



15 MAY 22 PM 6:12
HOUSE OF REPRESENTATIVES

Cindy Burdette
BY: _____

FLOOR AMENDMENT NO. _____

1 Amend S.B. No. 200 (house committee printing) by adding the
2 following appropriately numbered ARTICLE to the bill and
3 renumbering the ARTICLES of the bill accordingly:

4 ARTICLE ____ . PROVISION OF SERVICES BY DEPARTMENT OF FAMILY AND
5 PROTECTIVE SERVICES

6 SECTION ____ .01. Section 25.001, Education Code, is amended
7 by amending Subsection (g) and adding Subsection (g-1) to read as
8 follows:

9 (g) A student who was enrolled in a primary or secondary
10 public school before the student entered ~~[who is placed in]~~ the
11 conservatorship of the Department of Family and Protective Services
12 and who is placed at a residence outside the attendance area for the
13 school or outside the school district is entitled to continue to
14 attend the school in which the student was enrolled immediately
15 before entering conservatorship until the student successfully
16 completes the highest grade level offered by the school at the time
17 of placement without payment of tuition. The student is entitled to
18 continue to attend the school regardless of whether the student
19 remains in the conservatorship of the department for the duration
20 of the student's enrollment in the school.

21 (g-1) If a student who is in the conservatorship of the
22 department is enrolled in a primary or secondary public school,
23 other than the school in which the student was enrolled at the time
24 the student was placed in the conservatorship of the department,
25 the student is entitled to continue to attend that school without
26 payment of tuition until the student successfully completes the
27 highest grade level offered by the school at the time of enrollment
28 in the school, even if the child's placement is changed to a
29 residence outside the attendance area for that school or outside

1 the school district. The student is entitled to continue to attend
2 the school regardless of whether the student remains in the
3 conservatorship of the department for the duration of the student's
4 enrollment in the school.

5 SECTION __.02. Section 25.087(b), Education Code, as
6 amended by Chapter 249 (H.B. 455), Chapter 688 (H.B. 2619), and
7 Chapter 1354 (S.B. 1404), Acts of the 83rd Legislature, Regular
8 Session, 2013, is reenacted and amended to read as follows:

9 (b) A school district shall excuse a student from attending
10 school for:

11 (1) the following purposes, including travel for those
12 purposes:

13 (A) observing religious holy days;

14 (B) attending a required court appearance;

15 (C) appearing at a governmental office to
16 complete paperwork required in connection with the student's
17 application for United States citizenship;

18 (D) taking part in a United States naturalization
19 oath ceremony;

20 (E) serving as an election clerk; or

21 ~~[(F) for a child in the conservatorship of the~~
22 ~~Department of Family and Protective Services, attending a mental~~
23 ~~health or therapy appointment or family visitation as ordered by a~~
24 ~~court under Chapter 262 or 263, Family Code, or]~~

25 (F) if the student is in the conservatorship of
26 the Department of Family and Protective Services, participating, as
27 determined and documented by the department, in an activity:

28 (i) ordered by a court under Chapter 262 or
29 263, Family Code, provided that it is not practicable to schedule
30 the participation outside of school hours; or

31 (ii) required under a service plan under

1 Subchapter B, Chapter 263, Family Code; or

2 (2) a temporary absence resulting from an appointment
3 with health care professionals for the student or the student's
4 child if the student commences classes or returns to school on the
5 same day of the appointment

6 ~~[(2) a temporary absence resulting from an appointment~~
7 ~~with a health care professional if that student commences classes~~
8 ~~or returns to school on the same day of the appointment].~~

9 SECTION __.03. Section 54.366, Education Code, is amended
10 by adding Subsection (c) to read as follows:

11 (c) Notwithstanding Subsection (a)(1), a child who exits
12 the conservatorship of the Department of Family and Protective
13 Services and is returned to the child's parent, including a parent
14 whose parental rights were previously terminated, may be exempt
15 from the payment of tuition and fees if the department determines
16 that the child is eligible under department rule. The executive
17 commissioner of the Health and Human Services Commission shall by
18 rule develop factors for determining eligibility under this
19 subsection in consultation with the department and the Texas Higher
20 Education Coordinating Board.

21 SECTION __.04. Section 51.03(b), Family Code, is amended to
22 read as follows:

23 (b) Conduct indicating a need for supervision is:

24 (1) subject to Subsection (f), conduct, other than a
25 traffic offense, that violates:

26 (A) the penal laws of this state of the grade of
27 misdemeanor that are punishable by fine only; or

28 (B) the penal ordinances of any political
29 subdivision of this state;

30 (2) the absence of a child on 10 or more days or parts
31 of days within a six-month period in the same school year or on

1 three or more days or parts of days within a four-week period from
2 school;

3 (3) the voluntary absence of a child from the child's
4 home without the consent of the child's parent or guardian for a
5 substantial length of time or without intent to return;

6 (4) conduct prohibited by city ordinance or by state
7 law involving the inhalation of the fumes or vapors of paint and
8 other protective coatings or glue and other adhesives and the
9 volatile chemicals itemized in Section 485.001, Health and Safety
10 Code;

11 (5) an act that violates a school district's
12 previously communicated written standards of student conduct for
13 which the child has been expelled under Section 37.007(c),
14 Education Code;

15 (6) ~~conduct that violates a reasonable and lawful~~
16 ~~order of a court entered under Section 264.305,~~

17 ~~[(7)]~~ notwithstanding Subsection (a)(1), conduct
18 described by Section 43.02(a)(1) or (2), Penal Code; or

19 (7) ~~[(8)]~~ notwithstanding Subsection (a)(1), conduct
20 that violates Section 43.261, Penal Code.

21 SECTION __.05. The heading to Section 58.0052, Family Code,
22 is amended to read as follows:

23 Sec. 58.0052. INTERAGENCY SHARING OF CERTAIN
24 NONEDUCATIONAL RECORDS.

25 SECTION __.06. Subchapter A, Chapter 58, Family Code, is
26 amended by adding Section 58.0053 to read as follows:

27 Sec. 58.0053. INTERAGENCY SHARING OF JUVENILE PROBATION
28 RECORDS. (a) On request by the Department of Family and
29 Protective Services, a juvenile probation officer shall disclose to
30 the department the terms of probation of a child in the department's
31 conservatorship.

1 **(b) To the extent of a conflict between this section and**
2 **another law of this state applicable to confidential information**
3 **held by a governmental agency, this section controls.**

4 **(c) This section does not affect the confidential status of**
5 **the information being shared. The information may be released to a**
6 **third party only as directed by a court order or as otherwise**
7 **authorized by law. Personally identifiable information disclosed**
8 **to the Department of Family and Protective Services under this**
9 **section is not subject to disclosure to a third party under Chapter**
10 **552, Government Code.**

11 **(d) The Department of Family and Protective Services shall**
12 **enter into a memorandum of understanding with the Texas Juvenile**
13 **Justice Department to adopt procedures for handling information**
14 **requests under this section.**

15 SECTION __.07. Chapter 101, Family Code, is amended by
16 adding Sections 101.0133 and 101.0134 to read as follows:

17 **Sec. 101.0133. FOSTER CARE. "Foster care" means the**
18 **placement of a child who is in the conservatorship of the Department**
19 **of Family and Protective Services and in care outside the child's**
20 **home in an agency foster group home, agency foster home, foster**
21 **group home, foster home, or another facility licensed or certified**
22 **under Chapter 42, Human Resources Code, in which care is provided**
23 **for 24 hours a day.**

24 **Sec. 101.0134. FOSTER CHILD. "Foster child" means a child**
25 **who is in the managing conservatorship of the Department of Family**
26 **and Protective Services.**

27 SECTION __.08. Section 103.001(b), Family Code, is amended
28 to read as follows:

29 **(b) A suit in which adoption is requested may be filed in the**
30 **county where the child resides or in the county where the**
31 **petitioners reside, regardless of whether another court has**

1 continuing exclusive jurisdiction under Chapter 155. A court that
2 has continuing exclusive jurisdiction is not required to transfer
3 the suit affecting the parent-child relationship to the court in
4 which the adoption suit is filed.

5 SECTION __.09. Section 104.007(b), Family Code, is amended
6 to read as follows:

7 (b) In a proceeding brought by the Department of Family and
8 Protective [~~and Regulatory~~] Services concerning a child who is
9 alleged in a suit to have been abused or neglected, the court may
10 order[, ~~with the agreement of the state's counsel and the~~
11 ~~defendant's counsel,~~] that the testimony of a professional be taken
12 outside the courtroom by videoconference:

13 (1) on the agreement of the department's counsel and
14 respondent's counsel; or

15 (2) if good cause exists, on the court's own motion.

16 SECTION __.10. Section 155.001(c), Family Code, is amended
17 to read as follows:

18 (c) If a court of this state has acquired continuing,
19 exclusive jurisdiction, no other court of this state has
20 jurisdiction of a suit with regard to that child except as provided
21 by this chapter, Section 103.001(b), or Chapter 262.

22 SECTION __.11. Section 161.001(b), Family Code, as amended
23 by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is
24 amended to read as follows:

25 (b) The court may order termination of the parent-child
26 relationship if the court finds by clear and convincing evidence:

27 (1) that the parent has:

28 (A) voluntarily left the child alone or in the
29 possession of another not the parent and expressed an intent not to
30 return;

31 (B) voluntarily left the child alone or in the

1 possession of another not the parent without expressing an intent
2 to return, without providing for the adequate support of the child,
3 and remained away for a period of at least three months;

4 (C) voluntarily left the child alone or in the
5 possession of another without providing adequate support of the
6 child and remained away for a period of at least six months;

7 (D) knowingly placed or knowingly allowed the
8 child to remain in conditions or surroundings which endanger the
9 physical or emotional well-being of the child;

10 (E) engaged in conduct or knowingly placed the
11 child with persons who engaged in conduct which endangers the
12 physical or emotional well-being of the child;

13 (F) failed to support the child in accordance
14 with the parent's ability during a period of one year ending within
15 six months of the date of the filing of the petition;

16 (G) abandoned the child without identifying the
17 child or furnishing means of identification, and the child's
18 identity cannot be ascertained by the exercise of reasonable
19 diligence;

20 (H) voluntarily, and with knowledge of the
21 pregnancy, abandoned the mother of the child beginning at a time
22 during her pregnancy with the child and continuing through the
23 birth, failed to provide adequate support or medical care for the
24 mother during the period of abandonment before the birth of the
25 child, and remained apart from the child or failed to support the
26 child since the birth;

27 (I) contumaciously refused to submit to a
28 reasonable and lawful order of a court under Subchapter D, Chapter
29 261;

30 (J) been the major cause of:

31 (i) the failure of the child to be enrolled

1 in school as required by the Education Code; or

2 (ii) the child's absence from the child's
3 home without the consent of the parents or guardian for a
4 substantial length of time or without the intent to return;

5 (K) executed before or after the suit is filed an
6 unrevoked or irrevocable affidavit of relinquishment of parental
7 rights as provided by this chapter;

8 (L) been convicted or has been placed on
9 community supervision, including deferred adjudication community
10 supervision, for being criminally responsible for the death or
11 serious injury of a child under the following sections of the Penal
12 Code, or under a law of another jurisdiction that contains elements
13 that are substantially similar to the elements of an offense under
14 one of the following Penal Code sections, or adjudicated under
15 Title 3 for conduct that caused the death or serious injury of a
16 child and that would constitute a violation of one of the following
17 Penal Code sections:

- 18 (i) Section 19.02 (murder);
19 (ii) Section 19.03 (capital murder);
20 (iii) Section 19.04 (manslaughter);
21 (iv) Section 21.11 (indecent with a
22 child);
23 (v) Section 22.01 (assault);
24 (vi) Section 22.011 (sexual assault);
25 (vii) Section 22.02 (aggravated assault);
26 (viii) Section 22.021 (aggravated sexual
27 assault);
28 (ix) Section 22.04 (injury to a child,
29 elderly individual, or disabled individual);
30 (x) Section 22.041 (abandoning or
31 endangering child);

1 (xi) Section 25.02 (prohibited sexual
2 conduct);

3 (xii) Section 43.25 (sexual performance by
4 a child);

5 (xiii) Section 43.26 (possession or
6 promotion of child pornography);

7 (xiv) Section 21.02 (continuous sexual
8 abuse of young child or children);

9 (xv) Section 20A.02(a)(7) or (8)
10 (trafficking of persons); and

11 (xvi) Section 43.05(a)(2) (compelling
12 prostitution);

13 (M) had his or her parent-child relationship
14 terminated with respect to another child based on a finding that the
15 parent's conduct was in violation of Paragraph (D) or (E) or
16 substantially equivalent provisions of the law of another state;

17 (N) constructively abandoned the child who has
18 been in the permanent or temporary managing conservatorship of the
19 Department of Family and Protective Services for not less than six
20 months, and:

21 (i) the department has made reasonable
22 efforts to return the child to the parent;

23 (ii) the parent has not regularly visited
24 or maintained significant contact with the child; and

25 (iii) the parent has demonstrated an
26 inability to provide the child with a safe environment;

27 (O) failed to comply with the provisions of a
28 court order that specifically established the actions necessary for
29 the parent to obtain the return of the child who has been in the
30 permanent or temporary managing conservatorship of the Department
31 of Family and Protective Services for not less than nine months as a

1 result of the child's removal from the parent under Chapter 262 for
2 the abuse or neglect of the child;

3 (P) used a controlled substance, as defined by
4 Chapter 481, Health and Safety Code, in a manner that endangered the
5 health or safety of the child, and:

6 (i) failed to complete a court-ordered
7 substance abuse treatment program; or

8 (ii) after completion of a court-ordered
9 substance abuse treatment program, continued to abuse a controlled
10 substance;

11 (Q) knowingly engaged in criminal conduct that
12 has resulted in the parent's:

13 (i) conviction of an offense; and

14 (ii) confinement or imprisonment and
15 inability to care for the child for not less than two years from the
16 date of filing the petition;

17 (R) been the cause of the child being born
18 addicted to alcohol or a controlled substance, other than a
19 controlled substance legally obtained by prescription;

20 (S) voluntarily delivered the child to a
21 designated emergency infant care provider under Section 262.302
22 without expressing an intent to return for the child; or

23 (T) been convicted of:

24 (i) the murder of the other parent of the
25 child under Section 19.02 or 19.03, Penal Code, or under a law of
26 another state, federal law, the law of a foreign country, or the
27 Uniform Code of Military Justice that contains elements that are
28 substantially similar to the elements of an offense under Section
29 19.02 or 19.03, Penal Code;

30 (ii) criminal attempt under Section 15.01,
31 Penal Code, or under a law of another state, federal law, the law of

1 a foreign country, or the Uniform Code of Military Justice that
2 contains elements that are substantially similar to the elements of
3 an offense under Section 15.01, Penal Code, to commit the offense
4 described by Subparagraph (i); or

5 (iii) criminal solicitation under Section
6 15.03, Penal Code, or under a law of another state, federal law, the
7 law of a foreign country, or the Uniform Code of Military Justice
8 that contains elements that are substantially similar to the
9 elements of an offense under Section 15.03, Penal Code, of the
10 offense described by Subparagraph (i); and

11 (2) that termination is in the best interest of the
12 child.

