



SA

15 NOV 26 PM 7:35
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: Linda Burkett

1 Amend S.B. No. 950 (house committee printing) as follows:

2 (1) Add the following appropriately numbered SECTIONS to
3 the bill:

4 SECTION _____. Section 103.001(b), Family Code, is amended
5 to read as follows:

6 (b) A suit in which adoption is requested may be filed in the
7 county where the child resides or in the county where the
8 petitioners reside, regardless of whether another court has
9 continuing exclusive jurisdiction under Chapter 155. A court that
10 has continuing exclusive jurisdiction is not required to transfer
11 the suit affecting the parent-child relationship to the court in
12 which the adoption suit is filed.

13 SECTION _____. Section 104.007(b), Family Code, is amended
14 to read as follows:

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

21 (1) on the agreement of the department's counsel and
22 respondent's counsel; or

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

24 SECTION _____. Section 155.001(c), Family Code, is amended
25 to read as follows:

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

1 SECTION _____. Section 161.001(b), Family Code, as amended
2 by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is
3 amended to read as follows:

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

6 (1) that the parent has:

7 (A) voluntarily left the child alone or in the
8 possession of another not the parent and expressed an intent not to
9 return;

10 (B) voluntarily left the child alone or in the
11 possession of another not the parent without expressing an intent
12 to return, without providing for the adequate support of the child,
13 and remained away for a period of at least three months;

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

17 (D) knowingly placed or knowingly allowed the
18 child to remain in conditions or surroundings which endanger the
19 physical or emotional well-being of the child;

20 (E) engaged in conduct or knowingly placed the
21 child with persons who engaged in conduct which endangers the
22 physical or emotional well-being of the child;

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

26 (G) abandoned the child without identifying the
27 child or furnishing means of identification, and the child's
28 identity cannot be ascertained by the exercise of reasonable
29 diligence;

30 (H) voluntarily, and with knowledge of the
31 pregnancy, abandoned the mother of the child beginning at a time

1 during her pregnancy with the child and continuing through the
2 birth, failed to provide adequate support or medical care for the
3 mother during the period of abandonment before the birth of the
4 child, and remained apart from the child or failed to support the
5 child since the birth;

6 (I) contumaciously refused to submit to a
7 reasonable and lawful order of a court under Subchapter D, Chapter
8 261;

9 (J) been the major cause of:

10 (i) the failure of the child to be enrolled
11 in school as required by the Education Code; or

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

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

18 (L) been convicted or has been placed on
19 community supervision, including deferred adjudication community
20 supervision, for being criminally responsible for the death or
21 serious injury of a child under the following sections of the Penal
22 Code, or under a law of another jurisdiction that contains elements
23 that are substantially similar to the elements of an offense under
24 one of the following Penal Code sections, or adjudicated under
25 Title 3 for conduct that caused the death or serious injury of a
26 child and that would constitute a violation of one of the following
27 Penal Code sections:

28 (i) Section 19.02 (murder);

29 (ii) Section 19.03 (capital murder);

30 (iii) Section 19.04 (manslaughter);

31 (iv) Section 21.11 (indecent with a

1 child);

2 (v) Section 22.01 (assault);

3 (vi) Section 22.011 (sexual assault);

4 (vii) Section 22.02 (aggravated assault);

5 (viii) Section 22.021 (aggravated sexual

6 assault);

7 (ix) Section 22.04 (injury to a child,

8 elderly individual, or disabled individual);

9 (x) Section 22.041 (abandoning or

10 endangering child);

11 (xi) Section 25.02 (prohibited sexual

12 conduct);

13 (xii) Section 43.25 (sexual performance by

14 a child);

15 (xiii) Section 43.26 (possession or

16 promotion of child pornography);

17 (xiv) Section 21.02 (continuous sexual

18 abuse of young child or children);

19 (xv) Section 20A.02(a)(7) or (8)

20 (trafficking of persons); and

21 (xvi) Section 43.05(a)(2) (compelling

22 prostitution);

23 (M) had his or her parent-child relationship

24 terminated with respect to another child based on a finding that the

25 parent's conduct was in violation of Paragraph (D) or (E) or

26 substantially equivalent provisions of the law of another state;

