

## **BILL ANALYSIS**

C.S.H.B. 2433  
By: Burkett  
Human Services  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The Department of Family and Protective Services' (DFPS) primary function is to protect children and vulnerable adults by investigating allegations of abuse and neglect perpetrated by a caregiver. The agency provides services to families and individuals to prevent future harm, and places abused or neglected children with relatives or in foster care when they cannot remain safely in their homes. DFPS also regulates child care centers and 24-hour residential child care facilities to ensure minimum standards of health and safety for children. DFPS is subject to abolishment on September 1, 2015, unless continued by the Legislature. C.S.H.B 2433 contains the Sunset Commission's recommendations improving planning for child protective services and foster care redesign and changing regulatory aspects of child care licensing.

During the Sunset review process, the Sunset Commission directed DFPS to propose statutory changes needed to implement the goals of CPS Transformation, an ongoing effort to improve the management and processes of the agency's Child Protective Services program using recommendations from a privately contracted operational assessment and from the Sunset Commission. C.S.H.B. 2433 addresses key goals of CPS Transformation to allow caseworkers to spend more time with children and families and improve the safety, permanency, and well-being of children in CPS cases. Specifically, the bill contains provisions to reduce unnecessary administrative tasks and paperwork, reduce workload where possible, and provide DFPS with the flexibility to make its processes more efficient and adapt to changing best practices.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTIONS 3, 29, 48, 70, 78, 79, 80, and 81 of this bill.

### **ANALYSIS**

S.B. 219, Acts of the 84<sup>th</sup> Legislature, Regular Session, 2015, was signed by the Governor on April 2, 2015, giving effect to the bill on that date. C.S.H.B 2433 makes technical and conforming changes to align with the changes in law enacted by S.B. 219.

***Provides DFPS with additional flexibility to reduce workload and make various processes more efficient***

C.S.H.B 2433 changes the time requirement for the Department of Family and Protective Services (DFPS) to ensure a parent who is otherwise entitled to possession of a child has an

opportunity to visit the child not later than the fifth day, instead of the third day, after the date DFPS is named temporary managing conservator of the child.

C.S.H.B 2433 changes statutes relating to the health, social, educational, and genetic history (HSEGH) report governing preparation, access, and content, and makes conforming changes to reflect the new organization of these statutes. The bill authorizes DFPS to modify the form and contents of the HSEGH report, in accordance with department rule, for a child as DFPS determines appropriate based on the relationship between the prospective adoptive parents and the child or the child's birth family; and the provision of the child's case record to the prospective adoptive parents, or any other factor specified by DFPS rule. The bill specifies that unless otherwise provided, prospective adoptive parents of a child are entitled to examine the records and other information relating to the history of the child. If the prospective adoptive parents have reviewed the child's HSEGH report and indicated they want to proceed with the adoption, DFPS may allow the prospective adoptive parents examine the records and other information related to the child's history, unless they request the child's case record. The bill requires DFPS to provide the child's case record to the prospective adoptive parents upon request of the prospective adoptive parents.

C.S.H.B 2433 provides a good-cause exception for DFPS to extend the required 45-day deadline for completing an administrative review of the findings of a child abuse or neglect investigation of a person alleged to have abused or neglected a child. The bill removes the previous exception for extending the deadline because of a court proceeding or ongoing criminal investigation and instead specifies that such a proceeding or criminal investigation relating to the alleged abuse or neglect being investigated would allow DFPS to postpone the review until the proceeding is completed.

C.S.H.B 2433 eliminates specified casework documentation and management requirements set out in statute, while retaining the requirement that DFPS identify critical investigation actions affecting child safety and requires caseworkers to document those actions in a child's case file not later than the day after the action occurs.

C.S.H.B 2433 limits DFPS' duty to provide a school investigation report to various entities specified in statute only upon request. The bill maintains current law requiring DFPS to provide these reports to the Texas Education Agency.

C.S.H.B 2433 repeals law detailing statistics of child abuse and neglect and adoption and substitute information and instead incorporates portions of these laws as required reporting by DFPS. The bill requires DFPS to prepare and disseminate a report of statistics by county relating to key performance measures and data elements for child protection. The bill requires DFPS provide the report to the legislature and make the report available to the public electronically by February 1 of each year and lays out the required contents of the report by categories of information for the preceding year. The bill requires DFPS to seek public input for the initial report no later than January 1, 2016, and by September 1 every year thereafter regarding the usefulness of and any proposed modifications to existing reporting requirements and proposed additional reporting requirements. The bill requires DFPS to evaluate the input provided and seek to facilitate reporting to the maximum extent feasible within existing resources and in a manner that is most likely to assist public understanding of DFPS functions. The bill also requires annual reporting of information on the number of children who died in the previous year whom DFPS determined had been abused or neglected but whose death was not determined to be the result of abuse or neglect, and authorizes DFPS to publish this information in the same report described above, or in another annual report published by DFPS.

C.S.H.B 2433 adds language for DFPS to use an application or assessment developed with interested parties for placement of children in contracted residential care. The bill requires DFPS to develop this application or assessment no later than December 1, 2016, subject to the appropriation of funds, and requiring DFPS to use the Health and Human Services Commission's

(HHSC's) standard application until such time. This requirement expires September 1, 2017. The bill also removes detail regarding the assessment of children for any developmental or intellectual disability as soon as possible after a child comes into foster care by eliminating a requirement that the HHSC establish procedures for DFPS to use in making an assessment and removing specific detail regarding who may provide or participate in the screening.

C.S.H.B 2433 amends statute to require DFPS to provide both a copy and a certified copy of a youth's personal documents on or before the youth turns 16, whereas current law requires a certified copy only. The bill adds a requirement that DFPS provide a copy, certified copy or the original of the documents, as applicable. The bill consolidates two sections of statute that deal with the provision of youth records by DFPS to youth in foster care, and amends statute to require DFPS to provide certain documents if a youth does not already have these documents on discharge from foster care.

C.S.H.B 2433 changes the purposes for which DFPS may obtain criminal history record information as it relates to a person for whom DFPS determines the information is needed to ensure the safety or welfare of a child, elderly person, or person with a disability. The bill eliminates a specific list of parties for whom DFPS is authorized to obtain criminal history information. The bill specifies that DFPS may release criminal history information to a person or business entity who uses volunteer services of a person or employs a person who is the subject of the criminal history record if the release is related to the purposes for which DFPS obtained the record.

C.S.H.B 2433 changes DFPS' current requirement to establish multidisciplinary teams to provide services relating to a report of child abuse or neglect to apply in a jurisdiction for which a children's advocacy center has not been established under existing law. The bill also repeals statute regarding the involvement of a multidisciplinary team in developing procedures for coordinating the department's child abuse or neglect services with those of other public and private agencies.

The bill specifies that an existing prohibition on the use of state funds without specific appropriation applies to provisions of the Family Code relating to protection of a child in parent-child relationships, not just provisions relating to child welfare services, as provided by current law.

C.S.H.B 2433 adds language to provide that a permanency planning meeting for each child in DFPS temporary managing conservatorship be held in accordance with a schedule adopted by the executive commissioner of the HHSC in rule that is designed to allow the child to exit DFPS conservatorship safely and as soon as possible and be placed with an appropriate adult caregiver who will assume legal responsibility for the child. The bill adds a requirement for DFPS to use the family group decision-making process in such meetings whenever possible, and removes certain parameters governing the timing of these meetings currently in law. The bill removes existing timeframes for conducting permanency planning meetings and repeals language regarding multidisciplinary permanency planning meetings.

C.S.H.B 2433 adds language specifying that an interview with a child in which allegations of the current investigation are discussed must be audiotaped or videotaped unless one of a list of circumstances exists.

C.S.H.B 2433 also repeals the following provisions from current law.

- DFPS' duty to notify and provide a copy of an information request related to a child death caused by abuse or neglect to the attorney ad litem for the deceased child.
- The requirement for DFPS to request that a family assist in completing paperwork in a priority case.
- Requirements regarding the payment of burial expenses for a child who dies in foster care.

- The requirement regarding DFPS' placement decisions for children less than two years of age.
- The requirement for DFPS to develop and implement a statewide outreach program to inform counties about federal funding.

***Modifies various notice requirements***

C.S.H.B 2433 sets out requirements regarding notification by DFPS to various parties involved in conservatorship cases. The bill sets out definitions related to these notifications and specifies that these notification requirements are in addition to other notice requirements provided by current law, as specified in the bill. The bill repeals certain existing requirements mandating notifications to a child's attorney ad litem, a residential child-care facility and any child-placing agency regarding a placement change, and parents regarding certain medical conditions. The bill requires DFPS to provide notice in a manner that would provide actual notice to a person entitled to the notice, including the use of electronic notice whenever possible. The bill requires DFPS to make reasonable efforts to notify a parent of a child in DFPS managing conservatorship within 24 hours regarding certain significant events set out in the bill. The bill requires DFPS to provide notice to certain parties listed in the bill within 48 hours of a change in residential child-care facility for such a child. The bill requires DFPS to provide notice of a significant event affecting a child in conservatorship to parties listed in the bill as soon as possible but not later than the 10<sup>th</sup> day after the date DFPS becomes aware of the event. The bill also provides that for purposes of notification of significant events, if a hearing for the child is conducted during the 10-day notice period, DFPS is required to provide notice of the event at the hearing. The bill sets out conditions under which DFPS is not required to provide notice to a parent of a child in DFPS conservatorship. The bill provides that DFPS is not required to provide notice of a significant event to parties specified in the bill if that agency or individual is required under contract or other agreement to provide notice of the event to DFPS. The bill requires a person entitled to notice from DFPS to provide current contact information, and requires the person to update the contact information as soon as possible after a change. The bill provides that DFPS is not required to provide notice to a person who fails to provide contact information, and allows DFPS to rely on the most recently provided contact information for providing notice. The bill requires a residential child-care facility contracting with DFPS for 24-hour care to notify DFPS, in the time provided by the contract, of a significant event for a child in DFPS conservatorship and residing in that facility. The bill also requires the executive commissioner of HHSC to adopt rules necessary to implement the notification requirements using a negotiated rulemaking process. The bill also requires the Texas Juvenile Justice Department to provide notice to DFPS and other specified parties of a change in a child's medical condition under these notification requirements.

C.S.H.B 2433 makes changes to provide for notice of hearing instead of notice of permanency hearing in law relating to placement of children under DFPS' care. The bill adds the designee of a director of a group home or general residential operation where the child resides to those entitled to notice of hearing. The bill also adds a child's guardian ad litem to the list of those who must be notified of a hearing, unless the appointment was dismissed in the final order. For attorneys ad litem and volunteer advocates already entitled to notice of a hearing, the bill specifies that notice is required if their appointments were not dismissed in the final order. The bill sets out various methods by which the required notice of hearing can be given, rather than the current requirement that all notice be given as provided in Rule 21a, Texas Rules of Civil Procedure. The bill adds language requiring the licensed administrator of a child placing agency or that person's designee be provided at least 10 days' notice of a permanency hearing following a final order, and language requiring the court review DFPS or other agency's efforts at attempting to locate all necessary persons and requesting service of citation and assistance of a parent in providing information to locate an absent parent. The bill repeals provisions related to notice of placement review hearings and contains conforming changes to reflect the redesignation of these notice requirement statutes.

C.S.H.B 2433 provides that instead of a report, DFPS is to provide the court name and contact information for specified persons who can make educational decisions for a child in substitute care, and provide a copy of this information to the school the child attends. The bill eliminates a requirement that DFPS provide a copy of this report or information within five days of the adversary hearing to each person entitled to notice of a permanency hearing under other law, and eliminates a requirement for DFPS to file an updated report with the court if another person is designated to be the education decision maker or person assigned to serve as the child's surrogate parent. Instead, the bill requires DFPS to include the updated information in a permanency progress report. The bill also requires the updated information to be provided to the school the child attends within the existing timeframes, instead of filing the report.

C.S.H.B 2433 provides that when DFPS takes possession of a child, it must provide prescribed information to adult relatives of a child's alleged father if DFPS has a reasonable basis to believe the alleged father is the child's biological father, whereas current law requires such information to adult relatives of an alleged father DFPS determines is most likely to be the child's biological father.