13 SECTION __.12. Section 162.005(c), Family Code, is
14 transferred to Section 162.007, Family Code, and redesignated as
15 Section 162.007(e), Family Code, to read as follows:

16 (e) [(e)] The report shall include a history of physical,
17 sexual, or emotional abuse suffered by the child, if any.

18 SECTION __.13. The heading to Section 162.006, Family Code,
19 is amended to read as follows:

20 Sec. 162.006. ACCESS TO HEALTH, SOCIAL, EDUCATIONAL, AND
21 GENETIC HISTORY REPORT; RETENTION [~~RIGHT TO EXAMINE RECORDS~~].

22 SECTION __.14. Section 162.007, Family Code, is amended by
23 adding Subsection (f) to read as follows:

24 (f) Notwithstanding the other provisions of this section,
25 the Department of Family and Protective Services may, in accordance
26 with department rule, modify the form and contents of the health,
27 social, educational, and genetic history report for a child as the
28 department determines appropriate based on:

29 (1) the relationship between the prospective adoptive
30 parents and the child or the child's birth family;

31 (2) the provision of the child's case record to the

1 prospective adoptive parents; or

2 (3) any other factor specified by department rule.

3 SECTION __.15. (a) Subsections (a), as amended by S.B. 219,
4 Acts of the 84th Legislature, Regular Session, 2015, and (a-1),
5 Section 162.006, Family Code, are redesignated as Section 162.0062,
6 Family Code, and amended to read as follows:

7 Sec. 162.0062. ACCESS TO INFORMATION. (a) Except as
8 provided by Subsection (c), the prospective adoptive parents of a
9 child are entitled to examine the records and other information
10 relating to the history of the child. The Department of Family and
11 Protective Services, licensed child-placing agency, or other
12 person placing a child for adoption shall inform the prospective
13 adoptive parents of their right to examine the records and other
14 information relating to the history of the child. The department,
15 licensed child-placing agency, or other person placing the child
16 for adoption shall edit the records and information to protect the
17 identity of the biological parents and any other person whose
18 identity is confidential.

19 (b) [~~a-1~~] The records described by Subsection (a) must
20 include any records relating to an investigation of abuse in which
21 the child was an alleged or confirmed victim of sexual abuse while
22 residing in a foster home or other residential child-care facility.
23 If the licensed child-placing agency or other person placing the
24 child for adoption does not have the information required by this
25 subsection, the department, at the request of the licensed
26 child-placing agency or other person placing the child for
27 adoption, shall provide the information to the prospective adoptive
28 parents of the child.

29 (c) If the prospective adoptive parents of a child have
30 reviewed the health, social, educational, and genetic history
31 report for the child and indicated that they want to proceed with

1 the adoption, the department may, but is not required to, allow the
2 prospective adoptive parents of the child to examine the records
3 and other information relating to the history of the child, unless
4 the prospective adoptive parents request the child's case record.
5 The department shall provide the child's case record to the
6 prospective adoptive parents on the request of the prospective
7 adoptive parents.

8 (b) Section 162.018, Family Code, as amended by S.B. 219,
9 Acts of the 84th Legislature, Regular Session, 2015, is transferred
10 to Section 162.0062, Family Code, as added by this section,
11 redesignated as Sections 162.0062(d), (e), and (f), Family Code,
12 and amended to read as follows:

13 ~~(d) [Sec. 162.018. ACCESS TO INFORMATION. (a) The~~
14 ~~adoptive parents are entitled to receive copies of the records and~~
15 ~~other information relating to the history of the child maintained~~
16 ~~by the Department of Family and Protective Services, licensed~~
17 ~~child-placing agency, person, or entity placing the child for~~
18 ~~adoption.~~

19 ~~[(b)]~~ The adoptive parents and the adopted child, after the
20 child is an adult, are entitled to receive copies of the records
21 that have been edited to protect the identity of the biological
22 parents and any other person whose identity is confidential and
23 other information relating to the history of the child maintained
24 by the department, licensed child-placing agency, person, or entity
25 placing the child for adoption.

26 ~~(e) [(c)]~~ It is the duty of the person or entity placing the
27 child for adoption to edit the records and information to protect
28 the identity of the biological parents and any other person whose
29 identity is confidential.

30 ~~(f) [(d)]~~ At the time an adoption order is rendered, the
31 court shall provide to the parents of an adopted child information

1 provided by the vital statistics unit that describes the functions
2 of the voluntary adoption registry under Subchapter E. The
3 licensed child-placing agency shall provide to each of the child's
4 biological parents known to the agency, the information when the
5 parent signs an affidavit of relinquishment of parental rights or
6 affidavit of waiver of interest in a child. The information shall
7 include the right of the child or biological parent to refuse to
8 participate in the registry. If the adopted child is 14 years old
9 or older the court shall provide the information to the child.

10 SECTION __.16. Section 162.304, Family Code, is amended by
11 amending Subsections (a) and (b-1) and adding Subsection (j) to
12 read as follows:

13 (a) The department shall administer a program to provide
14 adoption assistance for eligible children and enter into adoption
15 assistance agreements with the adoptive parents of a child as
16 authorized by Part E of Title IV of the federal Social Security Act,
17 as amended (42 U.S.C. Section 673).

18 (b-1) Subject to the availability of funds, the [The]
19 department shall pay a \$150 subsidy each month for the premiums for
20 health benefits coverage for a child with respect to whom a court
21 has entered a final order of adoption if the child:

22 (1) was in the conservatorship of the department at
23 the time of the child's adoptive placement;

24 (2) after the adoption, is not eligible for medical
25 assistance under Chapter 32, Human Resources Code; and

26 (3) is younger than 18 years of age.

27 (j) The department shall keep records necessary to evaluate
28 the adoption assistance program's effectiveness in encouraging and
29 promoting the adoption of children.

30 SECTION __.17. Section 162.3041(d), Family Code, is amended
31 to read as follows:

1 (d) The department is not required to provide adoption
2 assistance benefits under Subsection (a) or (a-1) unless funds are
3 appropriated to the department specifically for purposes of those
4 subsections. If the legislature does not appropriate sufficient
5 money to provide adoption assistance to the adoptive parents of all
6 children described by Subsection (a), the department shall provide
7 adoption assistance only to the adoptive parents of children
8 described by Subsection (a)(1). [~~The department is not required to~~
9 ~~provide adoption assistance benefits under Subsection (a-1) unless~~
10 ~~the department is specifically appropriated funds for purposes of~~
11 ~~that subsection.~~]

12 SECTION __.18. Subchapter D, Chapter 162, Family Code, is
13 amended by adding Section 162.3085 to read as follows:

14 Sec. 162.3085. ADOPTIVE PLACEMENT IN COMPLIANCE WITH
15 FEDERAL LAW REQUIRED. The department or a licensed child-placing
16 agency making an adoptive placement shall comply with the
17 Multiethnic Placement Act of 1994 (42 U.S.C. Section 1996b).

18 SECTION __.19. Section 261.302, Family Code, is amended by
19 amending Subsection (e) and adding Subsection (e-1) to read as
20 follows:

21 (e) An interview with a child in which the allegations of
22 the current investigation are discussed and that is conducted by
23 the department during the investigation stage shall be audiotaped
24 or videotaped unless:

25 (1) the recording equipment malfunctions and the
26 malfunction is not the result of a failure to maintain the equipment
27 or bring adequate supplies for the equipment;

28 (2) the child is unwilling to allow the interview to be
29 recorded after the department makes a reasonable effort consistent
30 with the child's age and development and the circumstances of the
31 case to convince the child to allow the recording; or

1 (3) due to circumstances that could not have been
2 reasonably foreseen or prevented by the department, the department
3 does not have the necessary recording equipment because the
4 department employee conducting the interview does not ordinarily
5 conduct interviews.

6 (e-1) An interview with a child alleged to be a victim of
7 physical abuse or sexual abuse conducted by an investigating agency
8 other than the department shall be audiotaped or videotaped unless
9 the investigating agency determines that good cause exists for not
10 audiotaping or videotaping the interview in accordance with rules
11 of the agency. Good cause may include, but is not limited to, such
12 considerations as the age of the child and the nature and
13 seriousness of the allegations under investigation. Nothing in
14 this subsection shall be construed as prohibiting the investigating
15 agency from audiotaping or videotaping an interview of a child on
16 any case for which such audiotaping or videotaping is not required
17 under this subsection. The fact that the investigating agency
18 failed to audiotape or videotape an interview is admissible at the
19 trial of the offense that is the subject of the interview.

20 SECTION __.20. Section 261.3021, Family Code, is amended to
21 read as follows:

22 Sec. 261.3021. CASEWORK DOCUMENTATION AND MANAGEMENT.
23 Subject to the appropriation of money [~~for these purposes~~], the
24 department shall[+]

25 [~~(1)~~] identify critical investigation actions that
26 impact child safety and require department caseworkers to document
27 those actions in a child's case file not later than the day after
28 the action occurs[+]

29 [~~(2) identify and develop a comprehensive set of~~
30 ~~casework quality indicators that must be reported in real time to~~
31 ~~support timely management oversight,~~

1 ~~[(3) provide department supervisors with access to~~
2 ~~casework quality indicators and train department supervisors on the~~
3 ~~use of that information in the daily supervision of caseworkers,~~

4 ~~[(4) develop a case tracking system that notifies~~
5 ~~department supervisors and management when a case is not~~
6 ~~progressing in a timely manner,~~

7 ~~[(5) use current data reporting systems to provide~~
8 ~~department supervisors and management with easier access to~~
9 ~~information, and~~

10 ~~[(6) train department supervisors and management on~~
11 ~~the use of data to monitor cases and make decisions].~~

12 SECTION __.21. Sections 261.309(b) and (d), Family Code,
13 are amended to read as follows:

14 (b) If a person under investigation for allegedly abusing or
15 neglecting a child requests clarification of the status of the
16 person's case or files a complaint relating to the conduct of the
17 department's staff or to department policy, the department shall
18 conduct an informal review to clarify the person's status or
19 resolve the complaint. The division of the department responsible
20 for investigating complaints ~~[immediate supervisor of the employee~~
21 ~~who conducted the child abuse or neglect investigation or against~~
22 ~~whom the complaint was filed]~~ shall conduct the informal review as
23 soon as possible but not later than the 14th day after the date the
24 request or complaint is received.

25 (d) The ~~[Unless a civil or criminal court proceeding or an~~
26 ~~ongoing criminal investigation relating to the alleged abuse or~~
27 ~~neglect investigated by the department is pending, the]~~ department
28 employee shall conduct the review prescribed by Subsection (c) as
29 soon as possible but not later than the 45th day after the date the
30 department receives the request, unless the department has good
31 cause for extending the deadline. If a civil or criminal court

1 proceeding or an ongoing criminal investigation relating to the
2 alleged abuse or neglect investigated by the department is pending,
3 the department may postpone the review until the court proceeding
4 is completed.

5 SECTION __.22. Section 261.406(b), Family Code, is amended
6 to read as follows:

7 (b) The department shall send a copy of the completed report
8 of the department's investigation to the Texas Education Agency.
9 On request, the department shall provide a copy of the completed
10 report of the department's investigation to[7] the State Board for
11 Educator Certification, the local school board or the school's
12 governing body, the superintendent of the school district, and the
13 school principal or director, unless the principal or director is
14 alleged to have committed the abuse or neglect, for appropriate
15 action. On request, the department shall provide a copy of the
16 report of investigation to the parent, managing conservator, or
17 legal guardian of a child who is the subject of the investigation
18 and to the person alleged to have committed the abuse or neglect.
19 The report of investigation shall be edited to protect the identity
20 of the persons who made the report of abuse or neglect. Other than
21 the persons authorized by the section to receive a copy of the
22 report, Section 261.201(b) applies to the release of the report
23 relating to the investigation of abuse or neglect under this
24 section and to the identity of the person who made the report of
25 abuse or neglect.

