young adult's 21st birthday.

5 SECTION 3. Subsections (a), (b), (f), and (g), Section
6 263.602, Family Code, are amended to read as follows:

7 (a) Except as provided by Subsection (f), a [A] court that
8 had [~~continuing, exclusive~~] jurisdiction over a young adult on the
9 day before the young adult's 18th birthday continues to have
10 extended jurisdiction over the young adult and shall retain the
11 case on the court's docket while the young adult is [~~remains~~] in
12 extended foster care and during [~~a~~] trial independence as [~~period~~]
13 described by Section 263.6015 [~~this section~~].

14 (b) A court with extended jurisdiction over a young adult
15 [~~who remains~~] in extended foster care shall conduct extended foster
16 care review hearings every six months for the purpose of reviewing
17 and making findings regarding:

18 (1) whether the young adult's living arrangement is
19 safe and appropriate and whether the department has made reasonable
20 efforts to place the young adult in the least restrictive
21 environment necessary to meet the young adult's needs;

22 (2) whether the department is making reasonable
23 efforts to finalize the permanency plan that is in effect for the
24 young adult, including a permanency plan for independent living;

25 (3) whether, for a young adult whose permanency plan
26 is independent living:

27 (A) the young adult participated in the

1 development of the plan of service;

2 (B) the young adult's plan of service reflects
3 the independent living skills and appropriate services needed to
4 achieve independence by the projected date; and

5 (C) the young adult continues to make reasonable
6 progress in developing the skills needed to achieve independence by
7 the projected date; and

8 (4) whether additional services that the department is
9 authorized to provide are needed to meet the needs of the young
10 adult.

11 (f) Unless the court extends its jurisdiction over a young
12 adult beyond the end of trial independence as provided by Section
13 263.6021(a) or 263.603(a), the court's [A court with] extended
14 jurisdiction over a young adult as described in Subsection (a)
15 terminates on [shall continue to have jurisdiction over the young
16 adult and shall retain the case on the court's docket until] the
17 earlier of:

18 (1) the last day of the month in which trial
19 independence ends [+

20 [~~(A) sixth month after the date the young adult~~
21 ~~leaves foster care; or~~

22 [~~(B) 12th month after the date the young adult~~
23 ~~leaves foster care if specified in a court order, for the purpose of~~
24 ~~allowing the young adult to pursue a trial independence period]; or~~

25 (2) the young adult's 21st birthday.

26 (g) A court with extended jurisdiction described by this
27 section is not required to conduct periodic hearings described in

1 this section for a young adult during [~~a~~] trial independence
2 [~~period~~] and may not compel a young adult who has elected to not
3 enter or has exited extended foster care to attend a court hearing.
4 A court with extended jurisdiction during trial independence may,
5 at the request of a young adult, conduct a hearing described by
6 Subsection (b) or by Section 263.6021 to review any transitional
7 living services the young adult is receiving during trial
8 independence.

9 SECTION 4. Subsections (a) and (b), Section 263.6021,
10 Family Code, are amended to read as follows:

11 (a) Notwithstanding Section 263.602, a court that had
12 [~~continuing, exclusive~~] jurisdiction over a young adult on the day
13 before the young adult's 18th birthday may, at the young adult's
14 request, render an order that extends the court's jurisdiction
15 beyond the end of [~~a~~] trial independence [~~period~~] if the young adult
16 receives transitional living services from the department.

17 (b) Unless the young adult reenters extended foster care
18 before the end of the court's extended jurisdiction described by
19 Subsection (a), the [~~The~~] extended jurisdiction of the court under
20 this section terminates on the earlier of:

- 21 (1) the young adult's 21st birthday; or
22 (2) the date the young adult withdraws consent to the
23 extension of the court's jurisdiction in writing or in court.

24 SECTION 5. Section 263.603, Family Code, is amended by
25 adding Subsection (d) to read as follows:

26 (d) Notwithstanding any other provision of this subchapter,
27 a young adult for whom a guardian is appointed and qualifies is not

1 considered to be in extended foster care or trial independence and
2 the court's jurisdiction ends on the date the guardian for the young
3 adult is appointed and qualifies unless the guardian requests the
4 extended jurisdiction of the court under Section 263.604.

5 SECTION 6. The changes in law made by this Act to Subchapter
6 G, Chapter 263, Family Code, apply to a suit affecting the
7 parent-child relationship that is:

8 (1) filed on or after the effective date of this Act;
9 and

10 (2) pending in a trial court on the effective date of
11 this Act, regardless of the date on which the suit was filed.

12 SECTION 7. This Act takes effect September 1, 2013.