27 (N) constructively abandoned the child who has

28 been in the permanent or temporary managing conservatorship of the

29 Department of Family and Protective Services for not less than six

30 months, and:

31 (i) the department has made reasonable

1 efforts to return the child to the parent;

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

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

6 (O) failed to comply with the provisions of a
7 court order that specifically established the actions necessary for
8 the parent to obtain the return of the child who has been in the
9 permanent or temporary managing conservatorship of the Department
10 of Family and Protective Services for not less than nine months as a
11 result of the child's removal from the parent under Chapter 262 for
12 the abuse or neglect of the child;

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

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

18 (ii) after completion of a court-ordered
19 substance abuse treatment program, continued to abuse a controlled
20 substance;

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

23 (i) conviction of an offense; and

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

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

30 (S) voluntarily delivered the child to a
31 designated emergency infant care provider under Section 262.302

1 without expressing an intent to return for the child; or

2 (T) been convicted of:

3 (i) the murder of the other parent of the
4 child under Section 19.02 or 19.03, Penal Code, or under a law of
5 another state, federal law, the law of a foreign country, or the
6 Uniform Code of Military Justice that contains elements that are
7 substantially similar to the elements of an offense under Section
8 19.02 or 19.03, Penal Code;

9 (ii) criminal attempt under Section 15.01,
10 Penal Code, or under a law of another state, federal law, the law of
11 a foreign country, or the Uniform Code of Military Justice that
12 contains elements that are substantially similar to the elements of
13 an offense under Section 15.01, Penal Code, to commit the offense
14 described by Subparagraph (i); or

15 (iii) criminal solicitation under Section
16 15.03, Penal Code, or under a law of another state, federal law, the
17 law of a foreign country, or the Uniform Code of Military Justice
18 that contains elements that are substantially similar to the
19 elements of an offense under Section 15.03, Penal Code, of the
20 offense described by Subparagraph (i); and

21 (2) that termination is in the best interest of the
22 child.

23 SECTION _____. Section 262.1095(a), Family Code, is amended
24 to read as follows:

25 (a) When the Department of Family and Protective Services or
26 another agency takes possession of a child under this chapter, the
27 department:

28 (1) shall provide information as prescribed by this
29 section to each adult the department is able to identify and locate
30 who is:

31 (A) [~~is~~] related to the child within the third

1 degree by consanguinity as determined under Chapter 573, Government
2 Code;

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

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

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

15 SECTION _____. Section 262.114(b), Family Code, is amended
16 to read as follows:

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

1 ordered by a court. The department shall provide a copy of an
2 informational manual required under Section 261.3071 to the
3 relative or other designated caregiver at the time of the child's
4 placement.

5 SECTION _____. Section 262.115(c), Family Code, is amended
6 to read as follows:

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

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

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

16 SECTION _____. Section 262.2015(b), Family Code, as amended
17 by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is
18 amended to read as follows:

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

21 (1) the parent abandoned the child without
22 identification or a means for identifying the child;

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

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

29 (A) Section 19.02 (murder);

30 (B) Section 19.03 (capital murder);

31 (C) Section 19.04 (manslaughter);

- 1 (D) Section 21.11 (indecenty with a child);
- 2 (E) Section 22.011 (sexual assault);
- 3 (F) Section 22.02 (aggravated assault);
- 4 (G) Section 22.021 (aggravated sexual assault);
- 5 (H) Section 22.04 (injury to a child, elderly
- 6 individual, or disabled individual);
- 7 (I) Section 22.041 (abandoning or endangering
- 8 child);
- 9 (J) Section 25.02 (prohibited sexual conduct);
- 10 (K) Section 43.25 (sexual performance by a
- 11 child);
- 12 (L) Section 43.26 (possession or promotion of
- 13 child pornography);
- 14 (M) Section 21.02 (continuous sexual abuse of
- 15 young child or children);
- 16 (N) Section 43.05(a)(2) (compelling
- 17 prostitution); or
- 18 (O) Section 20A.02(a)(7) or (8) (trafficking of
- 19 persons);
- 20 (4) the parent voluntarily left the child alone or in
- 21 the possession of another person not the parent of the child for at
- 22 least six months without expressing an intent to return and without
- 23 providing adequate support for the child;
- 24 (5) the parent's parental rights with regard to
- 25 another child have been involuntarily terminated based on a finding
- 26 that the parent's conduct violated Section 161.001(b)(1)(D) or (E)
- 27 or a substantially equivalent provision of another state's law;
- 28 (6) the parent has been convicted for:
- 29 (A) the murder of another child of the parent and
- 30 the offense would have been an offense under 18 U.S.C. Section
- 31 1111(a) if the offense had occurred in the special maritime or