26 SECTION __.23. Section 262.1095(a), Family Code, is amended
27 to read as follows:

28 (a) When the Department of Family and Protective Services or
29 another agency takes possession of a child under this chapter, the
30 department:

31 (1) shall provide information as prescribed by this

1 section to each adult the department is able to identify and locate
2 who is:

3 (A) [~~is~~] related to the child within the third
4 degree by consanguinity as determined under Chapter 573, Government
5 Code;

6 (B) [~~or is~~] an adult relative of the alleged
7 father of the child if [~~who~~] the department has a reasonable basis
8 to believe the alleged father is [~~determines is most likely to be~~]
9 the child's biological father; or [~~and~~]

10 (C) [~~(B) is~~] identified as a potential relative
11 or designated caregiver, as defined by Section 264.751, on the
12 proposed child placement resources form provided under Section
13 261.307; and

14 (2) may provide information as prescribed by this
15 section to each adult the department is able to identify and locate
16 who has a long-standing and significant relationship with the
17 child.

18 SECTION __.24. Section 262.114(b), Family Code, is amended
19 to read as follows:

20 (b) The department may place a child with a relative or
21 other designated caregiver [~~individual~~] identified on the proposed
22 child placement resources form if the department determines that
23 the placement is in the best interest of the child. The department
24 must complete the background and criminal history check and conduct
25 a preliminary evaluation of the relative or other designated
26 caregiver's home before the child is placed with the relative or
27 other designated caregiver. The department may place the child
28 with the relative or designated caregiver [~~individual~~] before
29 conducting the [~~background and criminal history check or~~] home
30 study required under Subsection (a). Not later than 48 hours after
31 the time that the child is placed with the relative or other

1 designated caregiver, the department shall begin the home study of
2 the relative or other designated caregiver. The department shall
3 complete the home study as soon as possible unless otherwise
4 ordered by a court. The department shall provide a copy of an
5 informational manual required under Section 261.3071 to the
6 relative or other designated caregiver at the time of the child's
7 placement.

8 SECTION __.25. Section 262.115(c), Family Code, is amended
9 to read as follows:

10 (c) The department shall ensure that a parent who is
11 otherwise entitled to possession of the child has an opportunity to
12 visit the child not later than the fifth [~~third~~] day after the date
13 the department is named temporary managing conservator of the child
14 unless:

15 (1) the department determines that visitation is not
16 in the child's best interest; or

17 (2) visitation with the parent would conflict with a
18 court order relating to possession of or access to the child.

19 SECTION __.26. Section 262.2015(b), Family Code, as amended
20 by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is
21 amended to read as follows:

22 (b) The court may find under Subsection (a) that a parent
23 has subjected the child to aggravated circumstances if:

24 (1) the parent abandoned the child without
25 identification or a means for identifying the child;

26 (2) the child or another child of the parent is a
27 victim of serious bodily injury or sexual abuse inflicted by the
28 parent or by another person with the parent's consent;

29 (3) the parent has engaged in conduct against the
30 child or another child of the parent that would constitute an
31 offense under the following provisions of the Penal Code:

1 (A) Section 19.02 (murder);
2 (B) Section 19.03 (capital murder);
3 (C) Section 19.04 (manslaughter);
4 (D) Section 21.11 (indecent with a child);
5 (E) Section 22.011 (sexual assault);
6 (F) Section 22.02 (aggravated assault);
7 (G) Section 22.021 (aggravated sexual assault);
8 (H) Section 22.04 (injury to a child, elderly
9 individual, or disabled individual);
10 (I) Section 22.041 (abandoning or endangering
11 child);
12 (J) Section 25.02 (prohibited sexual conduct);
13 (K) Section 43.25 (sexual performance by a
14 child);
15 (L) Section 43.26 (possession or promotion of
16 child pornography);
17 (M) Section 21.02 (continuous sexual abuse of
18 young child or children);
19 (N) Section 43.05(a)(2) (compelling
20 prostitution); or
21 (O) Section 20A.02(a)(7) or (8) (trafficking of
22 persons);
23 (4) the parent voluntarily left the child alone or in
24 the possession of another person not the parent of the child for at
25 least six months without expressing an intent to return and without
26 providing adequate support for the child;
27 (5) the parent's parental rights with regard to
28 another child have been involuntarily terminated based on a finding
29 that the parent's conduct violated Section 161.001(b)(1)(D) or (E)
30 or a substantially equivalent provision of another state's law;
31 (6) the parent has been convicted for:

1 (A) the murder of another child of the parent and
2 the offense would have been an offense under 18 U.S.C. Section
3 1111(a) if the offense had occurred in the special maritime or
4 territorial jurisdiction of the United States;

5 (B) the voluntary manslaughter of another child
6 of the parent and the offense would have been an offense under 18
7 U.S.C. Section 1112(a) if the offense had occurred in the special
8 maritime or territorial jurisdiction of the United States;

9 (C) aiding or abetting, attempting, conspiring,
10 or soliciting an offense under Paragraph (A) or (B); or

11 (D) the felony assault of the child or another
12 child of the parent that resulted in serious bodily injury to the
13 child or another child of the parent; ~~[or]~~

14 (7) the parent's parental rights with regard to
15 another child of the parent ~~[two other children]~~ have been
16 involuntarily terminated; or

17 (8) the parent is required under any state or federal
18 law to register with a sex offender registry.

19 SECTION __.27. Section 263.301, Family Code, as amended by
20 S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is
21 transferred to Subchapter A, Chapter 263, Family Code, redesignated
22 as Section 263.0021, Family Code, and amended to read as follows:

23 Sec. 263.0021 ~~[263.301]~~. NOTICE OF HEARING; PRESENTATION
24 OF EVIDENCE. (a) Notice of a ~~[permanency]~~ hearing under this
25 chapter shall be given ~~[as provided by Rule 21a, Texas Rules of~~
26 ~~Civil Procedure,~~] to all persons entitled to notice of the hearing.

27 (b) The following persons are entitled to at least 10 days'
28 notice of a ~~[permanency]~~ hearing under this chapter and are
29 entitled to present evidence and be heard at the hearing:

30 (1) the department;

31 (2) the foster parent, preadoptive parent, relative of

1 the child providing care, or director or director's designee of the
2 group home or general residential operation [~~institution~~] where the
3 child is residing;

4 (3) each parent of the child;

5 (4) the managing conservator or guardian of the child;

6 (5) an attorney ad litem appointed for the child under
7 Chapter 107, if the appointment was not dismissed in the final
8 order;

9 (6) a guardian ad litem appointed for the child under
10 Chapter 107, if the appointment was not dismissed in the final
11 order;

12 (7) a volunteer advocate appointed for the child under
13 Chapter 107, if the appointment was not dismissed in the final
14 order;

15 (8) [~~47~~] the child if:

16 (A) the child is 10 years of age or older; or

17 (B) the court determines it is appropriate for
18 the child to receive notice; and

19 (9) [~~48~~] any other person or agency named by the
20 court to have an interest in the child's welfare.

21 (c) Notice of a hearing under this chapter may be given:

22 (1) as provided by Rule 21a, Texas Rules of Civil
23 Procedure;

24 (2) in a temporary order following a full adversary
25 hearing;

26 (3) in an order following a hearing under this
27 chapter;

28 (4) in open court; or

29 (5) in any manner that would provide actual notice to a
30 person entitled to notice.

31 (d) The licensed administrator of the child-placing agency

1 responsible for placing the child or the licensed administrator's
2 designee is entitled to at least 10 days' notice of a permanency
3 hearing after final order [~~If a person entitled to notice under~~
4 ~~Chapter 102 or this section has not been served, the court shall~~
5 ~~review the department's efforts at attempting to locate all~~
6 ~~necessary persons and requesting service of citation and the~~
7 ~~assistance of a parent in providing information necessary to locate~~
8 ~~an absent parent~~].

9 SECTION __.28. Section 263.004, Family Code, is amended to
10 read as follows:

11 Sec. 263.004. NOTICE TO COURT REGARDING EDUCATION
12 DECISION-MAKING. (a) Unless the rights and duties of the
13 department under Section 153.371(10) to make decisions regarding
14 the child's education have been limited by court order, the
15 department shall file with the court [~~a report identifying~~] the
16 name and contact information for each person who has been:

17 (1) designated by the department to make educational
18 decisions on behalf of the child; and

19 (2) assigned to serve as the child's surrogate parent
20 in accordance with 20 U.S.C. Section 1415(b) and Section
21 29.001(10), Education Code, for purposes of decision-making
22 regarding special education services, if applicable.

23 (b) Not later than the fifth day after the date an adversary
24 hearing under Section 262.201 or [~~Section~~] 262.205 is concluded,
25 the information [~~report~~] required by Subsection (a) shall be filed
26 with the court and a copy shall be provided to[+]

27 [~~(1) each person entitled to notice of a permanency~~
28 ~~hearing under Section 263.301, and~~

29 [~~(2)~~] the school the child attends.

30 (c) If a person other than a person identified under [~~in the~~
31 ~~report required by~~] Subsection (a) is designated to make

1 educational decisions or assigned to serve as a surrogate parent,
2 the department shall include the updated information in a
3 permanency progress report filed under Section 263.303 or 263.502
4 ~~[file with the court an updated report that includes the~~
5 ~~information required by Subsection (a) for the designated or~~
6 ~~assigned person]~~. The updated information ~~[report]~~ must be
7 provided to the school the child attends ~~[filed]~~ not later than the
8 fifth day after the date of designation or assignment.

9 SECTION __.29. Sections 263.009(a) and (b), Family Code,
10 are amended to read as follows:

11 (a) The department shall hold a permanency planning meeting
12 for each child for whom the department is appointed temporary
13 managing conservator in accordance with a schedule adopted by the
14 executive commissioner of the Health and Human Services Commission
15 by rule that is designed to allow the child to exit the managing
16 conservatorship of the department safely and as soon as possible
17 and be placed with an appropriate adult caregiver who will
18 permanently assume legal responsibility for the child~~+~~

19 ~~[(1) not later than the 45th day after the date the~~
20 ~~department is named temporary managing conservator of the child,~~
21 ~~and~~

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

24 (b) At each ~~[the five-month]~~ permanency planning meeting
25 ~~[described by Subsection (a)(2)]~~, the department shall:

26 (1) identify any barriers to achieving a timely
27 permanent placement for the child; ~~[and]~~

28 (2) develop strategies and determine actions that will
29 increase the probability of achieving a timely permanent placement
30 for the child; and

31 (3) use the family group decision-making model

1 whenever possible.

2 SECTION __.30. Section 263.101, Family Code, as amended by
3 S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is
4 amended to read as follows:

5 Sec. 263.101. DEPARTMENT TO FILE SERVICE PLAN. Except as
6 provided by Section 262.2015, not ~~[Not]~~ later than the 45th day
7 after the date the court renders a temporary order appointing the
8 department as temporary managing conservator of a child under
9 Chapter 262, the department shall file a service plan.

10 SECTION __.31. Section 263.102(a), Family Code, as amended
11 by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is
12 amended to read as follows:

13 (a) The service plan must:

14 (1) be specific;

15 (2) be in writing in a language that the parents
16 understand, or made otherwise available;

17 (3) be prepared by the department in conference with
18 the child's parents;

19 (4) state appropriate deadlines;

20 (5) specify the primary permanency goal and at least
21 one alternative permanency goal ~~[state whether the goal of the plan~~
22 ~~is+~~

23 ~~[(A) return of the child to the child's parents,~~

24 ~~[(B) termination of parental rights and~~
25 ~~placement of the child for adoption, or~~

26 ~~[(C) because of the child's special needs or~~
27 ~~exceptional circumstances, continuation of the child's care out of~~
28 ~~the child's home];~~

29 (6) state steps that are necessary to:

30 (A) return the child to the child's home if the
31 placement is in foster care;

1 (B) enable the child to remain in the child's
2 home with the assistance of a service plan if the placement is in
3 the home under the department's supervision; or

4 (C) otherwise provide a permanent safe placement
5 for the child;

6 (7) state the actions and responsibilities that are
7 necessary for the child's parents to take to achieve the plan goal
8 during the period of the service plan and the assistance to be
9 provided to the parents by the department or other agency toward
10 meeting that goal;

11 (8) state any specific skills or knowledge that the
12 child's parents must acquire or learn, as well as any behavioral
13 changes the parents must exhibit, to achieve the plan goal;

14 (9) state the actions and responsibilities that are
15 necessary for the child's parents to take to ensure that the child
16 attends school and maintains or improves the child's academic
17 compliance;

18 (10) state the name of the person with the department
19 whom the child's parents may contact for information relating to
20 the child if other than the person preparing the plan; and

21 (11) prescribe any other term or condition that the
22 department determines to be necessary to the service plan's
23 success.