***Eliminates or modifies statute prescribing specific IT projects, organizational structure, and staffing requirements***

C.S.H.B 2433 repeals a provision requiring DFPS to create a division for locating parents and relatives, and repeals a mandate regarding DFPS' strategic use of technology. The bill also repeals language requiring the executive commissioner to establish an investigations division and other requirements associated with this division. The bill repeals requirements for DFPS employ or contract with medical and law enforcement professionals and subject matter experts, and that DFPS designate liaisons within the agency to develop relationships with local law enforcement agencies and courts. The bill repeals a requirement that DFPS separate performance of investigations from service delivery.

C.S.H.B 2433 repeals a requirement that DFPS use special assessment tools in screening applicants for employment with CPS and that DFPS give preference to individuals with certain degrees. The bill repeals certain required training and curriculum for CPS caseworkers, and repeals a required affidavit for applicants for temporary or permanent employment with DFPS whose job involves direct interactions, or the possibility of direct interactions, with children. The bill repeals requirements for specific content of training curriculum for CPS investigative staff.

C.S.H.B 2433 changes current law so that each newly hired or promoted manager in CPS must complete required training as soon as is practicable, but not later than the 60th day after the date the employee is hired or promoted to the management position. Current law requires this training to be complete before the employee begins serving in the management position. The bill also repeals language specifying the types of skills and tasks the management training must address, and allowing DFPS to waive the requirement for employees who have completed similar management training offered by DFPS.

C.S.H.B 2433 eliminates a requirement for DFPS to produce a separate staffing and workload distribution plan, instead requiring DFPS to consider the goals set out for the staffing and workload distribution plan in developing the annual business plan for CPS added by this bill. The bill repeals other related requirements in developing and implementing the staffing and workload distribution plan, and repeals language specifying these requirements do not prevent DFPS from contracting for special investigator services. The bill also repeals the requirement that DFPS develop a program to provide for the timely replacement of caseworkers with trainees hired in anticipation of vacancies, considering the turnover rate for caseworkers by region.

***Modifies certain court procedures***

C.S.H.B 2433 adds language to current law regarding the location of suits in which adoption is requested specifying that it is regardless of whether another court has continuing exclusive jurisdiction under other state law providing for such continuing exclusive jurisdiction and makes a conforming change to that law. The bill provides that a court that has continuing exclusive jurisdiction is not required to transfer the suit affecting the parent-child relationship to the court in which an adoption suit is filed.

C.S.H.B 2433 also adds language to statute regarding dismissal of suits regarding terminating a parent-child relationship or naming DFPS conservator of the child to specify that a trial court must retain the suit on its docket if the court grants a motion for new trial or mistrial or if the case is remanded following an appeal and render an order. The bill also sets out the actions the court must take in rendering an order. The bill also makes conforming changes regarding extensions and dismissal dates.

***Modifies statutes regarding permanency hearings and permanency progress reports before and after the final order***

C.S.H.B 2433 repeals provisions in law setting out the court's required duties in permanency hearings and in reviewing the service plan, permanency report, and other information submitted at the hearing and adds language setting out the court's duties regarding permanency hearings before a final order is rendered.

C.S.H.B 2433 repeals provisions in law setting the court's required duties as part of placement review hearings and reports. The bill changes terminology in law for "placement review hearings" to "permanency hearings following final order," and makes conforming changes to reflect changes in terminology and agency references. The bill adds language setting out the court's duties regarding permanency hearings following final order. The bill also changes the circumstances in which these hearings are no longer required relating to whether DFPS is the child's managing conservator. The bill removes language duplicative of other statute regarding the child's attendance at these hearings.

C.S.H.B 2433 specifies permanency progress reports in relation to permanency hearings before a final order is rendered and not permanency hearings other than the first. The bill revises required contents of permanency progress reports before the final order by setting out the information the report must contain and removing existing statutory requirements regarding these reports

C.S.H.B 2433 provides for permanency progress reports in relation to permanency hearings after a final order is rendered and makes a conforming change to reflect new hearing provisions. The bill sets out the required contents of permanency progress reports after the final order. The bill also authorizes a court to order a different report deadline or waive the reporting requirement for a specific hearing if good cause is shown.

***Makes several changes related to safety, permanency, and well-being of children involved in CPS cases, including children in DFPS conservatorship***

C.S.H.B 2433 specifies that a student enrolled in public school before entering DFPS conservatorship and placed in a residence outside the school's attendance area to continue to attend the school and may continue to attend the school regardless of whether the student remains in conservatorship. The bill provides that a student in conservatorship who is enrolled in a school other than the school when the student was placed in conservatorship is entitled to remain at the school to completion without paying tuition, even if the child is placed outside the school's attendance area. The student may continue to attend the school regardless of whether the student remains in conservatorship.

C.S.H.B 2433 extends eligibility for an exemption from payment of higher education tuition and fees to youth who exit the conservatorship of DFPS and are returned to a parent, including a

parent whose parental rights were previously terminated if the child is eligible, and requires the Executive Commissioner by rule to develop factors for determining eligibility in consultation with DFPS and the Texas Higher Education Coordinating Board.

The bill expands the purposes for which a school district is required to excuse a student from attending school to include an activity required under a child's service plan, as determined and documented by DFPS, if the child is in DFPS conservatorship. Current law requires an absence be excused only if services are court ordered. The bill also reconciles different versions of this statute regarding requirements for school districts to excuse students from attending school.

C.S.H.B 2433 requires juvenile probation officers to disclose to DFPS, upon request, the terms of probation of a child in DFPS conservatorship. The bill provides that if this section of law conflicts with other law applicable to confidential information held by a governmental agency, this section controls. The bill specifies that the provision does not affect the confidential status of information being shared, providing that the information may be released to a third party only as directed by a court order or otherwise authorized by law and that personally identifiable information disclosed to DFPS is not subject to disclosure to a third party under the Public Information Act. The bill requires DFPS to enter into a memorandum of understanding with the Texas Juvenile Justice Department to adopt procedures for handling these information requests.

C.S.H.B 2433 amends current law allowing the testimony of a professional to be taken outside the courtroom by videoconference to specify that it be on the court's own motion if good cause exists.

C.S.H.B 2433 requires DFPS to complete a background a criminal history check and a preliminary evaluation of a relative or other designated caregiver's home before placing a child with the caregiver. The bill requires DFPS to begin the home study of a relative or other designated caregiver not later than 48 hours after placing a child. The bill requires the home study be completed as soon as possible, unless otherwise ordered by a court. The bill also changes terminology from "designated individual" to "designated caregiver."

C.S.H.B 2433 specifies that provisions in law regarding prerecorded statements, videotaped testimony, remote televised broadcasts, substitutions for in-court testimony, and hearsay statements involving a child or child abuse victim do not apply to testimony given in a hearing regarding placing children under DFPS' care if the testimony is not used as evidence. The bill also provides that a child must be allowed to attend or participate in a hearing regarding such placement in which the child is the subject of the hearing.

C.S.H.B 2433 requires DFPS complete a home study before the date an applicant is approved for an adoption, instead of the current requirement for DFPS to have policies to improve services, including policies for conducting the home study within four months after the date the applicant is approved and documenting the results of the home study within 30 days after completion of the study. The bill also repeals a mandate that DFPS adopt policies designed to increase accountability for services provided by DFPS and to assure consistency of services in different regions of the state.

C.S.H.B 2433 provides that among the factors the court shall consider in determining whether DFPS should be appointed as managing conservator without terminating parental rights is if a child has continuously expressed a strong desire against being adopted. The bill eliminates current law requiring the courts to consider whether a child has special medical or behavioral needs that make adoption of the child unlikely.

***Reduces duplication of state and federal law, and conforms certain state laws with federal law***

C.S.H.B 2433 adds language to the grounds for termination of parental rights for being criminally responsible for death or serious injury to a child by specifying that these grounds may

include not only the Texas Penal Code offenses set out in current law, but also an offense with substantially similar elements under the law of another jurisdiction. The bill also adds language to specify that if another child of a parent is the victim of serious bodily injury or sexual assault inflicted by the parent or with the parent's consent, it would indicate aggravated circumstances under which the court may waive the requirements for a service plan and to make reasonable efforts to return a child to the parent. The bill also adds to the list of aggravated circumstances that the parent is required to register with a sex offender registry. The bill repeals the definition for "family preservation."

C.S.H.B 2433 requires DFPS or licensed child-placing agencies making adoptive or foster placements to comply with the federal Multiethnic Placement Act of 1994. The bill repeals existing state statutes regarding the use of race or ethnicity in making adoptive or foster placement decisions.

The bill repeals a requirement for DFPS to provide each child in foster care age 16 and above a free copy of their credit report each year and information regarding interpreting and procedure for correcting any inaccuracies in the report.

#### ***Modifies informal reviews in CPS investigations***

C.S.H.B 2433 requires that the division responsible for investigating complaints at DFPS conduct informal reviews to clarify a person's status in an investigation for allegedly abusing or neglecting a child or to resolve a complaint regarding a CPS investigation. The bill removes the requirement in current law that this review be conducted by the immediate supervisor of the employee who conducted the child abuse or neglect investigation or against whom the complaint is filed.

#### ***Eliminates or updates archaic or unnecessary language***

C.S.H.B 2433 repeals statutes for an adoption assistance program, and dissemination of information and medical assistance relating to adoption and adds language to existing law requiring DFPS to administer a program to provide adoption assistance for eligible children. The bill also specifies that the \$150 subsidy for health benefit premiums is subject to available funds and expands the conditions in law in which DFPS is not required to provide adoption assistance benefits, unless funds are specifically appropriated for those purposes. The bill requires DFPS to keep records to evaluate the effectiveness of the adoption assistance program in encouraging and promoting adoption. The bill also changes terminology by specifying that "prospective foster or adoptive parents," instead of simply a person with whom the child is placed, must sign a statement agreeing to immediate removal of a child on department determination. The bill repeals a requirement that DFPS establish a registry of persons willing to accept foster care placement of a child in DFPS conservatorship, and other language defining the way this registry works.

C.S.H.B 2433 changes terminology in DFPS' authority to pay for foster care to refer to a child in a residential child-care facility, instead of an institution, or in a comparable residential facility in another state. The bill also revises language in law to specify that DFPS may pay these costs if it has initiated suit and been named the child's conservator or has the duty of care, custody and control after an emergency removal without a prior court order.

C.S.H.B 2433 specifies that a service plan for when DFPS or other agency is appointed managing conservator of a child must specify the primary permanency goal and at least one alternative permanency goal and removes language specifying possible permanency goals. The bill also repeals language that authorizes DFPS in preparing the service plan to provide for the care of the child in the home of either parent or the homes of both parents as the best interest of the child requires, if both parents are available but do not live in the same household and do not agree to cooperate with one another in the development of a service plan for the child. The bill

also repeals language relating to service plans for a child under two years of age, to require therapeutic visits between the child and the child's parents supervised by a licensed psychologist or another relevant professional to promote family reunification and to educate the parents about issues relating to the removal of the child.

C.S.H.B 2433 provides that if DFPS has authority to consent for medical treatment, it may consent to health care services regardless of whether they are funded by Medicaid or not.

C.S.H.B 2433 repeals various statutory provisions, as listed below:

- The requirement for DFPS to submit investigative reports to the court, district attorney and appropriate law enforcement agency if sufficient grounds exist for filing suit and authorizing court to direct DFPS to file a petition and the court, on receipt of the report, to direct the filing of a petition requesting relief.
- The process by which DFPS may commence a civil action to determine that a child is at-risk and other provisions associated with such a determination, court order for services upon such a finding, and sanctions for violations of such a court order. The bill also makes conforming changes in other laws reflecting the repeal of this provision for court order for services for youth found at-risk.
- The process by which law enforcement or a juvenile probation officer may take possession of a child and release to a child-placing agency, DFPS, or other authorized person and duties of the child-placing agency or authorized person who takes possession of a child.
- The requirement that if DFPS files a suit affecting the parent-child relationship seeking termination of the parent-child relationship, it must do so not later than the 45th day after taking custody of the child.
- General duties of DFPS.
- Requirements for DFPS to follow in placing children in contract residential care.
- Requirements for DFPS to use funds under the Social Security Act for the Relative and Other Designated Caregiver Placement Program.
- General DFPS' duties relating to the delivery of services.

### ***Modifies statutory organization and definitions***

C.S.H.B 2433 consolidates certain statutes governing DFPS' prevention and early intervention programs by merging certain sections from the Human Resources Code and parts of the Family Code into the chapter of the Family Code for prevention and early intervention. The bill repeals separate authority for DFPS to administer a statewide education program designed to prevent infant mortality.