1 territorial jurisdiction of the United States;

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

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

8 (D) the felony assault of the child or another
9 child of the parent that resulted in serious bodily injury to the
10 child or another child of the parent; ~~or~~

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

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

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

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

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

27 (1) the department;

28 (2) the foster parent, preadoptive parent, relative of
29 the child providing care, or director or director's designee of the
30 group home or general residential operation ~~[institution]~~ where the
31 child is residing;

1 (3) each parent of the child;
2 (4) the managing conservator or guardian of the child;
3 (5) an attorney ad litem appointed for the child under
4 Chapter 107, if the appointment was not dismissed in the final
5 order;
6 (6) a guardian ad litem appointed for the child under
7 Chapter 107, if the appointment was not dismissed in the final
8 order;
9 (7) a volunteer advocate appointed for the child under
10 Chapter 107, if the appointment was not dismissed in the final
11 order;
12 (8) [~~7~~] the child if:
13 (A) the child is 10 years of age or older; or
14 (B) the court determines it is appropriate for
15 the child to receive notice; and
16 (9) [~~8~~] any other person or agency named by the
17 court to have an interest in the child's welfare.
18 (c) Notice of a hearing under this chapter may be given:
19 (1) as provided by Rule 21a, Texas Rules of Civil
20 Procedure;
21 (2) in a temporary order following a full adversary
22 hearing;
23 (3) in an order following a hearing under this
24 chapter;
25 (4) in open court; or
26 (5) in any manner that would provide actual notice to a
27 person entitled to notice.
28 (d) The licensed administrator of the child-placing agency
29 responsible for placing the child or the licensed administrator's
30 designee is entitled to at least 10 days' notice of a permanency
31 hearing after final order [~~If a person entitled to notice under~~

1 ~~Chapter 102 or this section has not been served, the court shall~~
2 ~~review the department's efforts at attempting to locate all~~
3 ~~necessary persons and requesting service of citation and the~~
4 ~~assistance of a parent in providing information necessary to locate~~
5 ~~an absent parent].~~

6 SECTION _____. Section 263.004, Family Code, is amended to
7 read as follows:

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

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

16 (2) assigned to serve as the child's surrogate parent
17 in accordance with 20 U.S.C. Section 1415(b) and Section
18 29.001(10), Education Code, for purposes of decision-making
19 regarding special education services, if applicable.

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

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

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

27 (c) If a person other than a person identified under [~~in the~~
28 ~~report required by~~] Subsection (a) is designated to make
29 educational decisions or assigned to serve as a surrogate parent,
30 the department shall include the updated information in a
31 permanency progress report filed under Section 263.303 or 263.502

1 ~~[file with the court an updated report that includes the~~
2 ~~information required by Subsection (a) for the designated or~~
3 ~~assigned person].~~ The updated information ~~[report]~~ must be
4 provided to the school the child attends ~~[filed]~~ not later than the
5 fifth day after the date of designation or assignment.

6 SECTION _____. Sections 263.009(a) and (b), Family Code, are
7 amended to read as follows:

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

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

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

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

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

25 (2) develop strategies and determine actions that will
26 increase the probability of achieving a timely permanent placement
27 for the child; and

28 (3) use the family group decision-making model
29 whenever possible.