24 SECTION __.32. Section 263.3025(a), Family Code, is amended
25 to read as follows:

26 (a) The department shall prepare a permanency plan for a
27 child for whom the department has been appointed temporary managing
28 conservator. The department shall give a copy of the plan to each
29 person entitled to notice under Section 263.0021(b) [~~263.301(b)~~]
30 not later than the 10th day before the date of the child's first
31 permanency hearing.

SECTION __.33. Section 263.303, Family Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

Sec. 263.303. PERMANENCY PROGRESS REPORT BEFORE FINAL ORDER. (a) Not later than the 10th day before the date set for each permanency hearing before a final order is rendered ~~[other than the first permanency hearing]~~, the department shall file with the court and provide to each party, the child's attorney ad litem, the child's guardian ad litem, and the child's volunteer advocate a permanency progress report unless the court orders a different period for providing the report.

(b) The permanency progress report must contain:

(1) information necessary for the court to conduct the permanency hearing and make its findings and determinations under Section 263.306 ~~[recommend that the suit be dismissed]; [or]~~

(2) information on significant events, as defined by Section 264.018; and

(3) any additional information the department determines is appropriate or that is requested by the court and relevant to the court's findings and determinations under Section 263.306 ~~[recommend that the suit continue, and,~~

~~[(A) identify the date for dismissal of the suit under this chapter,~~

~~[(B) provide,~~

~~[(i) the name of any person entitled to notice under Chapter 102 who has not been served,~~

~~[(ii) a description of the efforts by the department to locate and request service of citation, and~~

~~[(iii) a description of each parent's assistance in providing information necessary to locate an unserved party,~~

1 ~~[(C) evaluate the parties' compliance with~~
2 ~~temporary orders and with the service plan,~~

3 ~~[(D) evaluate whether the child's placement in~~
4 ~~substitute care meets the child's needs and recommend other plans~~
5 ~~or services to meet the child's special needs or circumstances,~~

6 ~~[(E) describe the permanency plan for the child~~
7 ~~and recommend actions necessary to ensure that a final order~~
8 ~~consistent with that permanency plan, including the concurrent~~
9 ~~permanency goals contained in that plan, is rendered before the~~
10 ~~date for dismissal of the suit under this chapter,~~

11 ~~[(F) with respect to a child 16 years of age or~~
12 ~~older, identify the services needed to assist the child in the~~
13 ~~transition to adult life, and~~

14 ~~[(G) with respect to a child committed to the~~
15 ~~Texas Juvenile Justice Department or released under supervision by~~
16 ~~the Texas Juvenile Justice Department,~~

17 ~~[(i) evaluate whether the child's needs for~~
18 ~~treatment and education are being met,~~

19 ~~[(ii) describe, using information provided~~
20 ~~by the Texas Juvenile Justice Department, the child's progress in~~
21 ~~any rehabilitation program administered by the Texas Juvenile~~
22 ~~Justice Department, and~~

23 ~~[(iii) recommend other plans or services to~~
24 ~~meet the child's needs].~~

25 (c) A parent whose parental rights are the subject of a suit
26 affecting the parent-child relationship, the attorney for that
27 parent, or the child's attorney ad litem or guardian ad litem may
28 file a response to the department's report filed under this section
29 ~~[Subsection (b)]~~. A response must be filed not later than the third
30 day before the date of the hearing.

31 SECTION __.34. The heading to Section 263.306, Family Code,

1 is amended to read as follows:

2 Sec. 263.306. PERMANENCY HEARINGS BEFORE FINAL ORDER[+
3 ~~PROCEDURE~~].

4 SECTION __.35. Section 263.306, Family Code, is amended by
5 adding Subsection (a-1) to read as follows:

6 (a-1) At each permanency hearing before a final order is
7 rendered, the court shall:

8 (1) identify all persons and parties present at the
9 hearing;

10 (2) review the efforts of the department or other
11 agency in:

12 (A) locating and requesting service of citation
13 on all persons entitled to service of citation under Section
14 102.009; and

15 (B) obtaining the assistance of a parent in
16 providing information necessary to locate an absent parent, alleged
17 father, or relative of the child;

18 (3) review the extent of the parties' compliance with
19 temporary orders and the service plan and the extent to which
20 progress has been made toward alleviating or mitigating the causes
21 necessitating the placement of the child in foster care;

22 (4) review the permanency progress report to
23 determine:

24 (A) the safety and well-being of the child and
25 whether the child's needs, including any medical or special needs,
26 are being adequately addressed;

27 (B) the continuing necessity and appropriateness
28 of the placement of the child, including with respect to a child who
29 has been placed outside of this state, whether the placement
30 continues to be in the best interest of the child;

31 (C) the appropriateness of the primary and

alternative permanency goals for the child developed in accordance with department rule and whether the department has made reasonable efforts to finalize the permanency plan, including the concurrent permanency goals, in effect for the child;

(D) whether the child has been provided the opportunity, in a developmentally appropriate manner, to express the child's opinion on any medical care provided;

(E) for a child receiving psychotropic medication, whether the child:

(i) has been provided appropriate nonpharmacological interventions, therapies, or strategies to meet the child's needs; or

(ii) has been seen by the prescribing physician, physician assistant, or advanced practice nurse at least once every 90 days;

(F) whether an education decision-maker for the child has been identified, the child's education needs and goals have been identified and addressed, and there have been major changes in the child's school performance or there have been serious disciplinary events;

(G) for a child 14 years of age or older, whether services that are needed to assist the child in transitioning from substitute care to independent living are available in the child's community; and

(H) for a child whose permanency goal is another planned permanent living arrangement:

(i) the desired permanency outcome for the child, by asking the child; and

(ii) whether, as of the date of the hearing, another planned permanent living arrangement is the best permanency plan for the child and, if so, provide compelling reasons why it

1 continues to not be in the best interest of the child to:

2 (a) return home;

3 (b) be placed for adoption;

4 (c) be placed with a legal guardian;

5 or

6 (d) be placed with a fit and willing

7 relative;

8 (5) determine whether to return the child to the
9 child's parents if the child's parents are willing and able to
10 provide the child with a safe environment and the return of the
11 child is in the child's best interest;

12 (6) estimate a likely date by which the child may be
13 returned to and safely maintained in the child's home, placed for
14 adoption, or placed in permanent managing conservatorship; and

15 (7) announce in open court the dismissal date and the
16 date of any upcoming hearings.

17 SECTION __.36. The heading to Section 263.401, Family Code,
18 is amended to read as follows:

19 Sec. 263.401. DISMISSAL AFTER ONE YEAR; NEW TRIALS;
20 EXTENSION.

21 SECTION __.37. Section 263.401, Family Code, is amended by
22 amending Subsections (a) and (c) and adding Subsection (b-1) to
23 read as follows:

24 (a) Unless the court has commenced the trial on the merits
25 or granted an extension under Subsection (b) or (b-1), on the first
26 Monday after the first anniversary of the date the court rendered a
27 temporary order appointing the department as temporary managing
28 conservator, the court shall dismiss the suit affecting the
29 parent-child relationship filed by the department that requests
30 termination of the parent-child relationship or requests that the
31 department be named conservator of the child.

1 (b-1) If, after commencement of the initial trial on the
2 merits within the time required by Subsection (a) or (b), the court
3 grants a motion for a new trial or mistrial, or the case is remanded
4 to the court by an appellate court following an appeal of the
5 court's final order, the court shall retain the suit on the court's
6 docket and render an order in which the court:

7 (1) schedules a new date on which the suit will be
8 dismissed if the new trial has not commenced, which must be a date
9 not later than the 180th day after the date on which:

10 (A) the motion for a new trial or mistrial is
11 granted; or

12 (B) the appellate court remanded the case;

13 (2) makes further temporary orders for the safety and
14 welfare of the child as necessary to avoid further delay in
15 resolving the suit; and

16 (3) sets the new trial on the merits for a date not
17 later than the date specified under Subdivision (1).

18 (c) If the court grants an extension under Subsection (b) or
19 (b-1) but does not commence the trial on the merits before the
20 dismissal [required] date [for dismissal under Subsection (b)], the
21 court shall dismiss the suit. The court may not grant an
22 additional extension that extends the suit beyond the required date
23 for dismissal under Subsection (b) or (b-1), as applicable.

24 SECTION __.38. Section 263.404(b), Family Code, is amended
25 to read as follows:

26 (b) In determining whether the department should be
27 appointed as managing conservator of the child without terminating
28 the rights of a parent of the child, the court shall take the
29 following factors into consideration:

30 (1) that the child will reach 18 years of age in not
31 less than three years;

1 shall be given as provided by Section 263.0021 [~~Rule 21a, Texas~~
2 ~~Rules of Civil Procedure,~~] to each person entitled to notice of the
3 hearing.

4 (f) The child shall attend each permanency [~~placement~~
5 ~~review~~] hearing in accordance with Section 263.302 [~~unless the~~
6 ~~court specifically excuses the child's attendance. A child~~
7 ~~committed to the Texas Youth Commission may attend a placement~~
8 ~~review hearing in person, by telephone, or by videoconference. The~~
9 ~~court shall consult with the child in a developmentally appropriate~~
10 ~~manner regarding the child's permanency or transition plan, if the~~
11 ~~child is four years of age or older. Failure by the child to attend~~
12 ~~a hearing does not affect the validity of an order rendered at the~~
13 ~~hearing~~].

14 (g) A court required to conduct permanency [~~placement~~
15 ~~review~~] hearings for a child for whom the department has been
16 appointed permanent managing conservator may not dismiss a suit
17 affecting the parent-child relationship filed by the department
18 regarding the child while the child is committed to the Texas
19 Juvenile Justice Department [~~Youth Commission~~] or released under
20 the supervision of the Texas Juvenile Justice Department [~~Youth~~
21 ~~Commission~~], unless the child is adopted or permanent managing
22 conservatorship of the child is awarded to an individual other than
23 the department.

24 SECTION __.42. The heading to Section 263.502, Family Code,
25 is amended to read as follows:

26 Sec. 263.502. PERMANENCY PROGRESS [~~PLACEMENT REVIEW~~]
27 REPORT AFTER FINAL ORDER.

28 SECTION __.43. Section 263.502, Family Code, is amended by
29 amending Subsection (a), as amended by S.B. 219, Acts of the 84th
30 Legislature, Regular Session, 2015, and adding Subsections (a-1)
31 and (a-2) to read as follows:

1 (a) Not later than the 10th day before the date set for a
2 permanency [~~placement review~~] hearing after a final order is
3 rendered, the department shall file a permanency progress
4 [~~placement review~~] report with the court and provide a copy to each
5 person entitled to notice under Section 263.0021 [~~263.501(a)~~].

6 (a-1) The permanency progress report must contain:

7 (1) information necessary for the court to conduct the
8 permanency hearing and make its findings and determinations under
9 Section 263.5031;

10 (2) information on significant events, as defined by
11 Section 264.018; and

12 (3) any additional information the department
13 determines is appropriate or that is requested by the court and
14 relevant to the court's findings and determinations under Section
15 263.5031.

16 (a-2) For good cause shown, the court may:

17 (1) order a different deadline for filing the
18 permanency progress report; or

19 (2) waive the reporting requirement for a specific
20 hearing.

21 SECTION __.44. Subchapter F, Chapter 263, Family Code, is
22 amended by adding Section 263.5031 to read as follows:

23 Sec. 263.5031. PERMANENCY HEARINGS FOLLOWING FINAL ORDER.

24 At each permanency hearing after the court renders a final order,
25 the court shall:

26 (1) identify all persons and parties present at the
27 hearing;

28 (2) review the efforts of the department or other
29 agency in notifying persons entitled to notice under Section
30 263.0021; and

31 (3) review the permanency progress report to

1 determine:

2 (A) the safety and well-being of the child and
3 whether the child's needs, including any medical or special needs,
4 are being adequately addressed;

5 (B) the continuing necessity and appropriateness
6 of the placement of the child, including with respect to a child who
7 has been placed outside of this state, whether the placement
8 continues to be in the best interest of the child;

9 (C) if the child is placed in institutional care,
10 whether efforts have been made to ensure that the child is placed in
11 the least restrictive environment consistent with the child's best
12 interest and special needs;

13 (D) the appropriateness of the primary and
14 alternative permanency goals for the child, whether the department
15 has made reasonable efforts to finalize the permanency plan,
16 including the concurrent permanency goals, in effect for the child,
17 and whether:

18 (i) the department has exercised due
19 diligence in attempting to place the child for adoption if parental
20 rights to the child have been terminated and the child is eligible
21 for adoption; or

22 (ii) another permanent placement,
23 including appointing a relative as permanent managing conservator
24 or returning the child to a parent, is appropriate for the child;

25 (E) for a child whose permanency goal is another
26 planned permanent living arrangement:

27 (i) the desired permanency outcome for the
28 child, by asking the child; and

29 (ii) whether, as of the date of the hearing,
30 another planned permanent living arrangement is the best permanency
31 plan for the child and, if so, provide compelling reasons why it

1 continues to not be in the best interest of the child to:

2 (a) return home;

3 (b) be placed for adoption;

4 (c) be placed with a legal guardian;

5 or

6 (d) be placed with a fit and willing
7 relative;

8 (F) if the child is 14 years of age or older,
9 whether services that are needed to assist the child in
10 transitioning from substitute care to independent living are
11 available in the child's community;

12 (G) whether the child is receiving appropriate
13 medical care and has been provided the opportunity, in a
14 developmentally appropriate manner, to express the child's opinion
15 on any medical care provided;

16 (H) for a child receiving psychotropic
17 medication, whether the child:

18 (i) has been provided appropriate
19 nonpharmacological interventions, therapies, or strategies to meet
20 the child's needs; or

21 (ii) has been seen by the prescribing
22 physician, physician assistant, or advanced practice nurse at least
23 once every 90 days;

24 (I) whether an education decision-maker for the
25 child has been identified, the child's education needs and goals
26 have been identified and addressed, and there are major changes in
27 the child's school performance or there have been serious
28 disciplinary events;

29 (J) for a child for whom the department has been
30 named managing conservator in a final order that does not include
31 termination of parental rights, whether to order the department to

1 provide services to a parent for not more than six months after the
2 date of the permanency hearing if:

3 (i) the child has not been placed with a
4 relative or other individual, including a foster parent, who is
5 seeking permanent managing conservatorship of the child; and

6 (ii) the court determines that further
7 efforts at reunification with a parent are:

8 (a) in the best interest of the child;
9 and

10 (b) likely to result in the child's
11 safe return to the child's parent; and

12 (K) whether the department has identified a
13 family or other caring adult who has made a permanent commitment to
14 the child.