C.S.H.B 2433 moves provisions of the Human Resources Code relating to protective orders sought by DFPS into the agency's general statute in the Human Resources Code regarding child welfare and protective services.

C.S.H.B 2433 repeals definitions found in various parts of DFPS' statutes for "foster child" and "foster care" and instead creates single definitions for each term to apply to Family Code provisions related to parent-child relationships.

### ***Requires CPS business plan***

C.S.H.B 2433 requires DFPS to develop and implement an annual business plan for CPS to prioritize the agency's activities and resources to improve CPS. The bill requires DFPS to coordinate with regional staff in developing the annual business plan. The bill specifies a list of elements that must be included in the plan. The bill requires DFPS to submit the annual business plan by October 1 of each year to the Governor, Lieutenant Governor, Speaker of the House, and Chairs of the standing Committees of the Senate and House having primary jurisdiction over child protection issues.

### ***Requires prevention and early intervention strategic plan***

C.S.H.B 2433 requires DFPS to develop and implement a 5-year strategic plan for prevention and early intervention services and specifies requirements for what the plan must do. The bill requires that by September 1 of the last fiscal year in the 5-year period, DFPS must issue a new strategic plan for the next five fiscal years. The bill requires DFPS to coordinate with interested parties and communities in developing the strategic plan, and requires DFPS annually to update the strategic plan. Finally, the bill requires DFPS to post the strategic plan and any updates to the plan on its website. The bill requires DFPS to adopt its first strategic plan by September 1, 2016.

### ***Requires long-range foster care redesign implementation plan***

C.S.H.B 2433 requires DFPS to develop and maintain an implementation plan for foster care redesign, established by the Legislature in 2011. The bill sets out the required elements of the plan, and requires DFPS annually to update the implementation plan and post it on the DFPS website, and to post on its website the progress it has made toward its goals for implementing foster care redesign.

### ***Child care licensing enforcement***

C.S.H.B 2433 requires the executive commissioner of HHSC by rule to adopt a general enforcement policy that describes DFPS' approach to enforcement of child care licensing laws. The bill specifies the required contents of the policy. The bill also requires that, as part of the enforcement policy, DFPS develop and implement a methodology for determining the appropriate disciplinary action to take against a person who violates child care licensing law or agency rule. The bill further specifies the required contents of the methodology. The bill requires DFPS make this methodology available to the public, including posting it on the agency's website.

C.S.H.B 2433 authorizes DFPS to impose an administrative penalty without first imposing a nonmonetary administrative sanction for violating a high-risk child care licensing minimum standard, as defined by DFPS. The bill removes current law which allows DFPS to impose these penalties only for violations related to various background check standards listed in statute. The bill specifies that this provision applies only to a violation occurring on or after the effective date of the act.

C.S.H.B 2433 authorizes DFPS, after notice and opportunity for a hearing, to issue a cease-and-desist order to a person who is not licensed, certified, registered, or listed and who is operating a child care facility or family home to prohibit the person from operating the facility or home after notice and opportunity for a hearing. The bill authorizes DFPS to impose an administrative penalty for violation of a cease-and-desist order.

### ***Child care regulatory fees and renewal process***

C.S.H.B 2433 removes child care regulatory fee amounts from statute, and instead requires the executive commissioner of HHSC to set fees in rule. The bill also requires DFPS to implement a renewal process for child care licenses, certifications, and registrations and adds language regarding licenses, certifications, and registrations expiring. The bill specifies that a listing remains valid until revoked or surrendered. The bill also requires the executive commissioner to adopt rules governing the renewal process for licenses, certifications, and registrations, and sets out what the rules must include. New provisions related to renewals take effect on September 1, 2016.

### ***Advisory committees***

C.S.H.B 2433 requires the HHSC executive commissioner to adopt rules, in compliance with law governing state agency advisory committees, regarding the purpose, structure, and use of advisory committees by DFPS. The bill sets out the provisions the rules may include. The bill also repeals statutes for two DFPS advisory committees from statute, the Parental Advisory Committee and the Advisory Committee on Promoting the Adoption of Minority Children.

### ***Continuation of DFPS***

C.S.H.B 2433 continues DFPS for 12 years, until September 1, 2027. The bill provides that the DFPS continuation to 2027 is only effective if other legislation providing for the continuation of DFPS is not enacted or does not become law.

### ***General Provision***

C.S.H.B. 2433 requires the executive commissioner of HHSC to adopt rules necessary to implement the changes in law made by the bill by January 1, 2016.

### ***Repealers***

The bill repeals the following provisions of the Family Code:

- Section 162.302
- Section 162.303
- Sections 162.304(c), (d), and (e)
- Section 162.308
- Section 162.309
- Section 261.004
- Section 261.203(d)
- Section 261.3012
- Sections 261.308(b) and (c)
- Section 261.310(c)
- Section 261.3101
- Section 262.1041
- Section 262.105(b)
- Section 263.008(a)(2)
- Sections 263.009(c), (d), (e), and (f)
- Sections 263.102(c) and (g)
- Section 263.306(a), as amended by Chapters 191 (S.B. 352), 204 (H.B. 915), and 688 (H.B. 2619), Acts of the 83<sup>rd</sup> Legislature, Regular Session, 2013
- Section 263.306(b)
- Sections 263.501(d) and (e)
- Sections 263.502(b), (c), and (d)
- Section 263.503
- Section 264.002(a), (b), (c), and (d)
- Section 264.012
- Section 264.016
- Sections 264.107(a), (c), and (d)
- Section 264.1071
- Section 264.108
- Sections 264.110(a), (b), (c), (e), (f), (g), and (h)
- Section 264.111
- Section 264.117
- Section 264.119
- Section 264.207(b)

- Section 264.208
- Section 264.303
- Section 264.304
- Section 264.305
- Section 264.306
- Section 264.752(b)
- Section 264.851(1)
- Section 266.001(4)
- Section 266.005

The bill repeals the following sections of the Human Resources Code:

- Section 40.001(5)
- Section 40.0305
- Section 40.031
- Section 40.0324
- Section 40.0327
- Section 40.036
- Sections 40.037(b) and (c)
- Section 40.052
- Section 40.0523
- Section 40.0524(d)
- Section 40.0525
- Sections 40.0528(b) and (c)
- Section 40.0566
- Section 40.069
- Section 40.073

### **EFFECTIVE DATE**

Except as otherwise provided, September 1, 2015.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2433 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### INTRODUCED

No equivalent provision.

#### HOUSE COMMITTEE SUBSTITUTE

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

(g) A student who was enrolled in a primary or secondary public school before the student entered ~~[who is placed in]~~ the conservatorship of the Department of Family and Protective Services and who is placed at a residence outside the attendance area for the school or outside the school district is entitled to continue to attend the school in which the student was enrolled

immediately before entering conservatorship until the student successfully completes the highest grade level offered by the school at the time of placement without payment of tuition. The student is entitled to continue to attend the school regardless of whether the student remains in the conservatorship of the department for the duration of the student's enrollment in the school.

(g-1) If a student who is in the conservatorship of the department is enrolled in a primary or secondary public school, other than the school in which the student was enrolled at the time the student was placed in the conservatorship of the department, the student is entitled to continue to attend that school without payment of tuition until the student successfully completes the highest grade level offered by the school at the time of enrollment in the school, even if the child's placement is changed to a residence outside the attendance area for that school or outside the school district. The student is entitled to continue to attend the school regardless of whether the student remains in the conservatorship of the department for the duration of the student's enrollment in the school.

SECTION 1. Section 25.087(b), Education Code, as amended by Chapter 249 (H.B. 455), Chapter 688 (H.B. 2619), and Chapter 1354 (S.B. 1404), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

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

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

- (A) observing religious holy days;
- (B) attending a required court appearance;
- (C) appearing at a governmental office to complete paperwork required in connection with the student's application for United States citizenship;
- (D) taking part in a United States naturalization oath ceremony;
- (E) serving as an election clerk; or
- ~~[(F) for a child in the conservatorship of the Department of Family and Protective Services, attending a mental health or therapy appointment or family visitation as ordered by a court under Chapter 262 or~~

SECTION 2. Section 25.087(b), Education Code, as amended by Chapter 249 (H.B. 455), Chapter 688 (H.B. 2619), and Chapter 1354 (S.B. 1404), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

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

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

- (A) observing religious holy days;
- (B) attending a required court appearance;
- (C) appearing at a governmental office to complete paperwork required in connection with the student's application for United States citizenship;
- (D) taking part in a United States naturalization oath ceremony;
- (E) serving as an election clerk; or
- ~~[(F) for a child in the conservatorship of the Department of Family and Protective Services, attending a mental health or therapy appointment or family visitation as ordered by a court under Chapter 262 or~~

~~263, Family Code; or]~~

(F) if the student is in the conservatorship of the Department of Family and Protective Services, participating in an activity:

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

(ii) required under a service plan under Subchapter B, Chapter 263, Family Code; or

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

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

SECTION 2. Section 54.366, Education Code, is amended by adding Subsection (c) to read as follows:

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

SECTION 3. Section 51.03(b), Family Code, is amended.

SECTION 4. The heading to Section 58.0052, Family Code, is amended.

SECTION 5. Subchapter A, Chapter 58, Family Code, is amended.

~~263, Family Code; or]~~

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

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

(ii) required under a service plan under Subchapter B, Chapter 263, Family Code; or

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

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

SECTION 3. Same as introduced version.

SECTION 4. Same as introduced version.

SECTION 5. Same as introduced version.

SECTION 6. Same as introduced version.

SECTION 6. Chapter 101, Family Code, is amended.

SECTION 7. Section 103.001(b), Family Code, is amended.

SECTION 8. Section 104.007(b), Family Code, is amended to read as follows:

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

(1) on the agreement of the state's counsel and the defendant's counsel; or

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

SECTION 9. Section 107.003(a), Family Code, is amended to read as follows:

(a) An attorney ad litem appointed to represent a child or an amicus attorney appointed to assist the court:

(1) shall:

(A) subject to Rules 4.02, 4.03, and 4.04, Texas Disciplinary Rules of Professional Conduct, and within a reasonable time after the appointment, interview:

(i) the child in a developmentally appropriate manner, if the child is four years of age or older;

(ii) each person who has significant knowledge of the child's history and condition, including any foster parent of the child; and

(iii) the parties to the suit;

(B) seek to elicit in a developmentally appropriate manner the child's expressed objectives of representation;

(C) consider the impact on the child in formulating the attorney's presentation of the child's expressed objectives of representation to the court;

(D) investigate the facts of the case to the extent the attorney considers appropriate;

(E) obtain and review copies of relevant

SECTION 7. Same as introduced version.

SECTION 8. Same as introduced version.

SECTION 9. Section 104.007(b), Family Code, is amended to read as follows:

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

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

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

No equivalent provision.

records relating to the child as provided by Section 107.006;

(F) participate in the conduct of the litigation to the same extent as an attorney for a party;

(G) take any action consistent with the child's interests that the attorney considers necessary to expedite the proceedings;

(H) encourage settlement and the use of alternative forms of dispute resolution; and

(I) review and sign, or decline to sign, a proposed or agreed order affecting the child;

(2) must be trained in child advocacy or have experience determined by the court to be equivalent to that training; and

(3) is entitled to:

(A) request clarification from the court if the role of the attorney is ambiguous;

(B) request a hearing or trial on the merits;

(C) consent or refuse to consent to an interview of the child by another attorney;

(D) receive a copy of each pleading or other paper filed with the court;

(E) receive notice of each hearing in the suit;

(F) participate in any case staffing concerning the child conducted by the Department of Family and Protective Services [~~an authorized agency~~]; and

(G) attend all legal proceedings in the suit.

SECTION 10. Section 155.001(c), Family Code, is amended.

SECTION 10. Same as introduced version.

