

BILL ANALYSIS

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S.B. 206
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The purpose of S.B. 206 is to enact the Sunset Advisory Commission's recommendations regarding the Department of Family and Protective Services (DFPS). The primary function of DFPS is to protect children and vulnerable adults by investigating allegations of abuse, neglect, and exploitation 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.

S.B. 206 seeks to remove bureaucratic burdens on Child Protect Services (CPS) caseworkers, to allow them to spend more time with children and families, improve performance and morale, and ultimately, improve retention. These modifications will enable DFPS to achieve higher levels of safety, permanency, and well-being for children. S.B. 206 also helps focus DFPS on improving basic processes and management to carry out its critical mission more effectively.

Specifically, S.B. 206:

- Eliminates, clarifies, and streamlines burdensome and prescriptive statutory requirements that hurt the ability of DFPS to do its job, such as:
 - Reducing unnecessary paperwork and procedural requirements on caseworkers and other DFPS employees;
 - Providing the agency with additional flexibility to streamline its processes;
 - Conforming state law with federal law to eliminate confusion; and
 - Repealing archaic or unnecessary language and clarifying disorganized statutes.
- Makes several changes aimed at improving safety, permanency, and well-being of children in DFPS conservatorship, including:
 - Expanding eligibility for the tuition waiver to youth who were formerly in the foster care system; and
 - Limiting liability for foster parents or other substitute care providers who make reasonable parenting decisions.
- Requires Child Protective Services to implement an annual business planning process to focus its overall goals for improvement and demonstrate results;
- Requires DFPS to develop and maintain a long-range foster care redesign implementation plan to mitigate inherent risks of this outsourcing approach to administering foster care;
- Requires DFPS to develop a comprehensive strategic plan for its prevention and early intervention programs;
- Strengthens DFPS child care licensing enforcement efforts, including:
 - Authorizing the agency to assess administrative penalties for high-risk licensing violations without first pursuing non-monetary administrative sanctions;
 - Requiring DFPS to develop an enforcement policy in rule to guide child care licensing enforcement efforts; and
 - Granting cease-and-desist authority to DFPS for taking action against unlicensed child care facilities.

Gives DFPS flexibility in setting child care licensing and administrative fees, and establishing a child care license and registration renewal process.

As proposed, S.B. 206 amends current law relating to the functions of the Department of Family and Protective Services and procedures applicable to suits affecting the parent-child relationship,

investigations of child abuse and neglect, and conservatorship of a child; affects fee amounts and authorizes an administrative penalty.

[**Note:** While the statutory reference in this bill is to the Department of Protective and Regulatory Services (DPRS), the following amendments affect the Department of Family and Protective Services, as the successor agency to DPRS.]

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 2 (Section 54.366, Education Code), SECTION 67 (Section 40.030, Human Resources Code), SECTION 75 (Section 42.050, Human Resources Code), SECTION 76 (Section 42.052, Human Resources Code), SECTION 77 (Section 42.054, Human Resources Code), and SECTION 78 (42.0704, Human Resources Code) of this bill.

Rulemaking authority previously granted to the Department of Protective and Regulatory Services is transferred to the executive commissioner of the Health and Human Services Commission in SECTION 73 (Section 40.075, Human Resources Code) of this bill.

Rulemaking authority previously granted to the Department of Protective and Regulatory Services is rescinded in SECTION 83 (Section 162.302, Family Code) of this bill.

Rulemaking authority previously granted to the Department of Family and Protective Services is rescinded in SECTION 83 (Section 264.110, Family Code) of this bill.

Rulemaking authority previously granted to the Texas Board of Human Services is rescinded in SECTION 83 (Section 40.0523, Human Resources Code) of this bill.

Rulemaking authority previously granted to the Children's Trust Fund of Texas Council is rescinded in SECTION 83 (Section 40.0523, Human Resources Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Reenacts 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, and amends it as follows:

(b) Requires a school district to excuse a student from attending school if the student is in the conservatorship of the Department of Family and Protective Services (DFPS), participating in an activity ordered by a court, provided that it is not practicable to schedule the participation outside of school hours, or required under a service plan under Subchapter B (Service Plan and Visitation Plan), Chapter 263, Family Code.

Deletes existing text requiring a school district to excuse a student from attending school for a child in the conservatorship of DFPS, attending a mental health or therapy appointment or family visitation as ordered by a court under Chapter 262 (Procedures in Suit by Governmental Entity to Protect Health and Safety of Child) or 263 (Review of Placement of Children Under Care of Department of Family and Protective Services), Family Code, or for 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. Makes nonsubstantive changes.