15 SECTION __.45. The heading to Section 264.002, Family Code,
16 is amended to read as follows:

17 Sec. 264.002. SPECIFIC APPROPRIATION REQUIRED [~~DUTIES OF~~
18 ~~DEPARTMENT~~].

19 SECTION __.46. Section 264.002(e), Family Code, is amended
20 to read as follows:

21 (e) The department may not spend state funds to accomplish
22 the purposes of this subtitle [~~chapter~~] unless the funds have been
23 specifically appropriated for those purposes.

24 SECTION __.47. Subchapter A, Chapter 264, Family Code, is
25 amended by adding Sections 264.017 and 264.018 to read as follows:

26 Sec. 264.017. REQUIRED REPORTING. (a) The department
27 shall prepare and disseminate a report of statistics by county
28 relating to key performance measures and data elements for child
29 protection.

30 (b) The department shall provide the report required by
31 Subsection (a) to the legislature and shall publish the report and

1 make the report available electronically to the public not later
2 than February 1 of each year. The report must include, with respect
3 to the preceding year:

4 (1) information on the number and disposition of
5 reports of child abuse and neglect received by the department;

6 (2) information on the number of clients for whom the
7 department took protective action, including investigations,
8 alternative responses, and court-ordered removals;

9 (3) information on the number of clients for whom the
10 department provided services in each program administered by the
11 child protective services division, including investigations,
12 alternative responses, family-based safety services,
13 conservatorship, post-adoption services, and transitional living
14 services;

15 (4) the number of children in this state who died as a
16 result of child abuse or neglect;

17 (5) the number of children described by Subdivision
18 (4) for whom the department was the children's managing conservator
19 at the time of death;

20 (6) information on the timeliness of the department's
21 initial contact in an investigation or alternative response;

22 (7) information on the response time by the department
23 in commencing services to families and children for whom an
24 allegation of child abuse or neglect has been made;

25 (8) information regarding child protection staffing
26 and caseloads by program area;

27 (9) information on the permanency goals in place and
28 achieved for children in the managing conservatorship of the
29 department, including information on the timeliness of achieving
30 the goals, the stability of the children's placement in foster
31 care, and the proximity of placements to the children's home

1 counties; and

2 (10) the number of children who suffer from a severe
3 emotional disturbance and for whom the department is appointed
4 managing conservator, including statistics on appointments as
5 joint managing conservator, due to an individual voluntarily
6 relinquishing custody of a child solely to obtain mental health
7 services for the child.

8 (c) To the extent feasible, the report must also include,
9 for each county, the amount of funding for child abuse and neglect
10 prevention services and the rate of child abuse and neglect per
11 1,000 children in the county for the preceding year and for each of
12 the preceding five years.

13 (d) Not later than September 1 of each year, the department
14 shall seek public input regarding the usefulness of, and any
15 proposed modifications to, existing reporting requirements and
16 proposed additional reporting requirements. The department shall
17 evaluate the public input provided under this subsection and seek
18 to facilitate reporting to the maximum extent feasible within
19 existing resources and in a manner that is most likely to assist
20 public understanding of department functions.

21 (e) In addition to the information required under
22 Subsections (a) and (b), the department shall annually publish
23 information on the number of children who died during the preceding
24 year whom the department determined had been abused or neglected
25 but whose death was not the result of the abuse or neglect. The
26 department may publish the information described by this subsection
27 in the same report required by Subsection (a) or in another annual
28 report published by the department.

29 Sec. 264.018. REQUIRED NOTIFICATIONS. (a) In this
30 section:

31 (1) "Child-placing agency" has the meaning assigned by

1 Section 42.002, Human Resources Code.

2 (2) "Residential child-care facility" has the meaning
3 assigned by Section 42.002, Human Resources Code.

4 (3) "Psychotropic medication" has the meaning
5 assigned by Section 266.001.

6 (4) "Significant change in medical condition" means
7 the occurrence of an injury or the onset of an illness that is
8 life-threatening or may have serious long-term health
9 consequences. The term includes the occurrence or onset of an
10 injury or illness that requires hospitalization for surgery or
11 another procedure that is not minor emergency care.

12 (5) "Significant event" means:

13 (A) a placement change, including failure by the
14 department to locate an appropriate placement for at least one
15 night;

16 (B) a significant change in medical condition;

17 (C) an initial prescription of a psychotropic
18 medication or a change in dosage of a psychotropic medication;

19 (D) a major change in school performance or a
20 serious disciplinary event at school; or

21 (E) any event determined to be significant under
22 department rule.

23 (b) The notification requirements of this section are in
24 addition to other notice requirements provided by law, including
25 Sections 263.0021, 264.107(g), and 264.123.

26 (c) The department must provide notice under this section in
27 a manner that would provide actual notice to a person entitled to
28 the notice, including the use of electronic notice whenever
29 possible.

30 (d) Not later than 24 hours after an event described by this
31 subsection, the department shall make a reasonable effort to notify

1 a parent of a child in the managing conservatorship of the
2 department of:

3 (1) a significant change in medical condition of the
4 child;

5 (2) the enrollment or participation of the child in a
6 drug research program under Section 266.0041; and

7 (3) an initial prescription of a psychotropic
8 medication.

9 (e) Not later than 48 hours before the department changes
10 the residential child-care facility of a child in the managing
11 conservatorship of the department, the department shall provide
12 notice of the change to:

13 (1) the child's parent;

14 (2) an attorney ad litem appointed for the child under
15 Chapter 107;

16 (3) a guardian ad litem appointed for the child under
17 Chapter 107;

18 (4) a volunteer advocate appointed for the child under
19 Chapter 107; and

20 (5) the licensed administrator of the child-placing
21 agency responsible for placing the child or the licensed
22 administrator's designee.

23 (f) As soon as possible but not later than the 10th day after
24 the date the department becomes aware of a significant event
25 affecting a child in the conservatorship of the department, the
26 department shall provide notice of the significant event to:

27 (1) the child's parent;

28 (2) an attorney ad litem appointed for the child under
29 Chapter 107;

30 (3) a guardian ad litem appointed for the child under
31 Chapter 107;

1 (4) a volunteer advocate appointed for the child under
2 Chapter 107;

3 (5) the licensed administrator of the child-placing
4 agency responsible for placing the child or the licensed
5 administrator's designee;

6 (6) a foster parent, prospective adoptive parent,
7 relative of the child providing care to the child, or director of
8 the group home or general residential operation where the child is
9 residing; and

10 (7) any other person determined by a court to have an
11 interest in the child's welfare.

12 (g) For purposes of Subsection (f), if a hearing for the
13 child is conducted during the 10-day notice period described by
14 that subsection, the department shall provide notice of the
15 significant event at the hearing.

16 (h) The department is not required to provide notice under
17 this section to a parent of a child in the managing conservatorship
18 of the department if:

19 (1) the department cannot locate the parent;

20 (2) a court has restricted the parent's access to the
21 information;

22 (3) the child is in the permanent managing
23 conservatorship of the department and the parent has not
24 participated in the child's case for at least six months despite the
25 department's efforts to involve the parent;

26 (4) the parent's rights have been terminated; or

27 (5) the department has documented in the child's case
28 file that it is not in the best interest of the child to involve the
29 parent in case planning.

30 (i) The department is not required to provide notice of a
31 significant event under this section to the child-placing agency

1 responsible for the placement of a child in the managing
2 conservatorship of the department, a foster parent, a prospective
3 adoptive parent, a relative of the child providing care to the
4 child, or the director of the group home or general residential
5 operation where the child resides if that agency or individual is
6 required under a contract or other agreement to provide notice of
7 the significant event to the department.

8 (j) A person entitled to notice from the department under
9 this section shall provide the department with current contact
10 information, including the person's e-mail address and the
11 telephone number at which the person may most easily be reached.
12 The person shall update the person's contact information as soon as
13 possible after a change to the information. The department is not
14 required to provide notice under this section to a person who fails
15 to provide contact information to the department. The department
16 may rely on the most recently provided contact information in
17 providing notice under this section.

18 (k) To facilitate timely notification under this section, a
19 residential child-care facility contracting with the department
20 for 24-hour care shall notify the department, in the time provided
21 by the facility's contract, of a significant event for a child who
22 is in the conservatorship of the department and residing in the
23 facility.

24 (l) The executive commissioner of the Health and Human
25 Services Commission shall adopt rules necessary to implement this
26 section using a negotiated rulemaking process under Chapter 2008,
27 Government Code.

28 SECTION __.48. Section 264.101(a), Family Code, is amended
29 to read as follows:

30 (a) The department may pay the cost of foster care for a
31 child only if:

1 (1) the child ~~[for whom the department has initiated a~~
2 ~~suit and has been named managing conservator under an order~~
3 ~~rendered under this title, who is a resident of the state, and who]~~
4 has been placed by the department in a foster home or other
5 residential child-care facility ~~[institution]~~, as defined by
6 Chapter 42, Human Resources Code, or in a comparable residential
7 facility in another state; and ~~[or]~~

8 (2) the department:

9 (A) has initiated suit and been named conservator
10 of the child; or

11 (B) has the duty of care, control, and custody
12 after taking possession of the child in an emergency without a prior
13 court order as authorized by this subtitle ~~[who is under the~~
14 ~~placement and care of a state agency or political subdivision with~~
15 ~~which the department has entered into an agreement to reimburse the~~
16 ~~cost of care and supervision of the child].~~

17 SECTION __.49. Section 264.107, Family Code, is amended by
18 amending Subsection (b), as amended by S.B. 219, Acts of the 84th
19 Legislature, Regular Session, 2015, and adding Subsection (b-1) to
20 read as follows:

21 (b) The department shall use an ~~[the standard]~~ application
22 or assessment developed by the department in coordination with
23 interested parties ~~[provided by the Health and Human Services~~
24 ~~Commission]~~ for the placement of children in contract residential
25 care.

26 (b-1) Notwithstanding Subsection (b), the department shall
27 use the standard application for the placement of children in
28 contract residential care as adopted and maintained by the Health
29 and Human Services Commission until the department develops an
30 application or assessment under Subsection (b). Subject to the
31 availability of funds, the department shall develop the application

1 or assessment not later than December 1, 2016. This subsection
2 expires September 1, 2017.

3 SECTION __.50. Section 264.1075(b), Family Code, as amended
4 by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is
5 amended to read as follows:

6 (b) As soon as possible after a child begins receiving
7 foster care under this subchapter, the department shall assess
8 whether the child has a developmental or intellectual disability.

9 ~~[The commission shall establish the procedures that the department~~
10 ~~must use in making an assessment under this subsection. The~~
11 ~~procedures may include screening or participation by:~~

12 ~~[(1) a person who has experience in childhood~~
13 ~~developmental or intellectual disabilities,~~

14 ~~[(2) a local intellectual and developmental~~
15 ~~disability authority, or~~

16 ~~[(3) a provider in a county with a local child welfare~~
17 ~~board.]~~

18 SECTION __.51. Subchapter B, Chapter 264, Family Code, is
19 amended by adding Section 264.1085 to read as follows:

20 Sec. 264.1085. FOSTER CARE PLACEMENT IN COMPLIANCE WITH
21 FEDERAL LAW REQUIRED. The department or a licensed child-placing
22 agency making a foster care placement shall comply with the
23 Multiethnic Placement Act of 1994 (42 U.S.C. Section 1996b).

24 SECTION __.52. The heading to Section 264.110, Family Code,
25 is amended to read as follows:

26 Sec. 264.110. PROSPECTIVE FOSTER OR ADOPTIVE PARENT
27 STATEMENT ~~[REGISTRY]~~.

28 SECTION __.53. Section 264.110(d), Family Code, is amended
29 to read as follows:

30 (d) Before a child may be placed with a foster or adoptive
31 parent ~~[person under this section]~~, the prospective foster or

1 adoptive parent [~~person~~] must sign a written statement in which the
2 prospective foster or adoptive parent [~~person~~] agrees to the
3 immediate removal of the child by the department under
4 circumstances determined by the department.