30 SECTION _____. Section 263.101, Family Code, as amended by
31 S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is

1 amended to read as follows:

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

7 SECTION _____. Section 263.102(a), Family Code, as amended
8 by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is
9 amended to read as follows:

10 (a) The service plan must:

11 (1) be specific;

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

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

16 (4) state appropriate deadlines;

17 (5) specify the primary permanency goal and at least
18 one alternative permanency goal [~~state whether the goal of the plan~~
19 ~~is:~~

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

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

23 ~~[(C) because of the child's special needs or~~
24 ~~exceptional circumstances, continuation of the child's care out of~~
25 ~~the child's home];~~

26 (6) state steps that are necessary to:

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

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

1 (C) otherwise provide a permanent safe placement
2 for the child;

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

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

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

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

18 (11) prescribe any other term or condition that the
19 department determines to be necessary to the service plan's
20 success.

21 SECTION _____. Section 263.3025(a), Family Code, is amended
22 to read as follows:

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

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

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

9 (b) The permanency progress report must contain:

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

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

15 (3) any additional information the department
16 determines is appropriate or that is requested by the court and
17 relevant to the court's findings and determinations under Section
18 263.306 [~~recommend that the suit continue, and~~

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

21 [~~(B) provide~~

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

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

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

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

31 [~~(D) evaluate whether the child's placement in~~

1 ~~substitute care meets the child's needs and recommend other plans~~
2 ~~or services to meet the child's special needs or circumstances,~~

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

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

11 ~~[(G) with respect to a child committed to the~~
12 ~~Texas Juvenile Justice Department or released under supervision by~~
13 ~~the Texas Juvenile Justice Department,~~

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

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

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

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

28 SECTION _____. The heading to Section 263.306, Family Code,
29 is amended to read as follows:

30 Sec. 263.306. PERMANENCY HEARINGS BEFORE FINAL ORDER~~[+~~
31 ~~PROCEDURE]~~.

1 SECTION _____. Section 263.306, Family Code, is amended by
2 adding Subsection (a-1) to read as follows:

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

5 (1) identify all persons and parties present at the
6 hearing;

7 (2) review the efforts of the department or other
8 agency in:

9 (A) locating and requesting service of citation
10 on all persons entitled to service of citation under Section
11 102.009; and

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

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

19 (4) review the permanency progress report to
20 determine:

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

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

28 (C) the appropriateness of the primary and
29 alternative permanency goals for the child developed in accordance
30 with department rule and whether the department has made reasonable
31 efforts to finalize the permanency plan, including the concurrent

1 permanency goals, in effect for the child;

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

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

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

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

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

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

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

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

26 (ii) whether, as of the date of the hearing,
27 another planned permanent living arrangement is the best permanency
28 plan for the child and, if so, provide compelling reasons why it
29 continues to not be in the best interest of the child to:

30 (a) return home;

31 (b) be placed for adoption;

1 to the court by an appellate court following an appeal of the
2 court's final order, the court shall retain the suit on the court's
3 docket and render an order in which the court:

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

7 (A) the motion for a new trial or mistrial is
8 granted; or

9 (B) the appellate court remanded the case;

10 (2) makes further temporary orders for the safety and
11 welfare of the child as necessary to avoid further delay in
12 resolving the suit; and

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

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

21 SECTION _____. Section 263.404(b), Family Code, is amended
22 to read as follows:

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

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

29 (2) that the child is 12 years of age or older and has
30 expressed a strong desire against termination or has continuously
31 expressed a strong desire against being adopted; and

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

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

21 SECTION _____. The heading to Section 263.502, Family Code,
22 is amended to read as follows:

23 Sec. 263.502. PERMANENCY PROGRESS [~~PLACEMENT REVIEW~~]
24 REPORT AFTER FINAL ORDER.

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

29 (a) Not later than the 10th day before the date set for a
30 permanency [~~placement review~~] hearing after a final order is
31 rendered, the department shall file a permanency progress

1 [~~placement review~~] report with the court and provide a copy to each
2 person entitled to notice under Section 263.0021 [~~263.501(d)~~].

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

4 (1) information necessary for the court to conduct the
5 permanency hearing and make its findings and determinations under
6 Section 263.5031;

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

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

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

14 (1) order a different deadline for filing the
15 permanency progress report; or

16 (2) waive the reporting requirement for a specific
17 hearing.