SECTION 2. Amends Section 54.366, Education Code, by adding Subsection (c), as follows:

(c) Authorizes a child who exits the conservatorship of DFPS and is returned to the child's parent, including a parent whose parental rights were previously terminated, notwithstanding Subsection (a)(1) (relating to the exemption from the payment of tuition and fees, including those charged by an institution of higher education for a dual credit course or other course for which a high school student may earn joint high school and college credit, for a student who meets certain criteria and was under the conservatorship

of DFPS), to be exempt from the payment of tuition and fees if DFPS determines that the child is eligible under DFPS rule. Requires the executive commissioner of the Health and Human Services Commission (HHSC) to by rule develop factors for determining eligibility under this subsection in consultation with DFPS and the Texas Higher Education Coordinating Board (THECB).

SECTION 3. Amends Section 51.03(b), Family Code, as follows:

(b) Deletes existing text providing that conduct indicating a need for supervision is conduct that violates a reasonable and lawful order of a court entered under Section 264.305 (Court Order for Services). Renumbers existing subdivisions appropriately.

SECTION 4. Amends the heading to Section 58.0052, Family Code, to read as follows:

Sec. 58.0052. INTERAGENCY SHARING OF CERTAIN NONEDUCATIONAL RECORDS.

SECTION 5. Amends Subchapter A, Chapter 58, Family Code, by adding Section 58.0053, as follows:

Sec. 58.0053. INTERAGENCY SHARING OF JUVENILE PROBATION RECORDS.

(a) Requires a juvenile probation officer, on request by DFPS, to disclose to DFPS the terms of probation of a child in the conservatorship of DFPS.

(b) Provides that, to the extent of a conflict between this section and another law of this state applicable to confidential information held by a governmental agency, this section controls.

(c) Provides that this section does not affect the confidential status of the information being shared. Authorizes the information to be released to a third party only as directed by a court order or as otherwise authorized by law. Provides that personally identifiable information disclosed to DFPS under this section is not subject to disclosure to a third party under Chapter 552 (Public Information), Government Code.

(d) Requires DFPS to enter into a memorandum of understanding with the Texas Juvenile Justice Department (TJJD) to adopt procedures for handling information requests under this section.

SECTION 6. Amends Chapter 101, Family Code, by adding Sections 101.0133 and 101.0134, as follows:

Sec. 101.0133. FOSTER CARE. Defines "foster care."

Sec. 101.0134. FOSTER CHILD. Defines "foster child."

SECTION 7. Amends Section 103.001(b), Family Code, to authorize a suit in which adoption is requested to be filed in the county where the child resides or in the county where the petitioners reside, regardless of whether another court has continuing exclusive jurisdiction under Chapter 155 (Continuing, Exclusive Jurisdiction; Transfer). 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 the adoption suit is filed.

SECTION 8. Amends Section 104.007(b), Family Code, to authorize the court, in a proceeding brought by DFPS, rather than the Department of Protective and Regulatory Services, concerning a child who is alleged in a suit to have been abused or neglected, to order that the testimony of a professional be taken outside the courtroom by videoconference on the agreement of the state's counsel and the defendant's counsel, or if good cause exists, on the court's own motion. Makes nonsubstantive changes.

SECTION 9. Amends Section 107.003(a), Family Code, to entitle an attorney ad litem appointed to represent a child or an amicus attorney appointed to assist the court to participate in any case staffing concerning the child conducted by DFPS, rather than by an authorized agency.

SECTION 10. Amends Section 155.001(c), Family Code, to provide that if a court of this state has acquired continuing, exclusive jurisdiction, no other court of this state has jurisdiction of a suit with regard to that child except as provided by this chapter, Section 103.001(b), or Chapter 262 (Procedures in Suit by Governmental Entity to Protect Health and Safety of Child).

SECTION 11. Amends Section 161.001, Family Code, as follows:

Sec. 161.001. INVOLUNTARY TERMINATION OF PARENT-CHILD RELATIONSHIP. Authorizes a court to order termination of the parent-child relationship if the court finds by clear and convincing evidence that the parent has 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 certain enumerated 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 certain enumerated Penal Code sections, or adjudicated under Title 3 (Juvenile Justice Code) for conduct that caused the death or serious injury of a child and that would constitute a violation of certain enumerated Penal Code sections.