5 SECTION __.54. Section 264.121, Family Code, is amended by
6 amending Subsection (e) and adding Subsection (e-2) to read as
7 follows:

8 (e) The department shall ensure that each youth acquires a
9 copy and a certified copy of the youth's birth certificate, a social
10 security card or replacement social security card, as appropriate,
11 and a personal identification certificate under Chapter 521,
12 Transportation Code, on or before the date on which the youth turns
13 16 years of age. The department shall designate one or more
14 employees in the Preparation for Adult Living Program as the
15 contact person to assist a youth who has not been able to obtain the
16 documents described by this subsection in a timely manner from the
17 youth's primary caseworker. The department shall ensure that:

18 (1) all youth who are age 16 or older are provided with
19 the contact information for the designated employees; and

20 (2) a youth who misplaces a document provided under
21 this subsection receives assistance in obtaining a replacement
22 document or information on how to obtain a duplicate copy, as
23 appropriate.

24 (e-2) When providing a youth with a document required by
25 Subsection (e-1), the department shall provide the youth with a
26 copy and a certified copy of the document or with the original
27 document, as applicable.

28 SECTION __.55. Section 264.014, Family Code, is transferred
29 to Section 264.121, Family Code, redesignated as Section
30 264.121(e-1), Family Code, and amended to read as follows:

31 (e-1) [~~Sec. 264.014. PROVISION OF COPIES OF CERTAIN~~]

1 ~~RECORDS.~~ If, at the time a youth [~~child~~] is discharged from foster
2 care, the youth [~~child~~] is at least 18 years of age or has had the
3 disabilities of minority removed, the department shall provide to
4 the youth [~~child~~], not later than the 30th day before the date the
5 youth [~~child~~] is discharged from foster care, the following
6 information and documents unless the youth already has the
7 information or document [~~a copy of~~]:

- 8 (1) the youth's [~~child's~~] birth certificate;
- 9 (2) the youth's [~~child's~~] immunization records;
- 10 (3) the information contained in the youth's [~~child's~~]
11 health passport;
- 12 (4) a personal identification certificate under
13 Chapter 521, Transportation Code;
- 14 (5) a social security card or a replacement social
15 security card, if appropriate; and
- 16 (6) proof of enrollment in Medicaid, if appropriate.

17 SECTION __.56. Subchapter B, Chapter 264, Family Code, is
18 amended by adding Section 264.126 to read as follows:

19 Sec. 264.126. REDESIGN IMPLEMENTATION PLAN. (a) The
20 department shall develop and maintain a plan for implementing the
21 foster care redesign required by Chapter 598 (S.B. 218), Acts of the
22 82nd Legislature, Regular Session, 2011. The plan must:

- 23 (1) describe the department's expectations, goals, and
24 approach to implementing foster care redesign;
- 25 (2) include a timeline for implementing the foster
26 care redesign throughout this state, any limitations related to the
27 implementation, and a progressive intervention plan and a
28 contingency plan to provide continuity of foster care service
29 delivery if a contract with a single source continuum contractor
30 ends prematurely;
- 31 (3) delineate and define the case management roles and

1 responsibilities of the department and the department's
2 contractors and the duties, employees, and related funding that
3 will be transferred to the contractor by the department;

4 (4) identify any training needs and include long-range
5 and continuous plans for training and cross-training staff;

6 (5) include a plan for evaluating the costs and tasks
7 associated with each contract procurement, including the initial
8 and ongoing contract costs for the department and contractor;

9 (6) include the department's contract monitoring
10 approach and a plan for evaluating the performance of each
11 contractor and the foster care redesign system as a whole that
12 includes an independent evaluation of processes and outcomes; and

13 (7) include a report on transition issues resulting
14 from implementation of the foster care redesign.

15 (b) The department shall annually:

16 (1) update the implementation plan developed under
17 this section and post the updated plan on the department's Internet
18 website; and

19 (2) post on the department's Internet website the
20 progress the department has made toward its goals for implementing
21 the foster care redesign.

22 SECTION __.57. The heading to Section 264.207, Family Code,
23 is amended to read as follows:

24 Sec. 264.207. HOME STUDY REQUIRED BEFORE ADOPTION
25 [DEPARTMENT PLANNING AND ACCOUNTABILITY].

26 SECTION __.58. Section 264.207(a), Family Code, is amended
27 to read as follows:

28 (a) The department must complete ~~[shall adopt policies that~~
29 ~~provide for the improvement of the department's services for~~
30 ~~children and families, including policies that provide for~~
31 ~~conducting]~~ a home study before ~~[within four months after]~~ the date

1 an applicant is approved for an adoption [~~and documenting the~~
2 ~~results of the home study within 30 days after the date the study is~~
3 ~~completed. The policies adopted under this section must:~~

4 [~~(1) be designed to increase the accountability of the~~
5 ~~department to individuals who receive services and to the public,~~
6 ~~and~~

7 [~~(2) assure consistency of services provided by the~~
8 ~~department in the different regions of the state]~~.

9 SECTION __.59. Section 264.302(e), Family Code, is amended
10 to read as follows:

11 (e) The department shall provide services for a child and
12 the child's family if a contract to provide services under this
13 section is available in the county and the child is referred to the
14 department as an at-risk child by:

15 (1) [~~a court under Section 264.304,~~

16 [~~(2)~~] a juvenile court or probation department as part
17 of a progressive sanctions program under Chapter 59;

18 (2) [~~(3)~~] a law enforcement officer or agency under
19 Section 52.03; or

20 (3) [~~(4)~~] a justice or municipal court under Article
21 45.057, Code of Criminal Procedure.

22 SECTION __.60. Subchapter A, Chapter 265, Family Code, as
23 added by this Act, is amended by adding Section 265.005 to read as
24 follows:

25 Sec. 265.005. STRATEGIC PLAN. (a) The department shall
26 develop and implement a five-year strategic plan for prevention and
27 early intervention services. Not later than September 1 of the last
28 fiscal year in each five-year period, the department shall issue a
29 new strategic plan for the next five fiscal years beginning with the
30 following fiscal year.

31 (b) A strategic plan required under this section must:

1 (1) identify methods to leverage other sources of
2 funding or provide support for existing community-based prevention
3 efforts;

4 (2) include a needs assessment that identifies
5 programs to best target the needs of the highest risk populations
6 and geographic areas;

7 (3) identify the goals and priorities for the
8 department's overall prevention efforts;

9 (4) report the results of previous prevention efforts
10 using available information in the plan;

11 (5) identify additional methods of measuring program
12 effectiveness and results or outcomes;

13 (6) identify methods to collaborate with other state
14 agencies on prevention efforts; and

15 (7) identify specific strategies to implement the plan
16 and to develop measures for reporting on the overall progress
17 toward the plan's goals.

18 (c) The department shall coordinate with interested parties
19 and communities in developing the strategic plan under this
20 section.

21 (d) The department shall annually update the strategic plan
22 developed under this section.

23 (e) The department shall post the strategic plan developed
24 under this section and any update to the plan on its Internet
25 website.

26 SECTION __.61. Subchapter D, Chapter 40, Human Resources
27 Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular
28 Session, 2015, is transferred to Chapter 265, Family Code,
29 redesignated as Subchapter B, Chapter 265, Family Code, and amended
30 to read as follows:

1 (3) develop eligibility criteria for applicants
2 requesting funding for child abuse and neglect primary prevention
3 programs; and

4 (4) establish funding priorities for child abuse and
5 neglect primary prevention programs.

6 (b) The children's trust fund shall accommodate the
7 department's existing rules and policies in procuring, awarding,
8 and monitoring contracts and grants.

9 (c) The department may:

10 (1) apply for and receive funds made available by the
11 federal government or another public or private source for
12 administering programs under this subchapter and for funding for
13 child abuse and neglect primary prevention programs; and

14 (2) solicit donations for child abuse and neglect
15 primary prevention programs.

16 Sec. 265.053 [~~40.104~~]. ADMINISTRATIVE AND OTHER COSTS.

17 (a) Administrative costs under this subchapter during any fiscal
18 year may not exceed an amount equal to 50 percent of the interest
19 credited to the trust fund during the preceding fiscal year.

20 (b) Funds expended under a special project grant from a
21 governmental source or a nongovernmental source for public
22 education or public awareness may not be counted as administrative
23 costs for the purposes of this section.

24 Sec. 265.054 [~~40.105~~]. CHILD ABUSE AND NEGLECT PREVENTION

25 TRUST FUND ACCOUNT. (a) The child abuse and neglect prevention
26 trust fund account is an account in the general revenue fund. Money
27 in the trust fund is dedicated to child abuse and neglect primary
28 prevention programs.

29 (b) The department may transfer money contained in the trust
30 fund to the operating fund at any time. However, during a fiscal
31 year the department may not transfer more than the amount

1 appropriated for the operating fund for that fiscal year. Money
2 transferred to the operating fund that was originally deposited to
3 the credit of the trust fund under Section 118.022, Local
4 Government Code, may be used only for child abuse and neglect
5 primary prevention programs.

6 (c) Interest earned on the trust fund shall be credited to
7 the trust fund.

8 (d) The trust fund is exempt from the application of Section
9 403.095, Government Code.

10 (e) All marriage license fees and other fees collected for
11 and deposited in the trust fund and interest earned on the trust
12 fund balance shall be appropriated each biennium only to the
13 operating fund for ~~[primary]~~ child abuse and neglect primary
14 prevention programs.

15 Sec. 265.055 ~~[40.106]~~. DEPARTMENT OPERATING FUND ACCOUNT.

16 (a) The operating fund is an account in the general revenue fund.

17 (b) Administrative and other costs allowed in Section
18 265.053 ~~[40.104]~~ shall be taken from the operating fund. The
19 department may transfer funds contained in the operating fund to
20 the trust fund at any time.

21 (c) The legislature may appropriate the money in the
22 operating fund to carry out the provisions of this subchapter.

23 (d) The operating fund is exempt from the application of
24 Section 403.095, Government Code.

25 Sec. 265.056 ~~[40.107]~~. CONTRIBUTIONS. (a) The department
26 may solicit contributions from any appropriate source.

27 (b) Any other contributions for child abuse and neglect
28 primary prevention or other prevention and early intervention
29 programs shall be deposited into a separate designated fund in the
30 state treasury and shall be used for that designated purpose.

31 (c) A person may contribute funds to either the trust fund,

1 the operating fund, or a fund designated by the department for a
2 specific child abuse and neglect primary prevention or other
3 prevention or early intervention purpose.

4 (d) If a person designates that a contribution is intended
5 as a donation to a specific fund, the contribution shall be
6 deposited in the designated fund.

7 SECTION __.62. Section 40.0561, Human Resources Code, is
8 transferred to Subchapter B, Chapter 265, Family Code, as
9 transferred and redesignated from Subchapter D, Chapter 40, Human
10 Resources Code, by this Act, and redesignated as Section 265.057,
11 Family Code, to read as follows:

12 Sec. 265.057 [~~40.0561~~]. COMMUNITY YOUTH DEVELOPMENT
13 GRANTS. (a) Subject to available funding, the department shall
14 award community youth development grants to communities identified
15 by incidence of crime. The department shall give priority in
16 awarding grants under this section to areas of the state in which
17 there is a high incidence of juvenile crime.

18 (b) The purpose of a grant under this section is to assist a
19 community in alleviating conditions in the family and community
20 that lead to juvenile crime.

21 SECTION __.63. Section 266.004, Family Code, is amended by
22 amending Subsections (e) and (f) and adding Subsection (k) to read
23 as follows:

24 (e) The department, a person authorized to consent to
25 medical care under Subsection (b), the child's parent if the
26 parent's rights have not been terminated, a guardian ad litem or
27 attorney ad litem if one has been appointed, or the person providing
28 foster care to the child may petition the court for any order
29 related to medical care for a foster child that the department or
30 other person believes is in the best interest of the child. Notice
31 of the petition must be given to each person entitled to notice

1 under Section 263.0021(b) [~~263.301(b)~~].

2 (f) If a physician who has examined or treated the foster
3 child has concerns regarding the medical care provided to the
4 foster child, the physician may file a letter with the court stating
5 the reasons for the physician's concerns. The court shall provide a
6 copy of the letter to each person entitled to notice under Section
7 263.0021(b) [~~263.301(b)~~].

8 (k) The department may consent to health care services
9 ordered or prescribed by a health care provider authorized to order
10 or prescribe health care services regardless of whether the
11 services are provided under the medical assistance program under
12 Chapter 32, Human Resources Code, if the department otherwise has
13 the authority under this section to consent to health care
14 services.

15 SECTION __.64. Section 266.0041(d), Family Code, is amended
16 to read as follows:

17 (d) An independent medical advocate shall, within a
18 reasonable time after the appointment, interview:

19 (1) the foster child in a developmentally appropriate
20 manner, if the child is four years of age or older;

21 (2) the foster child's parent, if the parent is
22 entitled to notification under Section 264.018 [~~266.005~~];

23 (3) an advocate appointed by an institutional review
24 board in accordance with the Code of Federal Regulations, 45 C.F.R.
25 Section 46.409(b), if an advocate has been appointed;

26 (4) the medical team treating the foster child as well
27 as the medical team conducting the drug research program; and

28 (5) each individual who has significant knowledge of
29 the foster child's medical history and condition, including any
30 foster parent of the child.