SECTION 11. Section 161.001, Family Code, is amended to read as follows:

Sec. 161.001. INVOLUNTARY TERMINATION OF PARENT-CHILD RELATIONSHIP. The court may order termination of the parent-child relationship if the court finds by clear and convincing evidence:

(1) that the parent has:

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

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

(C) voluntarily left the child alone or in the

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

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

(1) that the parent has:

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

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

(C) voluntarily left the child alone or in the

possession of another without providing adequate support of the child and remained away for a period of at least six months;

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

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

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

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

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

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

(J) been the major cause of:

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

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

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

(L) been convicted or has been placed on community supervision, including deferred adjudication community supervision, for being criminally responsible for the death or serious injury of a child under the following sections of the Penal Code, or under a law of another jurisdiction that contains elements that are substantially similar to the elements of an offense under one of the following Penal Code sections, or adjudicated under

possession of another without providing adequate support of the child and remained away for a period of at least six months;

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

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

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

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

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

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

(J) been the major cause of:

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

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

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

(L) been convicted or has been placed on community supervision, including deferred adjudication community supervision, for being criminally responsible for the death or serious injury of a child under the following sections of the Penal Code, or under a law of another jurisdiction that contains elements that are substantially similar to the elements of an offense under one of the following Penal Code sections, or adjudicated under

Title 3 for conduct that caused the death or serious injury of a child and that would constitute a violation of one of the following Penal Code sections:

- (i) Section 19.02 (murder);
- (ii) Section 19.03 (capital murder);
- (iii) Section 19.04 (manslaughter);
- (iv) Section 21.11 (indecent with a child);
- (v) Section 22.01 (assault);
- (vi) Section 22.011 (sexual assault);
- (vii) Section 22.02 (aggravated assault);
- (viii) Section 22.021 (aggravated sexual assault);
- (ix) Section 22.04 (injury to a child, elderly individual, or disabled individual);
- (x) Section 22.041 (abandoning or endangering child);
- (xi) Section 25.02 (prohibited sexual conduct);
- (xii) Section 43.25 (sexual performance by a child);
- (xiii) Section 43.26 (possession or promotion of child pornography);
- (xiv) Section 21.02 (continuous sexual abuse of young child or children);
- (xv) Section 20A.02(a)(7) or (8) (trafficking of persons); and
- (xvi) Section 43.05(a)(2) (compelling prostitution);

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

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

- (i) the department or authorized agency has made reasonable efforts to return the child to the parent;
- (ii) the parent has not regularly visited or maintained significant contact with the child; and
- (iii) the parent has demonstrated an inability to provide the child with a safe environment;

(O) failed to comply with the provisions of a court order that specifically established the actions necessary for the parent to obtain the return of the child who has been in the permanent or temporary managing

Title 3 for conduct that caused the death or serious injury of a child and that would constitute a violation of one of the following Penal Code sections:

- (i) Section 19.02 (murder);
- (ii) Section 19.03 (capital murder);
- (iii) Section 19.04 (manslaughter);
- (iv) Section 21.11 (indecent with a child);
- (v) Section 22.01 (assault);
- (vi) Section 22.011 (sexual assault);
- (vii) Section 22.02 (aggravated assault);
- (viii) Section 22.021 (aggravated sexual assault);
- (ix) Section 22.04 (injury to a child, elderly individual, or disabled individual);
- (x) Section 22.041 (abandoning or endangering child);
- (xi) Section 25.02 (prohibited sexual conduct);
- (xii) Section 43.25 (sexual performance by a child);
- (xiii) Section 43.26 (possession or promotion of child pornography);
- (xiv) Section 21.02 (continuous sexual abuse of young child or children);
- (xv) Section 20A.02(a)(7) or (8) (trafficking of persons); and
- (xvi) Section 43.05(a)(2) (compelling prostitution);

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

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

- (i) the department has made reasonable efforts to return the child to the parent;
- (ii) the parent has not regularly visited or maintained significant contact with the child; and
- (iii) the parent has demonstrated an inability to provide the child with a safe environment;

(O) failed to comply with the provisions of a court order that specifically established the actions necessary for the parent to obtain the return of the child who has been in the permanent or temporary managing

conservatorship of the Department of Family and Protective Services for not less than nine months as a result of the child's removal from the parent under Chapter 262 for the abuse or neglect of the child;

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

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

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

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

(i) conviction of an offense; and

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

(R) been the cause of the child being born addicted to alcohol or a controlled substance, other than a controlled substance legally obtained by prescription, as defined by Section 261.001;

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

(T) been convicted of:

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

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

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

conservatorship of the Department of Family and Protective Services for not less than nine months as a result of the child's removal from the parent under Chapter 262 for the abuse or neglect of the child;

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

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

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

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

(i) conviction of an offense; and

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

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

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

(T) been convicted of:

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

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

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

and

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

SECTION 12. Section 161.1031(a), Family Code, is amended to read as follows:

(a) The Department of Family and Protective Services shall obtain a medical history report of a child whose biological [A] parent intends to sign [who signs] an affidavit of voluntary relinquishment of parental rights under Section 161.103. The department shall make every reasonable effort to obtain the report before the parent signs the affidavit or as soon as possible after the parent signs the affidavit. The [regarding a biological child must also prepare a] medical history report must address [that addresses] the medical history of the parent and the parent's ancestors.

SECTION 13. Section 162.005(c), Family Code, is transferred to Section 162.007, Family Code, and redesignated as Section 162.007(e), Family Code.

SECTION 14. The heading to Section 162.006, Family Code, is amended.

SECTION 15. Section 162.007, Family Code, is amended.

SECTION 16. (a) Sections 162.006(a) and (a-1), Family Code, are redesignated as Section 162.0062, Family Code, and amended to read as follows:

Sec. 162.0062. ACCESS TO INFORMATION. (a) Except as provided by Subsection (c), the prospective adoptive parents of a child are entitled to examine the records and other information relating to the history of the child. The Department of Family and Protective Services [department], licensed child-placing agency, or other person placing a child for adoption shall inform the prospective adoptive parents of their right to examine the records

and

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

**No equivalent provision.**

SECTION 12. Same as introduced version.

SECTION 13. Same as introduced version.

SECTION 14. Same as introduced version.

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

Sec. 162.0062. ACCESS TO INFORMATION. (a) Except as provided by Subsection (c), the prospective adoptive parents of a child are entitled to examine the records and other information relating to the history of the child. The Department of Family and Protective Services, licensed child-placing agency, or other person placing a child for adoption shall inform the prospective adoptive parents of their right to examine the records and other information

and other information relating to the history of the child. The department, licensed child-placing agency, or other person placing the child for adoption shall edit the records and information to protect the identity of the biological parents and any other person whose identity is confidential.

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

(c) If the prospective adoptive parents of a child have reviewed the health, social, educational, and genetic history report for the child and indicated that they want to proceed with the adoption, the department may, but is not required to, allow the prospective adoptive parents of the child to examine the records and other information relating to the history of the child.

(b) Section 162.018, Family Code, is transferred to Section 162.0062, Family Code, as added by this section, redesignated as Sections 162.0062(d), (e), and (f), Family Code, and amended to read as follows:

~~(d) [Sec. 162.018. ACCESS TO INFORMATION. (a) The adoptive parents are entitled to receive copies of the records and other information relating to the history of the child maintained by the department, licensed child placing agency, person, or entity placing the child for adoption.~~

~~[(b)]~~ The adoptive parents and the adopted child, after the child is an adult, are entitled to receive copies of the records that have been edited to protect the identity of the biological parents and any other person

relating to the history of the child. The department, licensed child-placing agency, or other person placing the child for adoption shall edit the records and information to protect the identity of the biological parents and any other person whose identity is confidential.

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

(c) If the prospective adoptive parents of a child have reviewed the health, social, educational, and genetic history report for the child and indicated that they want to proceed with the adoption, the department may, but is not required to, allow the prospective adoptive parents of the child to examine the records and other information relating to the history of the child, unless the prospective adoptive parents request the child's case record. The department shall provide the child's case record to the prospective adoptive parents on the request of the prospective adoptive parents.

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

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

~~[(b)]~~ The adoptive parents and the adopted child, after the child is an adult, are entitled to receive copies of the records that have been edited to protect the identity of the

whose identity is confidential and other information relating to the history of the child maintained by the department, licensed child-placing agency, person, or entity placing the child for adoption.

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

(f) [(f)] At the time an adoption order is rendered, the court shall provide to the parents of an adopted child information provided by the ~~bureau of~~ vital statistics unit that describes the functions of the voluntary adoption registry under Subchapter E. The licensed child-placing agency shall provide to each of the child's biological parents known to the agency, the information when the parent signs an affidavit of relinquishment of parental rights or affidavit of waiver of interest in a child. The information shall include the right of the child or biological parent to refuse to participate in the registry. If the adopted child is 14 years old or older the court shall provide the information to the child.

SECTION 17. Section 162.304, Family Code, is amended.

SECTION 18. Section 162.3041(d), Family Code, is amended.

SECTION 19. Section 162.308(c), Family Code, is amended to read as follows:

(c) The department, a county child-care or welfare unit, or a licensed child-placing agency may recruit [~~This section does not prevent or limit the recruitment of~~] minority families as adoptive families, but the recruitment of minority families may not be a reason to delay placement of a child with an available family of a race or ethnicity different from that of the child.

No equivalent provision.

biological parents and any other person whose identity is confidential and other information relating to the history of the child maintained by the department, licensed child-placing agency, person, or entity placing the child for adoption.

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

(f) [(f)] At the time an adoption order is rendered, the court shall provide to the parents of an adopted child information provided by the vital statistics unit that describes the functions of the voluntary adoption registry under Subchapter E. The licensed child-placing agency shall provide to each of the child's biological parents known to the agency, the information when the parent signs an affidavit of relinquishment of parental rights or affidavit of waiver of interest in a child. The information shall include the right of the child or biological parent to refuse to participate in the registry. If the adopted child is 14 years old or older the court shall provide the information to the child.

SECTION 16. Same as introduced version.

SECTION 17. Same as introduced version.

No equivalent provision.

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

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

No equivalent provision.

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

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

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

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

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

(e-1) An interview with a child alleged to be a victim of physical abuse or sexual abuse conducted by an investigating agency other than the department shall be audiotaped or videotaped unless the investigating agency determines that good cause exists for not audiotaping or videotaping the interview in accordance with rules of the agency. Good cause may include, but is not limited to, such considerations as the age of the child and the nature and seriousness of the allegations under investigation. Nothing in this subsection shall be construed as prohibiting the investigating agency from audiotaping or videotaping an interview of a child on any case for which such audiotaping or videotaping is not required under this subsection. The fact that the investigating

agency failed to audiotape or videotape an interview is admissible at the trial of the offense that is the subject of the interview.

SECTION 20. Section 261.3021, Family Code, is amended.

SECTION 20. Same as introduced version.

SECTION 21. Section 261.309(d), Family Code, is amended to read as follows:

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

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

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

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

SECTION 22. Section 261.406(b), Family Code, is amended.

SECTION 22. Same as introduced version.

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

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

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

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

department:

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

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

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

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

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

SECTION 24. Section 262.114(b), Family Code, is amended.

SECTION 25. Section 262.115(c), Family Code, is amended.

SECTION 26. Section 262.2015(b), Family Code, is amended to read as follows:

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

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

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

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

(A) Section 19.02 (murder);

(B) Section 19.03 (capital murder);

(C) Section 19.04 (manslaughter);

(D) Section 21.11 (indecent with a child);

department:

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

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

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

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

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

SECTION 24. Same as introduced version.

SECTION 25. Same as introduced version.