SECTION 12. Amends Section 161.1031(a), Family Code, as follows:

(a) Requires DFPS to obtain a medical history report of a child whose biological parent intends to sign an affidavit of voluntary relinquishment of parental rights under Section 161.103 (Affidavit of Voluntary Relinquishment of Parental Rights). Requires DFPS to 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. Provides that the medical history report must address the medical history of the parent and the parent's ancestors.

Deletes existing text requiring a parent who signs an affidavit of voluntary relinquishment of parental rights under Section 161.103 regarding a biological child to also prepare a medical history report that addresses the medical history of the parent and the parent's ancestor.

SECTION 13. Transfers Section 162.005(c), Family Code, to Section 162.007, Family Code, and redesignates it as 162.007(e), Family Code. Makes a nonsubstantive change.

SECTION 14. Amends the heading to Section 162.006, Family Code, to read as follows:

Sec. 162.006. ACCESS TO HEALTH, SOCIAL, EDUCATIONAL, AND GENETIC HISTORY REPORT; RETENTION.

SECTION 15. Amends Section 162.007, Family Code, by adding Subsection (f), as follows:

(f) Authorizes DFPS, notwithstanding the other provisions of this section, to, in accordance with DFPS rule, modify the form and contents of the health, social, educational, and genetic history report 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, the provision of the child's case record to the prospective adoptive parents, or any other factor specified by DFPS rule.

SECTION 16. (a) Redesignates Sections 162.006(a) and (a-1), Family Code, as Section 162.0062, Family Code, and amends them as follows:

Sec. 162.0062. ACCESS TO INFORMATION. (a) Entitles the prospective adoptive parents of a child, except as provided by Subsection (c), to examine the records and other information relating to the history of the child. Requires DFPS, a licensed child-placing agency, or other person placing a child for adoption to

inform the prospective adoptive parents of their right to examine the records and other information relating to the history of the child.

(b) Redesignates Subsection (a-1) as Subsection (b). Makes no further change to this subsection.

(c) Authorizes, but does not require, DFPS to allow the prospective adoptive parents of the child to examine the records and other information relating to the history of the child 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.

(b) Transfers Section 162.018, Family Code, to Section 162.0062, Family Code, as added by this section, redesignates it as Sections 162.0062(d), (e), and (f), Family Code, and amends it as follows:

(d) Creates this subsection from existing text. Makes no further change to this subsection.

(e) Creates this subsection from existing text. Makes no further change to this subsection.

(f) Creates this subsection from existing text. Changes a reference to the bureau of vital statistics to the vital statistics unit.

Deletes existing Section 162.018(a) entitling the adoptive parents to receive copies of the records and other information relating to the history of the child maintained by DFPS, licensed child-placing agency, person, or entity placing the child for adoption.

SECTION 17. Amends Section 162.304, Family Code, by amending Subsections (a) and (b-1) and adding Subsection (j), as follows:

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

(b-1) Requires DFPS, subject to availability of funds, to pay a \$150 subsidy each month for the premiums for health benefits coverage for a child with respect to whom a court has entered a final order of adoption if the child meets certain criteria.

(j) Requires DFPS to keep records necessary to evaluate the adoption assistance program's effectiveness in encouraging and promoting the adoption of children.

SECTION 18. Amends Section 162.3041(d), Family Code, to provide that DFPS is not required to provide adoption assistance benefits under Subsection (a) (relating to the adoption assistance given to a child's adoptive parents by DFPS until the first day of the month of the child's 21st birthday if the child meets certain enumerated criteria or once the child leaves school, stops receiving assistance from his or her adoptive parents, or on the first day of the month of the child's 19th birthday) or (a-1) (relating to adoption assistance provided by DFPS to a child's adoptive parents if DFPS first entered into an adoption assistance program after the child's 16th birthday) unless funds are appropriated to DFPS specifically for purposes of those subsections.

Deletes existing text providing that DFPS is not required to provide adoption assistance benefits under Subsection (a-1) unless DFPS is specifically appropriated funds for purposes of that subsection.

SECTION 19. Amends Section 162.308(c), Family Code, to authorize DFPS, a county child-care or welfare unit, or a licensed child-placing agency to recruit minority families as adoptive families, but prohibits the recruitment of minority families from being a reason to delay placement of a child with an available family of a race or ethnicity different from that of the child. Deletes existing text providing that this section does not prevent or limit the recruitment of minority families as adoptive families.

SECTION 20. Amends Section 261.3021, Family Code, as follows:

Sec. 261.3021. CASEWORK DOCUMENTATION AND MANAGEMENT. Creates this section from existing text. Requires DFPS, subject to the appropriation of money, to identify critical investigation actions that impact child safety and require DFPS caseworkers to document those actions in a child's case file not later than the day after the action occurs.