31 SECTION __.65. Section 266.010(b), Family Code, is amended

1 to read as follows:

2 (b) A court with continuing jurisdiction may make the
3 determination regarding the foster child's capacity to consent to
4 medical care during a hearing under Chapter 263 or may hold a
5 hearing to make the determination on its own motion. The court may
6 issue an order authorizing the child to consent to all or some of
7 the medical care as defined by Section 266.001. In addition, a
8 foster child who is at least 16 years of age, or the foster child's
9 attorney ad litem, may file a petition with the court for a hearing.
10 If the court determines that the foster child lacks the capacity to
11 consent to medical care, the court may consider whether the foster
12 child has acquired the capacity to consent to medical care at
13 subsequent hearings under Section 263.5031 ~~[263.503]~~.

14 SECTION __.66. Subdivisions (3), as amended by S.B. 219,
15 Acts of the 84th Legislature, Regular Session, 2015, and (7),
16 Subsection (a), Section 411.114, Government Code, are amended to
17 read as follows:

18 (3) The Department of Family and Protective Services
19 is entitled to obtain from the department criminal history record
20 information maintained by the department that relates to a person
21 with respect to whom the Department of Family and Protective
22 Services determines obtaining a criminal history record is
23 necessary to ensure the safety or welfare of a child, elderly
24 person, or person with a disability ~~[who is:~~

25 ~~[(A) a volunteer or applicant volunteer with a~~
26 ~~local affiliate in this state of Big Brothers/Big Sisters of~~
27 ~~America,~~

28 ~~[(B) a volunteer or applicant volunteer with the~~
29 ~~"I Have a Dream/Houston" program,~~

30 ~~[(C) a volunteer or applicant volunteer with an~~
31 ~~organization that provides court-appointed special advocates for~~

1 ~~abused or neglected children,~~
2 ~~[(D) a person providing, at the request of the~~
3 ~~child's parent, in-home care for a child who is the subject of a~~
4 ~~report alleging the child has been abused or neglected,~~
5 ~~[(E) a volunteer or applicant volunteer with a~~
6 ~~Texas chapter of the Make-a-Wish Foundation of America,~~
7 ~~[(F) a person providing, at the request of the~~
8 ~~child's parent, in-home care for a child only if the person gives~~
9 ~~written consent to the release and disclosure of the information,~~
10 ~~[(G) a child who is related to the caretaker, as~~
11 ~~determined under Section 42.002, Human Resources Code, and who~~
12 ~~resides in or is present in a child-care facility or family home,~~
13 ~~other than a child described by Subdivision (2)(C), or any other~~
14 ~~person who has unsupervised access to a child in the care of a~~
15 ~~child-care facility or family home,~~
16 ~~[(H) an applicant for a position with the~~
17 ~~Department of Family and Protective Services, other than a position~~
18 ~~described by Subdivision (2)(D), regardless of the duties of the~~
19 ~~position,~~
20 ~~[(I) a volunteer or applicant volunteer with the~~
21 ~~Department of Family and Protective Services, other than a~~
22 ~~registered volunteer, regardless of the duties to be performed,~~
23 ~~[(J) a person providing or applying to provide~~
24 ~~in-home, adoptive, or foster care for children to the extent~~
25 ~~necessary to comply with Subchapter B, Chapter 162, Family Code,~~
26 ~~[(K) a Department of Family and Protective~~
27 ~~Services employee, other than an employee described by Subdivision~~
28 ~~(2)(H), regardless of the duties of the employee's position,~~
29 ~~[(L) a relative of a child in the care of the~~
30 ~~Department of Family and Protective Services, to the extent~~
31 ~~necessary to comply with Section 162.007, Family Code,~~

1 ~~[(M) a person, other than an alleged perpetrator~~
2 ~~in a report described in Subdivision (2)(I), living in the~~
3 ~~residence in which the alleged victim of the report resides,~~

4 ~~[(N) an employee, volunteer, or applicant~~
5 ~~volunteer of a children's advocacy center under Subchapter E,~~
6 ~~Chapter 264, Family Code, including a member of the governing board~~
7 ~~of a center,~~

8 ~~[(O) an employee of, an applicant for employment~~
9 ~~with, or a volunteer or an applicant volunteer with an entity or~~
10 ~~person that contracts with the Department of Family and Protective~~
11 ~~Services and has access to confidential information in the~~
12 ~~department's records, if the employee, applicant, volunteer, or~~
13 ~~applicant volunteer has or will have access to that confidential~~
14 ~~information,~~

15 ~~[(P) an employee of or volunteer at, or an~~
16 ~~applicant for employment with or to be a volunteer at, an entity~~
17 ~~that provides supervised independent living services to a young~~
18 ~~adult receiving extended foster care services from the Department~~
19 ~~of Family and Protective Services,~~

20 ~~[(Q) a person 14 years of age or older who will be~~
21 ~~regularly or frequently working or staying in a host home that is~~
22 ~~providing supervised independent living services to a young adult~~
23 ~~receiving extended foster care services from the Department of~~
24 ~~Family and Protective Services, or~~

25 ~~[(R) a person who volunteers to supervise~~
26 ~~visitation under Subchapter B, Chapter 263, Family Code].~~

27 (7) The Department of Family and Protective Services
28 is not prohibited from releasing criminal history record
29 information obtained under this subsection to:

30 (A) the person who is the subject of the criminal
31 history record information;

1 (B) a child-care facility, child-placing agency,
2 or family home listed in Subdivision (2) that employs or is
3 considering employing the person who is the subject of the criminal
4 history record information;

5 (C) a person or business entity described by
6 Subdivision (2)(E) [~~or (3)~~] who uses or intends to use the services
7 of the volunteer or employs or is considering employing the person
8 who is the subject of the criminal history record information;

9 (D) a person or business entity who uses or
10 intends to use the volunteer services of or who employs or is
11 considering employing the person who is the subject of the criminal
12 history record if the release of the record is related to the
13 purpose for which the record was obtained under Subdivision (3);

14 (E) an adult who resides with an alleged victim
15 of abuse, neglect, or exploitation of a child, elderly person, or
16 person with a disability and who also resides with the alleged
17 perpetrator of that abuse, neglect, or exploitation if:

18 (i) the alleged perpetrator is the subject
19 of the criminal history record information; and

20 (ii) the Department of Family and
21 Protective Services determines that the release of information to
22 the adult is necessary to ensure the safety or welfare of the
23 alleged victim or the adult; or

24 (F) [~~(E)~~] an elderly or disabled person who is an
25 alleged victim of abuse, neglect, or exploitation and who resides
26 with the alleged perpetrator of that abuse, neglect, or
27 exploitation if:

28 (i) the alleged perpetrator is the subject
29 of the criminal history record information; and

30 (ii) the Department of Family and
31 Protective Services determines that the release of information to

1 the elderly or disabled person or adult is necessary to ensure the
2 safety or welfare of the elderly or disabled person.

3 SECTION __.67. Section 40.030, Human Resources Code, is
4 amended to read as follows:

5 Sec. 40.030. ADVISORY COMMITTEES. (a) The executive
6 commissioner or the executive commissioner's designee may appoint
7 advisory committees in accordance with Chapter 2110, Government
8 Code.

9 (b) The executive commissioner shall adopt rules, in
10 compliance with Chapter 2110, Government Code, regarding the
11 purpose, structure, and use of advisory committees by the
12 department. The rules may include provisions governing:

13 (1) an advisory committee's size and quorum
14 requirements;

15 (2) qualifications for membership of an advisory
16 committee, including:

17 (A) requirements relating to experience and
18 geographic representation; and

19 (B) requirements for the department to include as
20 members of advisory committees youth who have aged out of foster
21 care and parents who have successfully completed family service
22 plans and whose children were returned to the parents, as
23 applicable;

24 (3) appointment procedures for an advisory committee;

25 (4) terms for advisory committee members; and

26 (5) compliance with Chapter 551, Government Code.

27 SECTION __.68. Section 40.037(a), Human Resources Code, is
28 amended to read as follows:

29 (a) The department shall develop and implement a training
30 program that each employee who is newly hired or promoted to a
31 management position in the child protective services division must

1 complete as soon as is practicable, but not later than the 60th day
2 after the date the employee is hired or promoted to [~~before the~~
3 ~~employee begins serving in~~] the management position.

4 SECTION __.69. Section 40.0524(a), Human Resources Code, is
5 amended to read as follows:

6 (a) In a jurisdiction for which a children's advocacy center
7 has not been established under Section 264.402, Family Code, the
8 department shall, to [~~Te~~] the extent possible, [~~the department~~
9 ~~shall~~] establish multidisciplinary teams to provide services
10 relating to a report of child abuse or neglect. A multidisciplinary
11 team shall include professionals in parent education and in each
12 professional discipline necessary to provide comprehensive medical
13 and psychological services to a child who is the subject of a report
14 and to members of the child's household.

15 SECTION __.70. Subchapter C, Chapter 40, Human Resources
16 Code, is amended by adding Section 40.05275 to read as follows:

17 Sec. 40.05275. ANNUAL BUSINESS PLAN FOR CHILD PROTECTIVE
18 SERVICES. (a) The department shall develop and implement an
19 annual business plan for the child protective services program to
20 prioritize the department's activities and resources to improve the
21 program.

22 (b) The department shall coordinate with the department's
23 regional staff in developing the annual business plan under this
24 section.

25 (c) The annual business plan developed under this section
26 must include:

- 27 (1) long-term and short-term performance goals;
28 (2) identification of priority projects and ongoing
29 initiatives that are clearly linked to established goals; and
30 (3) a statement of staff expectations that includes
31 identification of:

1 (A) the person or team responsible for each
2 project;
3 (B) the specific tasks and deliverables
4 expected;
5 (C) the resources needed to accomplish each
6 project;
7 (D) a time frame for the completion of each
8 deliverable and project; and
9 (E) the expected outcome for each project and the
10 method and procedure for measuring the outcome to ensure effective
11 evaluation for each project.

12 (d) Not later than October 1 of each year, the department
13 shall submit the annual business plan developed under this section
14 to the governor, lieutenant governor, speaker of the house of
15 representatives, and chairs of the standing committees of the
16 senate and house of representatives having primary jurisdiction
17 over child protection issues.

18 SECTION __.71. The heading to Section 40.0528, Human
19 Resources Code, is amended to read as follows:

20 Sec. 40.0528. GOALS FOR ANNUAL BUSINESS [~~COMPREHENSIVE~~
21 ~~STAFFING AND WORKLOAD DISTRIBUTION~~] PLAN FOR CHILD PROTECTIVE
22 SERVICES; REPORTING CASELOAD INFORMATION.

23 SECTION __.72. Section 40.0528(a), Human Resources Code, is
24 amended to read as follows:

25 (a) The department shall consider the following goals in
26 developing the annual business plan required under Section 40.05275
27 [~~develop and implement a staffing and workload distribution plan~~]
28 for the child protective services program [to]:

- 29 (1) reducing [~~reduce~~] caseloads;
30 (2) enhancing [~~enhance~~] accountability;
31 (3) improving [~~improve~~] the quality of

1 investigations;

2 (4) eliminating ~~[eliminate]~~ delays; and

3 (5) ensuring ~~[ensure]~~ the most efficient and effective
4 use of child protective services staff and resources.

5 SECTION __.73. Chapter 54, Human Resources Code, as amended
6 by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is
7 transferred to Subchapter C, Chapter 40, Human Resources Code,
8 redesignated as Section 40.075, Human Resources Code, and amended
9 to read as follows:

10 ~~[CHAPTER 54. PROTECTIVE ORDERS SOUGHT BY DEPARTMENT OF FAMILY AND~~
11 ~~PROTECTIVE SERVICES]~~

12 Sec. 40.075 ~~[54.001]~~. PROTECTIVE ORDERS. (a) The
13 executive commissioner shall adopt rules to provide procedures for
14 the filing of protective orders by the department ~~[Department of~~
15 ~~Family and Protective Services]~~ for the protection of a member of a
16 family or household as provided by Title 4, Family Code.

17 (b) ~~[Sec. 54.002. NOTICE TO NONABUSIVE PARENT OR HOUSEHOLD~~
18 ~~MEMBER.]~~ The department ~~[Department of Family and Protective~~
19 ~~Services]~~ shall provide prior notice to a nonabusive parent or
20 adult member of a household of the department's intent to file an
21 application for a protective order for a child or older person and
22 shall request the assistance of the person receiving the notice in
23 developing a safety plan for household members and the child or
24 older person for whom the order is sought. The department shall
25 exercise reasonable safety precautions to protect a nonabusive
26 parent or other member of a household while providing notice and
27 requesting assistance under this section.

28 SECTION __.74. Section 42.048(f), Human Resources Code, is
29 amended to read as follows:

30 (f) A license must be issued if the department determines
31 that a facility meets all requirements. The evaluation shall be

1 based on one or more visits to the facility and a review of required
2 forms and records. A license is valid until the license expires, is
3 revoked, or is surrendered.

4 SECTION __.75. Section 42.050, Human Resources Code, as
5 amended by S.B. 219, Acts of the 84th Legislature, Regular Session,
6 2015, is amended to read as follows:

7 Sec. 42.050. LICENSE RENEWAL. (a) A license holder may
8 apply for renewal of a [~~new~~] license in compliance with the
9 requirements of this chapter and department rules.

10 (b) The application for renewal of a [~~new~~] license must be
11 completed and decided on by the department before the expiration of
12 the license under which a facility is operating.