18 SECTION _____. Subchapter F, Chapter 263, Family Code, is
19 amended by adding Section 263.5031 to read as follows:

20 Sec. 263.5031. PERMANENCY HEARINGS FOLLOWING FINAL ORDER.

21 At each permanency hearing after the court renders a final order,
22 the court shall:

23 (1) identify all persons and parties present at the
24 hearing;

25 (2) review the efforts of the department or other
26 agency in notifying persons entitled to notice under Section
27 263.0021; and

28 (3) review the permanency progress report to
29 determine:

30 (A) the safety and well-being of the child and
31 whether the child's needs, including any medical or special needs,

1 are being adequately addressed;

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

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

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

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

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

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

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

26 (ii) whether, as of the date of the hearing,
27 another planned permanent living arrangement is the best permanency
28 plan for the child and, if so, provide compelling reasons why it
29 continues to not be in the best interest of the child to:

30 (a) return home;

31 (b) be placed for adoption;

1 (c) be placed with a legal guardian;
2 or

3 (d) be placed with a fit and willing
4 relative;

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

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

13 (H) for a child receiving psychotropic
14 medication, whether the child:

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

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

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

26 (J) for a child for whom the department has been
27 named managing conservator in a final order that does not include
28 termination of parental rights, whether to order the department to
29 provide services to a parent for not more than six months after the
30 date of the permanency hearing if:

31 (i) the child has not been placed with a

1 relative or other individual, including a foster parent, who is
2 seeking permanent managing conservatorship of the child; and

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

5 (a) in the best interest of the child;
6 and

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

9 (K) whether the department has identified a
10 family or other caring adult who has made a permanent commitment to
11 the child.

12 SECTION _____. Section 266.010(b), Family Code, is amended
13 to read as follows:

14 (b) A court with continuing jurisdiction may make the
15 determination regarding the foster child's capacity to consent to
16 medical care during a hearing under Chapter 263 or may hold a
17 hearing to make the determination on its own motion. The court may
18 issue an order authorizing the child to consent to all or some of
19 the medical care as defined by Section 266.001. In addition, a
20 foster child who is at least 16 years of age, or the foster child's
21 attorney ad litem, may file a petition with the court for a hearing.
22 If the court determines that the foster child lacks the capacity to
23 consent to medical care, the court may consider whether the foster
24 child has acquired the capacity to consent to medical care at
25 subsequent hearings under Section 263.5031 [~~263.503~~].

26 SECTION _____. Section 244.0105(a), Human Resources Code, is
27 amended to read as follows:

28 (a) Not later than the 10th day before the date of a
29 permanency hearing under Subchapter D, Chapter 263, Family Code, or
30 [~~a placement review hearing under~~] Subchapter F, Chapter 263,
31 Family Code, regarding a child for whom the Department of Family and

1 Protective Services has been appointed managing conservator, a
2 department caseworker shall submit a written report regarding the
3 child's commitment to the department to:

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

9 SECTION _____. The following provisions, including
10 provisions amended by S.B. 219, Acts of the 84th Legislature,
11 Regular Session, 2015, are repealed:

- 12 (1) Section 262.105(b), Family Code;
- 13 (2) Sections 263.009(c), (d), (e), and (f), Family
14 Code;
- 15 (3) Sections 263.102(c) and (g), Family Code;
- 16 (4) Section 263.306(a), Family Code, as amended by
17 Chapters 191 (S.B. 352), 204 (H.B. 915), and 688 (H.B. 2619), Acts
18 of the 83rd Legislature, Regular Session, 2013;
- 19 (5) Section 263.306(b), Family Code;
- 20 (6) Sections 263.501(d) and (e), Family Code;
- 21 (7) Sections 263.502(b), (c), and (d), Family Code;
- 22 and
- 23 (8) Section 263.503, Family Code.

24 (2) On page 2, line 25, strike "The changes in law made by
25 this Act" and substitute "Sections 153.004(e) and (f) and
26 153.0071(e-1), Family Code, as amended by this Act,".

27 (3) Renumber the SECTIONS of the bill accordingly.