Deletes existing Subdivisions (2), (3), (4), (5), and (6) requiring DFPS to identify and develop a comprehensive set of casework quality indicators that are required to be reported in real time to support timely management oversight, provide DFPS supervisors with access to casework quality indicators and train DFPS supervisors on the use of that information in the daily supervision of caseworkers, develop a case tracking system that notifies DFPS supervisors and management when a case is not progressing in a timely manner, use current data reporting systems to provide DFPS supervisors and management with easier access to information, and train DFPS supervisors and management on the use of data to monitor cases and make decisions. Makes nonsubstantive changes.

SECTION 21. Amends Section 261.309(d), Family Code, as follows:

(d) Requires the DFPS employee to conduct the review prescribed by Subsection (c) (regarding the request for an administrative review of a disputed finding of child abuse or neglect) as soon as possible but not later than the 45th day after the date DFPS receives the request, unless DFPS has good cause for extending the deadline. Authorizes DFPS to postpone the review until the court proceeding is completed if a civil or criminal court proceeding or an ongoing criminal investigation relating to the alleged abuse or neglect investigated by DFPS is pending. Makes nonsubstantive changes.

SECTION 22. Amends Section 261.406(b), Family Code, to require DFPS, on request, to provide a copy of the completed report of the DFPS investigation to the State Board for Educator Certification, the local school board or the school's governing body, the superintendent of the school district, and the school principal or director, unless the principal or director is alleged to have committed the abuse or neglect, for appropriate action.

SECTION 23. Amends Section 262.1095(a), Family Code, to require DFPS, when DFPS or another agency takes possession of a child under this chapter, to provide information as prescribed by this section to each adult DFPS is able to identify and locate who is an adult relative of the alleged father of the child if DFPS has a reasonable basis to believe the alleged father is the child's biological father. Makes nonsubstantive changes.

SECTION 24. Amends Section 262.114(b), Family Code, as follows:

(b) Authorizes DFPS to place a child with a relative or other designated caregiver, rather than individual, identified on the proposed child placement resources form if DFPS determines that the placement is in the best interest of the child. Requires DFPS to complete the background and criminal history check and conduct a preliminary evaluation of the relative or other designated caregiver's home before the child is placed with the relative or other designated caregiver. Authorizes DFPS to place the child with the relative or designated caregiver, rather than individual, before conducting the home study, rather than background and criminal history check or home study, required under Subsection (a) (requiring a background and criminal history check of the designated individuals identified as a potential relative or designated caregiver and the evaluation of each person to determine who would be the most appropriate substitute caregiver for the

child). Requires DFPS, not later than 48 hours after the time that the child is placed with the relative or other designated caregiver, to begin the home study of the relative or other designated caregiver. Requires DFPS to complete the home study as soon as possible unless otherwise ordered by a court. Requires DFPS to provide a copy of an informational manual required under Section 261.3071 (Informational Manuals) to the relative or other designated caregiver at the time of the child's placement.

SECTION 25. Amends Section 262.115(c), Family Code, to require DFPS to ensure that a parent who is otherwise entitled to possession of the child has an opportunity to visit the child not later than the fifth, rather than the third, day after the date DFPS is named temporary managing conservator of the child unless DFPS determines that visitation is not in the child's best interest, or visitation with the parent would conflict with a court order relating to possession of or access to the child.

SECTION 26. Amends Section 262.2015(b), Family Code, as follows:

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

(1) Makes no change to this subdivision;

(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 certain enumerated provisions of the Penal Code;

(4)-(6) Makes no change to these subdivisions;

(7) the parent's parental rights with regard to another child of the parent, rather than 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. Redesignates Section 263.301, Family Code, as Section 263.0021, Family Code, and amends it as follows:

Sec. 263.0021. New heading: NOTICE OF HEARING; PRESENTATION OF EVIDENCE. Redesignates Section 263.301 as Section 263.0021. (a) Requires notice of a hearing under this chapter to be given to all persons entitled to notice of the hearing.

Deletes existing text requiring notice of a permanency hearing to be given as provided by Rule 21a, Texas Rules of Civil Procedure, to all persons entitled to notice of the hearing.