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

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

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

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

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

(A) Section 19.02 (murder);

(B) Section 19.03 (capital murder);

(C) Section 19.04 (manslaughter);

(D) Section 21.11 (indecent with a child);

(E) Section 22.011 (sexual assault);  
(F) Section 22.02 (aggravated assault);  
(G) Section 22.021 (aggravated sexual assault);  
(H) Section 22.04 (injury to a child, elderly individual, or disabled individual);  
(I) Section 22.041 (abandoning or endangering child);  
(J) Section 25.02 (prohibited sexual conduct);  
(K) Section 43.25 (sexual performance by a child);  
(L) Section 43.26 (possession or promotion of child pornography);  
(M) Section 21.02 (continuous sexual abuse of young child or children);  
(N) Section 43.05(a)(2) (compelling prostitution); or  
(O) Section 20A.02(a)(7) or (8) (trafficking of persons);  
(4) the parent voluntarily left the child alone or in the possession of another person not the parent of the child for at least six months without expressing an intent to return and without providing adequate support for the child;  
(5) the parent's parental rights with regard to another child have been involuntarily terminated based on a finding that the parent's conduct violated Section 161.001(1)(D) or (E) or a substantially equivalent provision of another state's law;  
(6) the parent has been convicted for:  
(A) the murder of another child of the parent and the offense would have been an offense under 18 U.S.C. Section 1111(a) if the offense had occurred in the special maritime or territorial jurisdiction of the United States;  
(B) the voluntary manslaughter of another child of the parent and the offense would have been an offense under 18 U.S.C. Section 1112(a) if the offense had occurred in the special maritime or territorial jurisdiction of the United States;  
(C) aiding or abetting, attempting, conspiring, or soliciting an offense under Subdivision (A) or (B); or  
(D) the felony assault of the child or another child of the parent that resulted in serious bodily injury to the child or another child of the parent; [Ø]  
(7) the parent's parental rights with regard to another child of the parent [~~two other children~~] have been involuntarily

(E) Section 22.011 (sexual assault);  
(F) Section 22.02 (aggravated assault);  
(G) Section 22.021 (aggravated sexual assault);  
(H) Section 22.04 (injury to a child, elderly individual, or disabled individual);  
(I) Section 22.041 (abandoning or endangering child);  
(J) Section 25.02 (prohibited sexual conduct);  
(K) Section 43.25 (sexual performance by a child);  
(L) Section 43.26 (possession or promotion of child pornography);  
(M) Section 21.02 (continuous sexual abuse of young child or children);  
(N) Section 43.05(a)(2) (compelling prostitution); or  
(O) Section 20A.02(a)(7) or (8) (trafficking of persons);  
(4) the parent voluntarily left the child alone or in the possession of another person not the parent of the child for at least six months without expressing an intent to return and without providing adequate support for the child;  
(5) the parent's parental rights with regard to another child have been involuntarily terminated based on a finding that the parent's conduct violated Section 161.001(b)(1)(D) or (E) or a substantially equivalent provision of another state's law;  
(6) the parent has been convicted for:  
(A) the murder of another child of the parent and the offense would have been an offense under 18 U.S.C. Section 1111(a) if the offense had occurred in the special maritime or territorial jurisdiction of the United States;  
(B) the voluntary manslaughter of another child of the parent and the offense would have been an offense under 18 U.S.C. Section 1112(a) if the offense had occurred in the special maritime or territorial jurisdiction of the United States;  
(C) aiding or abetting, attempting, conspiring, or soliciting an offense under Paragraph (A) or (B); or  
(D) the felony assault of the child or another child of the parent that resulted in serious bodily injury to the child or another child of the parent; [Ø]  
(7) the parent's parental rights with regard to another child of the parent [~~two other children~~] have been involuntarily

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

SECTION 27. Section 263.301, Family Code, is redesignated as Section 263.0021, Family Code, and amended to read as follows:

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

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

- (1) the department;
- (2) the foster parent, preadoptive parent, relative of the child providing care, or director or director's designee of the group home or general residential operation [~~institution~~] where the child is residing;
- (3) each parent of the child;
- (4) the managing conservator or guardian of the child;
- (5) an attorney ad litem appointed for the child under Chapter 107, if the appointment was not dismissed in the final order;
- (6) a guardian ad litem appointed for the child under Chapter 107, if the appointment was not dismissed in the final order;
- (7) a volunteer advocate appointed for the child under Chapter 107, if the appointment was not dismissed in the final order;
- (8) [~~(7)~~] the child if:
  - (A) the child is 10 years of age or older; or
  - (B) the court determines it is appropriate for the child to receive notice; and
- (9) [~~(8)~~] any other person or agency named by the court to have an interest in the child's welfare.

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

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

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

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

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

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

- (1) the department;
- (2) the foster parent, preadoptive parent, relative of the child providing care, or director or director's designee of the group home or general residential operation [~~institution~~] where the child is residing;
- (3) each parent of the child;
- (4) the managing conservator or guardian of the child;
- (5) an attorney ad litem appointed for the child under Chapter 107, if the appointment was not dismissed in the final order;
- (6) a guardian ad litem appointed for the child under Chapter 107, if the appointment was not dismissed in the final order;
- (7) a volunteer advocate appointed for the child under Chapter 107, if the appointment was not dismissed in the final order;
- (8) [~~(7)~~] the child if:
  - (A) the child is 10 years of age or older; or
  - (B) the court determines it is appropriate for the child to receive notice; and
- (9) [~~(8)~~] any other person or agency named by the court to have an interest in the child's welfare.

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

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

(2) in a temporary order following a full adversary hearing;  
(3) in an order following a hearing under this chapter;  
(4) in open court; or  
(5) in any manner that would provide actual notice to a person entitled to notice.  
(d) The licensed administrator of the child-placing agency responsible for placing the child or the licensed administrator's designee is entitled to at least 10 days' notice of a permanency hearing after final order [If a person entitled to notice under Chapter 102 or this section has not been served, the court shall review the department's or other agency's efforts at attempting to locate all necessary persons and requesting service of citation and the assistance of a parent in providing information necessary to locate an absent parent].

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

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

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

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

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

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

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

(c) If a person other than a person identified

(2) in a temporary order following a full adversary hearing;  
(3) in an order following a hearing under this chapter;  
(4) in open court; or  
(5) in any manner that would provide actual notice to a person entitled to notice.  
(d) The licensed administrator of the child-placing agency responsible for placing the child or the licensed administrator's designee is entitled to at least 10 days' notice of a permanency hearing after final order [If a person entitled to notice under Chapter 102 or this section has not been served, the court shall review the department's efforts at attempting to locate all necessary persons and requesting service of citation and the assistance of a parent in providing information necessary to locate an absent parent].

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

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

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

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

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

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

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

(c) If a person other than a person identified

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

No equivalent provision.

SECTION 29. Subchapter A, Chapter 263, Family Code, is amended.

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

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

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

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

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

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

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

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

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

SECTION 30. Same as introduced version.

SECTION 30. Section 263.101, Family Code, is amended to read as follows:

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

SECTION 31. Section 263.102(a), Family Code, is amended to read as follows:

- (a) The service plan must:
- (1) be specific;
  - (2) be in writing in a language that the parents understand, or made otherwise available;
  - (3) be prepared by the department or other agency in conference with the child's parents;
  - (4) state appropriate deadlines;
  - (5) specify the primary permanency goal and at least one alternative permanency goal [state whether the goal of the plan is:  
[(A) ~~return of the child to the child's parents;~~  
[(B) ~~termination of parental rights and placement of the child for adoption; or~~  
[(C) ~~because of the child's special needs or exceptional circumstances, continuation of the child's care out of the child's home];~~
  - (6) state steps that are necessary to:
    - (A) return the child to the child's home if the placement is in foster care;
    - (B) enable the child to remain in the child's home with the assistance of a service plan if the placement is in the home under the department's or other agency's supervision; or
    - (C) otherwise provide a permanent safe placement for the child;
  - (7) state the actions and responsibilities that are necessary for the child's parents to take to achieve the plan goal during the period of the service plan and the assistance to be provided to the parents by the department or other authorized agency toward meeting that

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

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

SECTION 32. Section 263.102(a), Family Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

- (a) The service plan must:
- (1) be specific;
  - (2) be in writing in a language that the parents understand, or made otherwise available;
  - (3) be prepared by the department in conference with the child's parents;
  - (4) state appropriate deadlines;
  - (5) specify the primary permanency goal and at least one alternative permanency goal [state whether the goal of the plan is:  
[(A) ~~return of the child to the child's parents;~~  
[(B) ~~termination of parental rights and placement of the child for adoption; or~~  
[(C) ~~because of the child's special needs or exceptional circumstances, continuation of the child's care out of the child's home];~~
  - (6) state steps that are necessary to:
    - (A) return the child to the child's home if the placement is in foster care;
    - (B) enable the child to remain in the child's home with the assistance of a service plan if the placement is in the home under the department's supervision; or
    - (C) otherwise provide a permanent safe placement for the child;
  - (7) state the actions and responsibilities that are necessary for the child's parents to take to achieve the plan goal during the period of the service plan and the assistance to be provided to the parents by the department or other agency toward meeting that goal;

goal;

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

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

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

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

SECTION 32. Section 263.302, Family Code, is amended.

SECTION 33. Section 263.3025(a), Family Code, is amended.

SECTION 34. Section 263.303, Family Code, 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 or other authorized agency 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]

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

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

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

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

~~No equivalent provision.~~

SECTION 33. Same as introduced version.

SECTION 34. 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; 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 or another agency 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;

[(C) evaluate the parties' compliance with temporary orders and with the service plan;

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

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

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

[(G) with respect to a child committed to the Texas Youth Commission or released under supervision by the Texas Youth Commission:

[(i) evaluate whether the child's needs for treatment and education are being met;

[(ii) describe, using information provided by the Texas Youth Commission, the child's progress in any rehabilitation program administered by the Texas Youth Commission; and

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

(c) A parent whose parental rights are the subject of a suit affecting the parent-child relationship, the attorney for that parent, or the child's attorney ad litem or guardian ad litem may file a response to the department's

(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;

[(C) evaluate the parties' compliance with temporary orders and with the service plan;

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

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

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

[(G) with respect to a child committed to the Texas Juvenile Justice Department or released under supervision by the Texas Juvenile Justice Department:

[(i) evaluate whether the child's needs for treatment and education are being met;

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

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

(c) A parent whose parental rights are the subject of a suit affecting the parent-child relationship, the attorney for that parent, or the child's attorney ad litem or guardian ad litem may file a response to the department's

or other agency's report filed under this section [~~Subsection (b)~~]. A response must be filed not later than the third day before the date of the hearing.

SECTION 35. The heading to Section 263.306, Family Code, is amended.

SECTION 36. Section 263.306, Family Code, is amended by adding Subsection (a-1) to read as follows:

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

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

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

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

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

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

(4) review the permanency progress report to determine:

(A) the safety and well-being of the child;

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

(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;

report filed under this section [~~Subsection (b)~~]. A response must be filed not later than the third day before the date of the hearing.

SECTION 35. Same as introduced version.

SECTION 36. Section 263.306, Family Code, is amended by adding Subsection (a-1) to read as follows:

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

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

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

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

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

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

(4) review the permanency progress report to determine:

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

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

(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 continues to not be in the best interest of the child to:  
(a) return home;  
(b) be placed for adoption;  
(c) be placed with a legal guardian; or  
(d) be placed with a fit and willing relative;  
(5) determine whether to return the child to the child's parents if the child's parents are willing and able to provide the child with a safe environment and the return of the child is in the child's best interest;  
(6) estimate a likely date by which the child may be returned to and safely maintained in the child's home, placed for adoption, or placed in permanent managing conservatorship; and  
(7) announce in open court the dismissal date and the date of any upcoming hearings.

SECTION 37. The heading to Section 263.401, Family Code, is amended.

SECTION 38. Section 263.401, Family

(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 continues to not be in the best interest of the child to:  
(a) return home;  
(b) be placed for adoption;  
(c) be placed with a legal guardian; or  
(d) be placed with a fit and willing relative;  
(5) determine whether to return the child to the child's parents if the child's parents are willing and able to provide the child with a safe environment and the return of the child is in the child's best interest;  
(6) estimate a likely date by which the child may be returned to and safely maintained in the child's home, placed for adoption, or placed in permanent managing conservatorship; and  
(7) announce in open court the dismissal date and the date of any upcoming hearings.

SECTION 37. Same as introduced version.

SECTION 38. Same as introduced version.

Code, is amended.

No equivalent provision.

SECTION 39. The heading to Subchapter F, Chapter 263, Family Code, is amended.

SECTION 40. The heading to Section 263.501, Family Code, is amended.

SECTION 41. Sections 263.501(a), (b), (c), (f), and (g), Family Code, are amended.

SECTION 42. The heading to Section 263.502, Family Code, is amended.

SECTION 43. Section 263.502, Family Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:

(a) Not later than the 10th day before the date set for a permanency [~~placement review~~] hearing after a final order is rendered, the department or other authorized agency shall file a permanency progress [~~placement review~~] report with the court and provide a copy to each person entitled to notice under Section 263.0021 [~~263.501(d)~~].  
(a-1) The permanency progress report must contain:

SECTION 39. Section 263.404(b), Family Code, is amended to read as follows:

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

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

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

(3) [~~that the child has special medical or behavioral needs that make adoption of the child unlikely; and~~

~~(4)] the needs and desires of the child.~~

SECTION 40. Same as introduced version.

SECTION 41. Same as introduced version.

SECTION 42. Same as introduced version.

SECTION 43. Same as introduced version.

SECTION 44. Section 263.502, Family Code, is amended by amending Subsection (a), as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, and adding Subsections (a-1) and (a-2) to read as follows:

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

(a-1) 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 263.5031;

(2) information on significant events; 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 263.5031.