13 (c) The department shall evaluate the application for
14 renewal of a [~~new~~] license to determine if all licensing
15 requirements are met. The evaluation may include a specified
16 number of visits to the facility and must include a review of all
17 required forms and records.

18 (d) The executive commissioner shall adopt rules governing
19 the license renewal process for all licenses issued under this
20 chapter. The rules must include:

- 21 (1) renewal periods;
22 (2) a process for staggered renewals;
23 (3) a process for resolving a late application for
24 renewal;
25 (4) expiration dates; and
26 (5) conditions for renewal.

27 SECTION __.76. Section 42.052, Human Resources Code, is
28 amended by amending Subsections (a) and (e) and adding Subsections
29 (e-1) and (f-1) to read as follows:

30 (a) A state-operated child-care facility or child-placing
31 agency must receive certification of approval from the department.

1 The certification of approval remains valid until the certification
2 expires, is revoked, or is surrendered.

3 (e) A registration [~~or listing~~] remains valid until the
4 registration expires, is revoked, or is surrendered. The operator
5 of a registered home must display the registration in a prominent
6 place at the home.

7 (e-1) A listing remains valid until the listing is revoked
8 or surrendered.

9 (f-1) The executive commissioner shall adopt rules
10 governing the certification and registration renewal process for
11 all certifications and registrations issued under this chapter.
12 The rules must include:

- 13 (1) renewal periods;
- 14 (2) a process for staggered renewals;
- 15 (3) a process for resolving a late application for
16 renewal;
- 17 (4) expiration dates; and
- 18 (5) conditions for renewal.

19 SECTION __.77. Section 42.054, Human Resources Code, is
20 amended by amending Subsections (a), (b), (c), (d), and (e) and
21 adding Subsection (h) to read as follows:

22 (a) The department shall charge an applicant a
23 nonrefundable application fee [~~of \$35~~] for an initial license to
24 operate a child-care facility or a child-placing agency.

25 (b) The department shall charge each child-care facility a
26 fee [~~of \$35~~] for an initial license. The department shall charge
27 each child-placing agency a fee [~~of \$50~~] for an initial license.

28 (c) The department shall charge each licensed child-care
29 facility an annual license fee [~~in the amount of \$35 plus \$1 for~~
30 ~~each child the child-care facility is permitted to serve~~]. The fee
31 is due on the date on which the department issues the child-care

1 facility's initial license and on the anniversary of that date.

2 (d) The department shall charge each licensed child-placing
3 agency an annual license fee [~~of \$100~~]. The fee is due on the date
4 on which the department issues the child-placing agency's initial
5 license and on the anniversary of that date.

6 (e) The department shall charge each family home that is
7 listed or registered with the department an annual fee [~~to cover a~~
8 ~~part of the department's cost in regulating family homes. The~~
9 ~~amount of the fee is \$20 for a listed home or \$35 for a registered~~
10 ~~home~~]. The fee is due on the date on which the department initially
11 lists or registers the home and on the anniversary of that date.

12 (h) The executive commissioner by rule shall set fees under
13 this section.

14 SECTION __.78. Subchapter D, Chapter 42, Human Resources
15 Code, is amended by adding Section 42.0704 to read as follows:

16 Sec. 42.0704. ENFORCEMENT POLICY. (a) The executive
17 commissioner by rule shall adopt a general enforcement policy that
18 describes the department's approach to enforcement of this chapter.

19 (b) The enforcement policy must:

20 (1) summarize the department's general expectations in
21 enforcing this chapter;

22 (2) include the methodology required by Subsection
23 (c); and

24 (3) describe the department's plan for strengthening
25 its enforcement efforts and for making objective regulatory
26 decisions.

27 (c) As part of the enforcement policy, the department shall
28 develop and implement a methodology for determining the appropriate
29 disciplinary action to take against a person who violates this
30 chapter or a department rule. The methodology must provide
31 guidance on when to use each of the available tools of enforcement,

1 including technical assistance, voluntary plans of action,
2 evaluation, probation, suspension or revocation of a license or
3 registration, denial of a license or registration, administrative
4 penalties, and emergency suspension. The methodology must allow
5 the department to consider the circumstances of a particular case,
6 including the nature and seriousness of the violation, history of
7 previous violations, and aggravating and mitigating factors, in
8 determining the appropriate disciplinary action.

9 (d) The department shall make the methodology described by
10 Subsection (c) available to the public, including by posting the
11 methodology on the department's Internet website.

12 SECTION __.79. Section 42.078(a-2), Human Resources Code,
13 is amended to read as follows:

14 (a-2) The department may impose an administrative penalty
15 without first imposing a nonmonetary administrative sanction for
16 violating a minimum standard applicable to a facility or family
17 home under this chapter that is determined by the department to be a
18 high-risk standard, including background check standards, safety
19 hazard standards, and supervision standards ~~[the following~~
20 ~~violations:]~~

21 ~~[(1) failing to timely submit the information required~~
22 ~~to conduct a background and criminal history check under Section~~
23 ~~42.056 and applicable department rules on two or more occasions,]~~

24 ~~[(2) failing to submit the information required to~~
25 ~~conduct a background and criminal history check under Section~~
26 ~~42.056 and applicable department rules before the 30th day after~~
27 ~~the date the facility or family home is notified by the department~~
28 ~~that the information is overdue,~~

29 ~~[(3) except as provided by Section 42.056(g),~~
30 ~~knowingly allowing a person to be present in a facility or family~~
31 ~~home when the person's background and criminal history check has~~

1 ~~not been received,~~

2 ~~[(4) knowingly allowing a person to be present in a~~
3 ~~facility or family home when the person's background and criminal~~
4 ~~history check has been received and contains criminal history or~~
5 ~~central registry findings that under department rules preclude the~~
6 ~~person from being present in the facility or family home, or~~

7 ~~[(5) violating a condition or restriction the~~
8 ~~department places on a person's presence at a facility or family~~
9 ~~home as part of a pending or approved risk evaluation of the~~
10 ~~person's background and criminal history or central registry~~
11 ~~findings].~~

12 SECTION __.80. Subchapter D, Chapter 42, Human Resources
13 Code, is amended by adding Section 42.079 to read as follows:

14 Sec. 42.079. CEASE AND DESIST ORDER. (a) If it appears to
15 the department that a person who is not licensed, certified,
16 registered, or listed under this chapter is operating a child-care
17 facility or family home, the department, after notice and
18 opportunity for a hearing, may issue a cease and desist order
19 prohibiting the person from operating the facility or home.

20 (b) A violation of an order under this section constitutes
21 grounds for imposing an administrative penalty under Section
22 42.078.

23 SECTION __.81. Section 244.0105(a), Human Resources Code,
24 is amended to read as follows:

25 (a) Not later than the 10th day before the date of a
26 permanency hearing under Subchapter D, Chapter 263, Family Code, or
27 ~~[a placement review hearing under]~~ Subchapter F, Chapter 263,
28 Family Code, regarding a child for whom the Department of Family and
29 Protective Services has been appointed managing conservator, a
30 department caseworker shall submit a written report regarding the
31 child's commitment to the department to:

- 1 (1) the court;
- 2 (2) the Department of Family and Protective Services;
- 3 (3) any attorney ad litem or guardian ad litem
- 4 appointed for the child; and
- 5 (4) any volunteer advocate appointed for the child.

6 SECTION __.82. Section 244.0106(c), Human Resources Code,
7 is amended to read as follows:

8 (c) The rules adopted under this section must require:

9 (1) the Department of Family and Protective Services
10 to:

11 (A) provide the department with access to
12 relevant health and education information regarding a child; and

13 (B) require a child's caseworker to visit the
14 child in person at least once each month while the child is
15 committed to the department;

16 (2) the department to:

17 (A) provide the Department of Family and
18 Protective Services with relevant health and education information
19 regarding a child;

20 (B) permit communication, including in person,
21 by telephone, and by mail, between a child committed to the
22 department and:

23 (i) the Department of Family and Protective
24 Services; and

25 (ii) the attorney ad litem, the guardian ad
26 litem, and the volunteer advocate for the child; and

27 (C) provide the Department of Family and
28 Protective Services and any attorney ad litem or guardian ad litem
29 for the child with timely notice of the following events relating to
30 the child:

31 (i) a meeting designed to develop or revise

1 the individual case plan for the child;

2 (ii) in accordance with any participation
3 protocols to which the Department of Family and Protective Services
4 and the department agree, a medical appointment at which a person
5 authorized to consent to medical care must participate as required
6 by Section 266.004(i), Family Code;

7 (iii) an education meeting, including
8 admission, review, or dismissal meetings for a child receiving
9 special education;

10 (iv) a grievance or disciplinary hearing
11 for the child;

12 (v) a report of abuse or neglect of the
13 child; and

14 (vi) a significant change in medical
15 condition of the child, as defined by Section 264.018 [~~266.005~~],
16 Family Code; and

17 (3) the Department of Family and Protective Services
18 and the department to participate in transition planning for the
19 child through release from detention, release under supervision,
20 and discharge.

21 SECTION __.83. The following provisions, including
22 provisions amended by S.B. 219, Acts of the 84th Legislature,
23 Regular Session, 2015, are repealed:

24 (1) Section 162.302, Family Code;

25 (2) Section 162.303, Family Code;

26 (3) Sections 162.304(c), (d), and (e), Family Code;

27 (4) Section 162.308, Family Code;

28 (5) Section 162.309, Family Code;

29 (6) Section 261.004, Family Code;

30 (7) Section 261.203(d), Family Code;

31 (8) Section 261.3012, Family Code;

1 (9) Sections 261.308(b) and (c), Family Code;
2 (10) Section 261.310(c), Family Code;
3 (11) Section 261.3101, Family Code;
4 (12) Section 262.1041, Family Code;
5 (13) Section 262.105(b), Family Code;
6 (14) Section 263.008(a)(2), Family Code;
7 (15) Sections 263.009(c), (d), (e), and (f), Family
8 Code;
9 (16) Sections 263.102(c) and (g), Family Code;
10 (17) Section 263.306(a), Family Code, as amended by
11 Chapters 191 (S.B. 352), 204 (H.B. 915), and 688 (H.B. 2619), Acts
12 of the 83rd Legislature, Regular Session, 2013;
13 (18) Section 263.306(b), Family Code;
14 (19) Sections 263.501(d) and (e), Family Code;
15 (20) Sections 263.502(b), (c), and (d), Family Code;
16 (21) Section 263.503, Family Code;
17 (22) Sections 264.002(a), (b), (c), and (d), Family
18 Code;
19 (23) Section 264.012, Family Code;
20 (24) Section 264.016, Family Code;
21 (25) Sections 264.107(a), (c), and (d), Family Code;
22 (26) Section 264.1071, Family Code;
23 (27) Section 264.108, Family Code;
24 (28) Sections 264.110(a), (b), (c), (e), (f), (g), and
25 (h), Family Code;
26 (29) Section 264.111, Family Code;
27 (30) Section 264.117, Family Code;
28 (31) Section 264.119, Family Code;
29 (32) Section 264.207(b), Family Code;
30 (33) Section 264.208, Family Code;
31 (34) Section 264.303, Family Code;

1 (35) Section 264.304, Family Code;
2 (36) Section 264.305, Family Code;
3 (37) Section 264.306, Family Code;
4 (38) Section 264.752(b), Family Code;
5 (39) Section 264.851(1), Family Code;
6 (40) Section 266.001(4), Family Code;
7 (41) Section 266.005, Family Code;
8 (42) Section 40.001(5), Human Resources Code;
9 (43) Section 40.0305, Human Resources Code;
10 (44) Section 40.031, Human Resources Code;
11 (45) Section 40.0324, Human Resources Code;
12 (46) Section 40.0327, Human Resources Code;
13 (47) Section 40.036, Human Resources Code;
14 (48) Sections 40.037(b) and (c), Human Resources Code;
15 (49) Section 40.052, Human Resources Code;
16 (50) Section 40.0523, Human Resources Code;
17 (51) Section 40.0524(d), Human Resources Code;
18 (52) Section 40.0525, Human Resources Code;
19 (53) Sections 40.0528(b) and (c), Human Resources
20 Code;
21 (54) Section 40.0566, Human Resources Code;
22 (55) Section 40.069, Human Resources Code; and
23 (56) Section 40.073, Human Resources Code.

24 SECTION __.84. Not later than January 1, 2016, the
25 executive commissioner of the Health and Human Services Commission
26 shall adopt rules necessary to implement the changes in law made by
27 this article.

28 SECTION __.85. Not later than January 1, 2016, the
29 Department of Family and Protective Services shall seek public
30 input for the initial report required under Section 264.017, Family
31 Code, as added by this article.

1 SECTION __.86. Not later than September 1, 2016, the
2 Department of Family and Protective Services shall adopt the
3 initial strategic plan required by Section 265.005, Family Code, as
4 added by this article.

5 SECTION __.87. Section 42.078, Human Resources Code, as
6 amended by this article, applies only to a violation that occurs on
7 or after the effective date of this Act. A violation that occurs
8 before the effective date of this Act is governed by the law in
9 effect at the time the violation occurred, and the former law is
10 continued in effect for that purpose.

11 SECTION __.88. Sections 42.050(d) and 42.052(f-1), Human
12 Resources Code, as added by this article, take effect September 1,
13 2016.