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

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

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

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

Sec. 263.5031. PERMANENCY HEARINGS FOLLOWING FINAL ORDER. At each permanency hearing after the court renders a final order, the court shall:

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

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

(3) review the permanency progress report to determine:

(A) the safety and well-being of the child;

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

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

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

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

(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 263.5031.

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

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

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

SECTION 45. Subchapter F, Chapter 263, Family Code, is amended by adding Section 263.5031 to read as follows:

Sec. 263.5031. PERMANENCY HEARINGS FOLLOWING FINAL ORDER. At each permanency hearing after the court renders a final order, the court shall:

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

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

(3) review the permanency progress report to determine:

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

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

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

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

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

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

(E) 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 continues to not be in the best interest of the child to:

(a) return home;

(b) be placed for adoption;

(c) be placed with a legal guardian; or

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

(F) if the child is 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;

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

(H) 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;

(I) 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 are major changes in the child's school performance or there have been serious disciplinary events;

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

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

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

(E) 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 continues to not be in the best interest of the child to:

(a) return home;

(b) be placed for adoption;

(c) be placed with a legal guardian; or

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

(F) if the child is 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;

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

(H) 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;

(I) 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 are major changes in the child's school performance or there have been serious disciplinary events;

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

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

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

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

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

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

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

SECTION 45. The heading to Section 264.002, Family Code, is amended.

SECTION 46. Section 264.002(e), Family Code, is amended.

SECTION 47. Subchapter A, Chapter 264, Family Code, is amended by adding Section 264.017 to read as follows:

Sec. 264.017. REQUIRED REPORTING.

(a) The department shall prepare and disseminate a report of statistics by county relating to key performance measures and data elements for child protection.

(b) The department shall provide the report required by Subsection (a) to the legislature and shall publish the report and make the report available electronically to the public not later than February 1 of each year. The report must include, with respect to the preceding year:

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

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

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

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

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

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

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

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

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

SECTION 46. Same as introduced version.

SECTION 47. Same as introduced version.

SECTION 48. Subchapter A, Chapter 264, Family Code, is amended by adding Sections 264.017 and 264.018 to read as follows:

Sec. 264.017. REQUIRED REPORTING.

(a) The department shall prepare and disseminate a report of statistics by county relating to key performance measures and data elements for child protection.

(b) The department shall provide the report required by Subsection (a) to the legislature and shall publish the report and make the report available electronically to the public not later than February 1 of each year. The report must include, with respect to the preceding year:

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

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

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

services;

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

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

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

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

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

(9) information on the permanency goals in place and achieved for children in the managing conservatorship of the department, including information on the timeliness of achieving the goals; and

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

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

(d) In addition to the information required under Subsections (a) and (b), the department shall annually publish information on the number of children who died during the preceding year whom the department determined had been abused or neglected but whose death was not the result of the abuse or neglect. The department may publish the information described by this subsection in the same report required

services;

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

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

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

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

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

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

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

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

(d) In addition to the information required under Subsections (a) and (b), the department shall annually publish information on the number of children who died during the preceding year whom the department determined had been abused or neglected but whose death was not the result of the abuse or neglect. The department may publish the information described by this subsection in the same report required

by Subsection (a) or in another annual report published by the department.

No equivalent provision.

by Subsection (a) or in another annual report published by the department.

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

(1) "Child-placing agency" has the meaning assigned by Section 42.002, Human Resources Code.

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

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

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

(5) "Significant event" means:

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

(B) a significant change in medical condition;

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

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

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

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

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

(d) Not later than 24 hours after an event described by this subsection, the department shall make a reasonable effort to notify a parent of a child in the managing conservatorship of the department of:

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

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

(3) an initial prescription of a psychotropic medication.

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

(1) the child's parent or the parent's attorney, if applicable;

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

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

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

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

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

(1) the child's parent or the parent's attorney, if applicable;

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

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

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

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

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

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

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

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

(1) the department cannot locate the parent;

(2) a court has restricted the parent's access to the information;  
(3) the child is in the permanent managing conservatorship of the department and the parent has not participated in the child's case for at least six months despite the department's efforts to involve the parent;  
(4) the parent's rights have been terminated;  
or  
(5) the department has documented in the child's case file that it is not in the best interest of the child to involve the parent in case planning.  
(i) The department is not required to provide notice of a significant event under this section to the child-placing agency responsible for the placement of a child in the managing conservatorship of the department, a foster parent, a prospective adoptive parent, a relative of the child providing care to the child, or the director of the group home or general residential operation where the child resides if that agency or individual is required under a contract or other agreement to provide notice of the significant event to the department.  
(j) A person entitled to notice from the department under this section shall provide the department with current contact information, including the person's e-mail address and the telephone number at which the person may most easily be reached. The person shall update the person's contact information as soon as possible after a change to the information. The department is not required to provide notice under this section to a person who fails to provide contact information to the department. The department may rely on the most recently provided contact information in providing notice under this section.  
(k) To facilitate timely notification under this section, a residential child-care facility contracting with the department for 24-hour care shall notify the department, in the time provided by the facility's contract, of a significant event for a child who is in the conservatorship of the department and residing in the facility.  
(l) The executive commissioner of the Health and Human Services Commission shall adopt rules necessary to implement this section using a negotiated rulemaking process under Chapter 2008, Government

Code.

SECTION 48. Section 264.101(a), Family Code, is amended.

SECTION 49. Section 264.107, Family Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) The department shall use an ~~the~~ standard application or assessment developed by the department in coordination with interested parties for the placement of children in contract residential care ~~as adopted and maintained by the Health and Human Services Commission~~.

(b-1) Notwithstanding Subsection (b), the department shall use the standard application for the placement of children in contract residential care as adopted and maintained by the Health and Human Services Commission until the department develops an application or assessment under Subsection (b). Subject to the availability of funds, the department shall develop the application or assessment not later than December 1, 2016. This subsection expires September 1, 2017.

SECTION 50. Section 264.1075(b), Family Code, is amended to read as follows:

(b) As soon as possible after a child begins receiving foster care under this subchapter, the department shall assess whether the child has a developmental or intellectual disability ~~[or mental retardation]~~. ~~[The commission shall establish the procedures that the department must use in making an assessment under this subsection. The procedures may include screening or participation by:~~

~~[(1) a person who has experience in childhood developmental disabilities or mental retardation;~~

~~[(2) a local mental retardation authority; or~~

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

SECTION 49. Same as introduced version.

SECTION 50. Section 264.107, Family Code, is amended by amending Subsection (b), as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, and adding Subsection (b-1) to read as follows:

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

(b-1) Notwithstanding Subsection (b), the department shall use the standard application for the placement of children in contract residential care as adopted and maintained by the Health and Human Services Commission until the department develops an application or assessment under Subsection (b). Subject to the availability of funds, the department shall develop the application or assessment not later than December 1, 2016. This subsection expires September 1, 2017.

SECTION 51. Section 264.1075(b), Family Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(b) As soon as possible after a child begins receiving foster care under this subchapter, the department shall assess whether the child has a developmental or intellectual disability. ~~[The commission shall establish the procedures that the department must use in making an assessment under this subsection. The procedures may include screening or participation by:~~

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

~~[(2) a local intellectual and developmental disability authority; or~~

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

No equivalent provision.

SECTION 51. The heading to Section 264.110, Family Code, is amended.

SECTION 52. Section 264.110(d), Family Code, is amended.

SECTION 53. Section 264.114, Family Code, is amended by adding Subsection (c) to read as follows:

(c) A foster parent, relative or other designated caregiver, or other substitute care provider caring for a child in the department's managing conservatorship is not liable for harm caused to the child that results from the child's participation in an activity approved by the caregiver if the caregiver acted according to the standard of a reasonable and prudent parent in approving the child's participation in the activity.

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

(e) The department shall ensure that each youth acquires a copy or a certified copy, according to the youth's preference, of the youth's birth certificate, a social security card or replacement social security card, as appropriate, and a personal identification certificate under Chapter 521, Transportation Code, on or before the date on which the youth turns 16 years of age. The department shall designate one or more employees in the Preparation for Adult Living Program as the contact person to

SECTION 52. Subchapter B, Chapter 264, Family Code, is amended by adding Section 264.1085 to read as follows:

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

SECTION 53. Same as introduced version.

SECTION 54. Same as introduced version.

No equivalent provision.

SECTION 55. Section 264.121, Family Code, is amended by amending Subsection (e) and adding Subsection (e-2) to read as follows:

(e) The department shall ensure that each youth acquires a copy and a certified copy of the youth's birth certificate, a social security card or replacement social security card, as appropriate, and a personal identification certificate under Chapter 521, Transportation Code, on or before the date on which the youth turns 16 years of age. The department shall designate one or more employees in the Preparation for Adult Living Program as the contact person to assist a youth who has not been able to

assist a youth who has not been able to obtain the documents described by this subsection in a timely manner from the youth's primary caseworker. The department shall ensure that:

- (1) all youth who are age 16 or older are provided with the contact information for the designated employees; and
- (2) a youth who misplaces a document provided under this subsection receives assistance in obtaining a replacement document or information on how to obtain a duplicate copy, as appropriate.

(e-2) When providing a youth with a document required by Subsection (e-1), the department shall provide the youth with a copy or a certified copy of the document or with the original document, as applicable, according to the youth's preference.

SECTION 55. Section 264.014, Family Code, is transferred to Section 264.121, Family Code, redesignated as Section 264.121(e-1), Family Code, and amended.

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

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

- (1) describe the department's expectations, goals, and approach to implementing foster care redesign;
- (2) include a timeline for implementing the foster care redesign throughout this state and any limitations related to the implementation;

(3) delineate and define the case management roles and responsibilities of the department and the department's contractors;

(4) identify any training needs and include

obtain the documents described by this subsection in a timely manner from the youth's primary caseworker. The department shall ensure that:

- (1) all youth who are age 16 or older are provided with the contact information for the designated employees; and
- (2) a youth who misplaces a document provided under this subsection receives assistance in obtaining a replacement document or information on how to obtain a duplicate copy, as appropriate.

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

SECTION 56. Same as introduced version.

SECTION 57. Subchapter B, Chapter 264, Family Code, is amended by adding Section 264.126 to read as follows:

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

- (1) describe the department's expectations, goals, and approach to implementing foster care redesign;
- (2) include a timeline for implementing the foster care redesign throughout this state, any limitations related to the implementation, and a progressive intervention plan and a contingency plan to provide continuity of foster care service delivery if a contract with a single source continuum contractor ends prematurely;

(3) delineate and define the case management roles and responsibilities of the department and the department's contractors and the duties, employees, and related funding that will be transferred to the contractor by the department;

(4) identify any training needs and include

long-range and continuous plans for training and cross-training staff;  
(5) include a plan for evaluating the costs and tasks associated with each contract procurement;

(6) include the department's contract monitoring approach and a plan for evaluating the performance of each contractor and the foster care redesign system as a whole; and

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

(b) The department shall annually:

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

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

SECTION 57. The heading to Section 264.207, Family Code, is amended.

SECTION 58. Section 264.207(a), Family Code, is amended.

SECTION 59. Section 264.302(e), Family Code, is amended.

SECTION 60. The heading to Chapter 265, Family Code, is amended to read as follows:  
CHAPTER 265. PREVENTION AND  
[EARLY] INTERVENTION SERVICES

SECTION 61. Chapter 265, Family Code, is amended.

SECTION 62. Subchapter A, Chapter 265, Family Code, as added by this Act, is amended.

long-range and continuous plans for training and cross-training staff;

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

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

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

(b) The department shall annually:

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

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

SECTION 58. Same as introduced version.

SECTION 59. Same as introduced version.

SECTION 60. Same as introduced version.

No equivalent provision.

SECTION 61. Same as introduced version.

SECTION 62. Same as introduced version.

SECTION 63. Subchapter D, Chapter 40, Human Resources Code, is transferred to Chapter 265, Family Code, redesignated as Subchapter B, Chapter 265, Family Code, and amended to read as follows:

SUBCHAPTER B [D]. CHILD ABUSE AND NEGLECT PRIMARY PREVENTION PROGRAMS

Sec. 265.051 [40.101]. DEFINITIONS. In this subchapter:

- (1) "Children's trust fund" means a child abuse and neglect primary prevention program.
- (2) "Primary prevention" means services and activities available to the community at large or to families to prevent child abuse and neglect before it occurs, including an infant mortality prevention education program.
- (3) "Operating fund" means the Department of Family and Protective [~~and Regulatory~~] Services child abuse and neglect prevention operating fund account.
- (4) "State agency" means a board, commission, department, office, or other state agency that:
  - (A) is in the executive branch of the state government;
  - (B) was created by the constitution or a statute of this state; and
  - (C) has statewide jurisdiction.
- (5) "Trust fund" means the child abuse and neglect prevention trust fund account.

Sec. 265.052 [40.102]. CHILD ABUSE AND NEGLECT PRIMARY PREVENTION PROGRAMS. (a) The department shall operate the children's trust fund to:

- (1) set policy, offer resources for community primary prevention programs, and provide information and education on prevention of child abuse and neglect;
- (2) develop a state plan for expending funds for child abuse and neglect primary prevention programs that includes an annual schedule of transfers of trust fund money to the operating fund;
- (3) develop eligibility criteria for applicants requesting funding for child abuse and neglect primary prevention programs; and
- (4) establish funding priorities for child abuse and neglect primary prevention programs.

SECTION 63. Subchapter D, Chapter 40, Human Resources Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is transferred to Chapter 265, Family Code, redesignated as Subchapter B, Chapter 265, Family Code, and amended to read as follows:

SUBCHAPTER B [D]. CHILD ABUSE AND NEGLECT PRIMARY PREVENTION PROGRAMS

Sec. 265.051 [40.101]. DEFINITIONS. In this subchapter:

- (1) "Children's trust fund" means a child abuse and neglect primary prevention program.
- (2) "Primary prevention" means services and activities available to the community at large or to families to prevent child abuse and neglect before it occurs. The term includes infant mortality prevention education programs.
- (3) "Operating fund" means the Department of Family and Protective Services child abuse and neglect prevention operating fund account.
- (4) "State agency" means a board, commission, department, office, or other state agency that:
  - (A) is in the executive branch of the state government;
  - (B) was created by the constitution or a statute of this state; and
  - (C) has statewide jurisdiction.
- (5) "Trust fund" means the child abuse and neglect prevention trust fund account.

Sec. 265.052 [40.102]. CHILD ABUSE AND NEGLECT PRIMARY PREVENTION PROGRAMS. (a) The department shall operate the children's trust fund to:

- (1) set policy, offer resources for community primary prevention programs, and provide information and education on prevention of child abuse and neglect;
- (2) develop a state plan for expending funds for child abuse and neglect primary prevention programs that includes an annual schedule of transfers of trust fund money to the operating fund;
- (3) develop eligibility criteria for applicants requesting funding for child abuse and neglect primary prevention programs; and
- (4) establish funding priorities for child abuse and neglect primary prevention programs.

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

(c) The department may:

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

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

Sec. 265.053 [~~40.104~~]. ADMINISTRATIVE AND OTHER COSTS. (a) Administrative costs under this subchapter during any fiscal year may not exceed an amount equal to 50 percent of the interest credited to the trust fund during the preceding fiscal year.

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

Sec. 265.054 [~~40.105~~]. CHILD ABUSE AND NEGLECT PREVENTION TRUST FUND ACCOUNT. (a) The child abuse and neglect prevention trust fund account is an account in the general revenue fund. Money in the trust fund is dedicated to child abuse and neglect primary prevention programs.

(b) The department may transfer money contained in the trust fund to the operating fund at any time. However, during a fiscal year the department may not transfer more than the amount appropriated for the operating fund for that fiscal year. Money transferred to the operating fund that was originally deposited to the credit of the trust fund under Section 118.022, Local Government Code, may be used only for child abuse and neglect primary prevention programs.

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

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

(e) All marriage license fees and other fees collected for and deposited in the trust fund and interest earned on the trust fund balance

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

(c) The department may:

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

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

Sec. 265.053 [~~40.104~~]. ADMINISTRATIVE AND OTHER COSTS. (a) Administrative costs under this subchapter during any fiscal year may not exceed an amount equal to 50 percent of the interest credited to the trust fund during the preceding fiscal year.

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

Sec. 265.054 [~~40.105~~]. CHILD ABUSE AND NEGLECT PREVENTION TRUST FUND ACCOUNT. (a) The child abuse and neglect prevention trust fund account is an account in the general revenue fund. Money in the trust fund is dedicated to child abuse and neglect primary prevention programs.

(b) The department may transfer money contained in the trust fund to the operating fund at any time. However, during a fiscal year the department may not transfer more than the amount appropriated for the operating fund for that fiscal year. Money transferred to the operating fund that was originally deposited to the credit of the trust fund under Section 118.022, Local Government Code, may be used only for child abuse and neglect primary prevention programs.

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

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

(e) All marriage license fees and other fees collected for and deposited in the trust fund and interest earned on the trust fund balance

shall be appropriated each biennium only to the operating fund for ~~[primary]~~ child abuse and neglect primary prevention programs.

Sec. 265.055 ~~[40.106]~~. DEPARTMENT OPERATING FUND ACCOUNT. (a) The ~~[Department of Protective and Regulatory Services child abuse and neglect prevention]~~ operating fund account is an account in the general revenue fund.

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

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

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

Sec. 265.056 ~~[40.107]~~. CONTRIBUTIONS.

(a) The department may solicit contributions from any appropriate source.

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

(c) A person may contribute funds to either the trust fund, the operating fund, or a fund designated by the department for a specific child abuse and neglect primary prevention or other prevention or early intervention purpose.

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

**No equivalent provision.**

shall be appropriated each biennium only to the operating fund for ~~[primary]~~ child abuse and neglect primary prevention programs.

Sec. 265.055 ~~[40.106]~~. DEPARTMENT OPERATING FUND ACCOUNT. (a) The operating fund is an account in the general revenue fund.

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

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

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

Sec. 265.056 ~~[40.107]~~. CONTRIBUTIONS.

(a) The department may solicit contributions from any appropriate source.

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

(c) A person may contribute funds to either the trust fund, the operating fund, or a fund designated by the department for a specific child abuse and neglect primary prevention or other prevention or early intervention purpose.

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

SECTION 64. Section 40.0561, Human Resources Code, is transferred to Subchapter B, Chapter 265, Family Code, as transferred and redesignated from Subchapter D, Chapter 40, Human Resources Code, by this Act, and redesignated as Section 265.057, Family Code, to read as follows:

Sec. 265.057 ~~[40.0561]~~. COMMUNITY YOUTH DEVELOPMENT GRANTS. (a) Subject to available funding, the department shall award community youth development grants to communities identified by incidence of crime. The department shall

give priority in awarding grants under this section to areas of the state in which there is a high incidence of juvenile crime.

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

SECTION 64. Section 266.004, Family Code, is amended.

SECTION 65. Same as introduced version.

No equivalent provision.

SECTION 66. Section 266.0041(d), Family Code, is amended to read as follows:

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

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

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

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

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

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

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

SECTION 67. Same as introduced version.

SECTION 66. Sections 411.114(a)(3) and (7), Government Code, are amended to read as follows:

SECTION 68. Subdivisions (3), as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, and (7), Subsection (a), Section 411.114, Government Code, are amended to read as follows:

(3) The Department of Family and Protective Services is entitled to obtain from the department criminal history record information maintained by the department that relates to a person with respect to whom the Department of Family and Protective Services determines obtaining a criminal

(3) The Department of Family and Protective Services is entitled to obtain from the department criminal history record information maintained by the department that relates to a person with respect to whom the Department of Family and Protective Services determines obtaining a criminal

history record is necessary to ensure the safety or welfare of a child, elderly person, or person with a disability [who is:

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

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

~~[(C) a volunteer or applicant volunteer with an organization that provides court-appointed special advocates for abused or neglected children;~~

~~[(D) a person providing, at the request of the child's parent, in home care for a child who is the subject of a report alleging the child has been abused or neglected;~~

~~[(E) a volunteer or applicant volunteer with a Texas chapter of the Make-a-Wish Foundation of America;~~

~~[(F) a person providing, at the request of the child's parent, in-home care for a child only if the person gives written consent to the release and disclosure of the information;~~

~~[(G) a child who is related to the caretaker, as determined under Section 42.002, Human Resources Code, and who resides in or is present in a child-care facility or family home, other than a child described by Subdivision (2)(C), or any other person who has unsupervised access to a child in the care of a child-care facility or family home;~~

~~[(H) an applicant for a position with the Department of Family and Protective Services, other than a position described by Subdivision (2)(D), regardless of the duties of the position;~~

~~[(I) a volunteer or applicant volunteer with the Department of Family and Protective Services, other than a registered volunteer, regardless of the duties to be performed;~~

~~[(J) a person providing or applying to provide in-home, adoptive, or foster care for children to the extent necessary to comply with Subchapter B, Chapter 162, Family Code;~~

~~[(K) a Department of Family and Protective Services employee, other than an employee described by Subdivision (2)(H), regardless of the duties of the employee's position;~~

~~[(L) a relative of a child in the care of the Department of Family and Protective Services, to the extent necessary to comply with Section 162.007, Family Code;~~

~~[(M) a person, other than an alleged perpetrator in a report described in~~

history record is necessary to ensure the safety or welfare of a child, elderly person, or person with a disability [who is:

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

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

~~[(C) a volunteer or applicant volunteer with an organization that provides court-appointed special advocates for abused or neglected children;~~

~~[(D) a person providing, at the request of the child's parent, in home care for a child who is the subject of a report alleging the child has been abused or neglected;~~

~~[(E) a volunteer or applicant volunteer with a Texas chapter of the Make-a-Wish Foundation of America;~~

~~[(F) a person providing, at the request of the child's parent, in-home care for a child only if the person gives written consent to the release and disclosure of the information;~~

~~[(G) a child who is related to the caretaker, as determined under Section 42.002, Human Resources Code, and who resides in or is present in a child-care facility or family home, other than a child described by Subdivision (2)(C), or any other person who has unsupervised access to a child in the care of a child-care facility or family home;~~

~~[(H) an applicant for a position with the Department of Family and Protective Services, other than a position described by Subdivision (2)(D), regardless of the duties of the position;~~

~~[(I) a volunteer or applicant volunteer with the Department of Family and Protective Services, other than a registered volunteer, regardless of the duties to be performed;~~

~~[(J) a person providing or applying to provide in-home, adoptive, or foster care for children to the extent necessary to comply with Subchapter B, Chapter 162, Family Code;~~

~~[(K) a Department of Family and Protective Services employee, other than an employee described by Subdivision (2)(H), regardless of the duties of the employee's position;~~

~~[(L) a relative of a child in the care of the Department of Family and Protective Services, to the extent necessary to comply with Section 162.007, Family Code;~~

~~[(M) a person, other than an alleged perpetrator in a report described in~~

Subdivision (2)(I), living in the residence in which the alleged victim of the report resides;

~~[(N) a contractor or an employee of a contractor who delivers services to a ward of the Department of Family and Protective Services under a contract with the estate of the ward;~~

~~[(O) a person who seeks unsupervised visits with a ward of the Department of Family and Protective Services, including a relative of the ward;~~

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

~~[(Q) an employee of, an applicant for employment with, or a volunteer or an applicant volunteer with an entity or person that contracts with the Department of Family and Protective Services and has access to confidential information in the department's records, if the employee, applicant, volunteer, or applicant volunteer has or will have access to that confidential information;~~

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

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

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

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

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

(B) a child-care facility, child-placing agency, or family home listed in Subdivision (2) that employs or is considering employing the person who is the

Subdivision (2)(I), living in the residence in which the alleged victim of the report resides;

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

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

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

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

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

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

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

(B) a child-care facility, child-placing agency, or family home listed in Subdivision (2) that employs or is considering employing the person who is the

subject of the criminal history record information;

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

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

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

(i) the alleged perpetrator is the subject of the criminal history record information; and  
(ii) the Department of Family and Protective Services determines that the release of information to the adult is necessary to ensure the safety or welfare of the alleged victim or the adult; or

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

(i) the alleged perpetrator is the subject of the criminal history record information; and  
(ii) the Department of Family and Protective Services determines that the release of information to the elderly or disabled person or adult is necessary to ensure the safety or welfare of the elderly or disabled person.

**No equivalent provision.**

subject of the criminal history record information;

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

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

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

(i) the alleged perpetrator is the subject of the criminal history record information; and  
(ii) the Department of Family and Protective Services determines that the release of information to the adult is necessary to ensure the safety or welfare of the alleged victim or the adult; or

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

(i) the alleged perpetrator is the subject of the criminal history record information; and  
(ii) the Department of Family and Protective Services determines that the release of information to the elderly or disabled person or adult is necessary to ensure the safety or welfare of the elderly or disabled person.

SECTION 69. (a) Section 40.003, Human Resources Code, is amended to read as follows:

Sec. 40.003. SUNSET PROVISION. The Department of Family and Protective Services is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished and this chapter expires September 1, 2027 [2015].

(b) This section takes effect only if H.B. 2304, S.B. 200, or similar legislation of the 84th Legislature, Regular Session, 2015, providing for the continuation of the Department of Family and Protective Services is not enacted or does not become law. If H.B. 2304, S.B. 200, or similar legislation of the 84th Legislature, Regular Session, 2015, is enacted, becomes law, and provides for the continuation of the department, this section has no effect.

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

Sec. 40.030. ADVISORY COMMITTEES.

(a) The executive commissioner or the executive commissioner's designee may appoint advisory committees in accordance with Chapter 2110, Government Code.

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

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

(2) qualifications for membership of an advisory committee, including requirements relating to experience and geographic representation;

(3) appointment procedures for an advisory committee;

(4) terms for advisory committee members; and

(5) compliance with Chapter 551, Government Code.

SECTION 68. Section 40.037(a), Human Resources Code, is amended.

SECTION 69. Section 40.0524(a), Human Resources Code, is amended.

SECTION 70. Section 40.030, Human Resources Code, is amended to read as follows:

Sec. 40.030. ADVISORY COMMITTEES.

(a) The executive commissioner or the executive commissioner's designee may appoint advisory committees in accordance with Chapter 2110, Government Code.

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

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

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

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

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

(3) appointment procedures for an advisory committee;

(4) terms for advisory committee members; and

(5) compliance with Chapter 551, Government Code.

SECTION 71. Same as introduced version.

SECTION 72. Same as introduced version.

SECTION 70. Subchapter C, Chapter 40, Human Resources Code, is amended.

SECTION 71. The heading to Section 40.0528, Human Resources Code, is amended.

SECTION 72. Section 40.0528(a), Human Resources Code, is amended.

SECTION 73. Chapter 54, Human Resources Code, is transferred to Subchapter C, Chapter 40, Human Resources Code, redesignated as Section 40.075, Human Resources Code, and amended to read as follows:

~~[CHAPTER 54. PROTECTIVE ORDERS SOUGHT BY DEPARTMENT OF PROTECTIVE AND REGULATORY SERVICES]~~

Sec. ~~40.075~~ ~~[54.001]~~. PROTECTIVE ORDERS. (a) The executive commissioner ~~[Department of Protective and Regulatory Services]~~ shall adopt rules to provide procedures for the filing of protective orders for the protection of a member of a family or household ~~under Title 4 [as provided by Section 71.04]~~, Family Code.

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

SECTION 74. Section 42.048(f), Human

SECTION 73. Same as introduced version.

SECTION 74. Same as introduced version.

SECTION 75. Same as introduced version.

SECTION 76. Chapter 54, Human Resources Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is transferred to Subchapter C, Chapter 40, Human Resources Code, redesignated as Section 40.075, Human Resources Code, and amended to read as follows:

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

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

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

SECTION 77. Same as introduced version.

Resources Code, is amended.

SECTION 75. Section 42.050, Human Resources Code, is amended to read as follows:

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

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

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

(d) The executive commissioner shall adopt rules governing the license renewal process for all licenses issued under this chapter.

The rules must include:

(1) renewal periods;

(2) a process for staggered renewals;

(3) a process for resolving a late application for renewal;

(4) expiration dates; and

(5) conditions for renewal.

SECTION 76. Section 42.052, Human Resources Code, is amended.

SECTION 77. Section 42.054, Human Resources Code, is amended.

SECTION 78. Subchapter D, Chapter 42, Human Resources Code, is amended.

SECTION 79. Section 42.078(a-2), Human Resources Code, is amended.

SECTION 80. Subchapter D, Chapter 42,

SECTION 78. Section 42.050, Human Resources Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

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

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

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

(d) The executive commissioner shall adopt rules governing the license renewal process for all licenses issued under this chapter.

The rules must include:

(1) renewal periods;

(2) a process for staggered renewals;

(3) a process for resolving a late application for renewal;

(4) expiration dates; and

(5) conditions for renewal.

SECTION 79. Same as introduced version.

SECTION 80. Same as introduced version.

SECTION 81. Same as introduced version.

SECTION 82. Same as introduced version.

SECTION 83. Subchapter D, Chapter 42,

Human Resources Code, is amended by adding Section 42.079 to read as follows:

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

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

SECTION 81. Section 74.006(c), Human Resources Code, is amended to read as follows:

(c) The council may transfer money contained in the trust fund to the operating fund at any time. However, during a fiscal year the council may not transfer more than the amount deposited to the credit of the fund from any source, including interest and the amount credited under Section 118.022, Local Government Code, during the preceding fiscal year. Money transferred to the operating fund that was originally deposited to the credit of the trust fund under Section 118.022, Local Government Code, may be used only for ~~[an infant mortality prevention education program developed and implemented under Section 40.0523 and]~~ child abuse and neglect prevention programs. The council may also transfer funds contained in the operating fund to the trust fund at any time.

SECTION 82. Section 244.0105(a), Human Resources Code, is amended.

No equivalent provision.

Human Resources Code, is amended by adding Section 42.079 to read as follows:

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

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

No equivalent provision.

SECTION 84. Same as introduced version.

SECTION 85. Section 244.0106(c), Human Resources Code, is amended to read as follows:

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

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

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

(B) require a child's caseworker to visit the

child in person at least once each month while the child is committed to the department;

(2) the department to:

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

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

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

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

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

(i) a meeting designed to develop or revise the individual case plan for the child;

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

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

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

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

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

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

SECTION 83. The following provisions are repealed:

(1) Sections 161.1031(b) and (c), Family Code;

(2) Section 162.302, Family Code;

(3) Section 162.303, Family Code;

(4) Sections 162.304(c), (d), and (e),

SECTION 86. The following provisions, including provisions amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, are repealed:

(1) Section 162.302, Family Code;

(2) Section 162.303, Family Code;

(3) Sections 162.304(c), (d), and (e),

Family Code;

(5) Sections 162.308(a) and (b), Family Code;

(6) Section 162.309, Family Code;

(7) Section 261.004, Family Code;

(8) Section 261.203(d), Family Code;

(9) Section 261.3012, Family Code;

(10) Sections 261.308(b) and (c), Family Code;

(11) Section 261.3101, Family Code;

(12) Section 262.1041, Family Code;

(13) Section 262.105(b), Family Code;

(14) Section 263.008(a)(2), Family Code;

(15) Section 263.1015, Family Code;

(16) Sections 263.102(c) and (g), Family Code;

(17) Section 263.306(a), Family Code, as amended by Chapters 191 (S.B. 352), 204 (H.B. 915), and 688 (H.B. 2619), Acts of the 83rd Legislature, Regular Session, 2013;

(18) Sections 263.501(d) and (e), Family Code;

(19) Sections 263.502(b), (c), and (d), Family Code;

(20) Section 263.503, Family Code;

(21) Sections 264.002(a), (b), (c), and (d), Family Code;

(22) Section 264.012, Family Code;

(23) Section 264.016, Family Code;

(24) Sections 264.107(a), (c), and (d), Family Code;

(25) Section 264.1071, Family Code;

(26) Section 264.1072, Family Code;

(27) Section 264.108(e), Family Code;

(28) Sections 264.110(a), (b), (c), (e), (f), (g), and (h), Family Code;

(29) Section 264.111, Family Code;

(30) Section 264.207(b), Family Code;

(31) Section 264.208, Family Code;

(32) Section 264.303, Family Code;

(33) Section 264.304, Family Code;

(34) Section 264.305, Family Code;

(35) Section 264.306, Family Code;

(36) Section 264.752(b), Family Code;

(37) Section 264.851(1), Family Code;

(38) Section 266.001(4), Family Code;

(39) Section 40.001(5), Human Resources Code;

(40) Section 40.0305, Human Resources

Family Code;

(4) Section 162.308, Family Code;

(5) Section 162.309, Family Code;

(6) Section 261.004, Family Code;

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

(8) Section 261.3012, Family Code;

(9) Sections 261.308(b) and (c), Family Code;

(10) Section 261.310(c), Family Code;

(11) Section 261.3101, Family Code;

(12) Section 262.1041, Family Code;

(13) Section 262.105(b), Family Code;

(14) Section 263.008(a)(2), Family Code;

(15) Sections 263.009(c), (d), (e), and (f), Family Code;

(16) Sections 263.102(c) and (g), Family Code;

(17) Section 263.306(a), Family Code, as amended by Chapters 191 (S.B. 352), 204 (H.B. 915), and 688 (H.B. 2619), Acts of the 83rd Legislature, Regular Session, 2013;

(18) Section 263.306(b), Family Code;

(19) Sections 263.501(d) and (e), Family Code;

(20) Sections 263.502(b), (c), and (d), Family Code;

(21) Section 263.503, Family Code;

(22) Sections 264.002(a), (b), (c), and (d), Family Code;

(23) Section 264.012, Family Code;

(24) Section 264.016, Family Code;

(25) Sections 264.107(a), (c), and (d), Family Code;

(26) Section 264.1071, Family Code;

(27) Section 264.108, Family Code;

(28) Sections 264.110(a), (b), (c), (e), (f), (g), and (h), Family Code;

(29) Section 264.111, Family Code;

(30) Section 264.117, Family Code;

(31) Section 264.119, Family Code;

(32) Section 264.207(b), Family Code;

(33) Section 264.208, Family Code;

(34) Section 264.303, Family Code;

(35) Section 264.304, Family Code;

(36) Section 264.305, Family Code;

(37) Section 264.306, Family Code;

(38) Section 264.752(b), Family Code;

(39) Section 264.851(1), Family Code;

(40) Section 266.001(4), Family Code;

(41) Section 266.005, Family Code;

(42) Section 40.001(5), Human Resources Code;

(43) Section 40.0305, Human Resources

Code;  
(41) Section 40.031, Human Resources Code;  
(42) Section 40.0324, Human Resources Code;  
(43) Section 40.0327, Human Resources Code;  
(44) Section 40.036, Human Resources Code;  
(45) Sections 40.037(b) and (c), Human Resources Code;  
(46) Section 40.052, Human Resources Code;  
(47) Section 40.0523, Human Resources Code;  
(48) Section 40.0524(d), Human Resources Code;  
(49) Section 40.0525, Human Resources Code;  
(50) Sections 40.0528(b) and (c), Human Resources Code;  
(51) Section 40.0566, Human Resources Code;  
(52) Section 40.069, Human Resources Code; and  
(53) Section 40.073, Human Resources Code.

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

SECTION 85. Section 264.114(c), Family Code, as added by this Act, applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrues before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

No equivalent provision.

SECTION 86. Not later than September 1, 2016, the Department of Family and

Code;  
(44) Section 40.031, Human Resources Code;  
(45) Section 40.0324, Human Resources Code;  
(46) Section 40.0327, Human Resources Code;  
(47) Section 40.036, Human Resources Code;  
(48) Sections 40.037(b) and (c), Human Resources Code;  
(49) Section 40.052, Human Resources Code;  
(50) Section 40.0523, Human Resources Code;  
(51) Section 40.0524(d), Human Resources Code;  
(52) Section 40.0525, Human Resources Code;  
(53) Sections 40.0528(b) and (c), Human Resources Code;  
(54) Section 40.0566, Human Resources Code;  
(55) Section 40.069, Human Resources Code; and  
(56) Section 40.073, Human Resources Code.

SECTION 87. Same as introduced version.

No equivalent provision.

SECTION 88. Not later than January 1, 2016, the Department of Family and Protective Services shall seek public input for the initial report required under Section 264.017, Family Code, as added by this Act.

SECTION 89. Same as introduced version.

Protective Services shall adopt the initial strategic plan required by Section 265.005, Family Code, as added by this Act.

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

SECTION 88. (a) Except as otherwise provided by this section, this Act takes effect September 1, 2015.

(b) Sections 42.050(d) and 42.052(f-1), Human Resources Code, as added by this Act, take effect September 1, 2016.

SECTION 90. Same as introduced version.

SECTION 91. Same as introduced version.