(b) Entitles the following persons to at least 10 days' notice of a hearing, rather than a permanency hearing, under this chapter and to the presentation of evidence and testimony at the hearing:

(1) Makes no change to this subdivision;

(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, rather than institution, where the child is residing;

(3) and (4) Makes no change to these subdivisions;

(5) an attorney ad litem appointed for the child under Chapter 107 (Special Appointments and Social Studies), 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) Redesignates Subdivision (7) as Subdivision (8); and

(9) Redesignates Subdivision (8) as Subdivision (9).

(c) Authorizes notice of a hearing under this chapter to be given as provided by Rule 21a, Texas Rules of Civil Procedure, in a temporary order following a full adversary hearing, in an order following a hearing under this chapter, in open court, or in any manner that would provide actual notice to a person entitled to notice.

(d) Entitles the licensed administrator of the child-placing agency responsible for placing the child or the licensed administrator's designee to at least 10 days' notice of a permanency hearing after final order.

Deletes existing text requiring the court, if a person entitled to notice under Chapter 102 or this section has not been served, to review DFPS's or the 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. Amends Section 263.004, Family Code, as follows:

Sec. 263.004. NOTICE TO COURT REGARDING EDUCATION DECISION-MAKING. (a) Requires DFPS, unless the rights and duties of DFPS under Section 153.371(10) (relating to the nonparent appointed as sole managing conservator's right to designate the primary residence of the child and to make decisions regarding the child's education) to make decisions regarding the child's education have been limited by court order, to provide to the court the name and contact information for each person who meets certain criteria, rather than file with the court a report identifying the name and contact information for each person who meets certain criteria.

(b) Requires the information, rather than the report, required by Subsection (a) to be filed with the court and requires a copy to be provided to the school the child attends not later than the fifth day after the date an adversary hearing under Section 262.201 (Full Adversary Hearings; Findings of the Court) or 262.205 (Hearing When Child Not in Possession of Governmental Entity) is concluded.

Deletes existing text requiring a copy of the information required by Subsection (a) to be provided to each person entitled to notice of a permanency hearing under Section 263.301. Makes nonsubstantive changes.

(c) Requires DFPS to include the updated information in a permanency progress report filed under Section 263.303 (Permanency Progress Report) or 263.502 (Permanency Progress Report After Final Order) if a person other than a person identified under Subsection (a) is designated to make educational decisions or assigned to serve as a surrogate parent. Requires the updated information to be provided to the school the child attends not later than the fifth day after the date of designation or assignment.

Deletes existing text requiring DFPS to file with the court an updated report that includes the information required by Subsection (a) for the designated or assigned person if a person other than a person identified in the report required by Subsection (a) is designated to make educational decisions or assigned to serve as a surrogate parent. Deletes existing text requiring the updated report to be filed not later than the fifth day after the date of designation or assignment.

SECTION 29. Amends Subchapter A, Chapter 263, Family Code, by adding Sections 263.010 and 263.011, as follows:

Sec. 263.010. TESTIMONY IN CERTAIN HEARINGS. Provides that Sections 104.002 (Prerecorded Statement of Child), 104.003 (Prerecorded Videotaped Testimony of Child), 104.004 (Remote Televised Broadcast of Testimony of Child), 104.005 (Substitution for In-Court Testimony of Child), and 104.006 (Hearsay Statement of Child Abuse Victim) do not apply to testimony given in a hearing conducted under this chapter if the testimony is not used as evidence.

Sec. 263.011. CHILD'S RIGHT TO ATTEND AND PARTICIPATE IN HEARINGS. Requires that a child, regardless of age, be allowed to attend or participate in a hearing conducted under this chapter in which the child is the subject of the hearing.

SECTION 30. Amends Section 263.101, Family Code, to create an exception under Section 262.2015 (Aggravated Circumstances).

SECTION 31. Amends Section 263.102(a), Family Code, as follows:

(a)(5) Requires the service plan to specify the primary permanency goal and at least one alternative permanency goal.

Deletes existing text requiring the service plan to state whether the goal of the plan is return of the child to the child's parents, termination of parental rights and placement of the child for adoption, or because of the child's special needs or exceptional circumstances, continuation of the child's care out of the child's home.

SECTION 32. Amends Section 263.302, Family Code, as follows:

Sec. 263.302. New heading: CHILD'S ATTENDANCE AT PERMANENCY HEARING. (a) Provides that there is a rebuttable presumption that it is in the best interest of the child for the child to attend each permanency hearing in person.

(b) Authorizes the court, on request of DFPS or the attorney ad litem appointed for the child or on the court's own motion, to excuse the child's attendance at a permanency hearing. Requires that the request state the reasons for waiving the child's attendance and be submitted to the court and all parties entitled to notice of the permanency hearing not later than the 14th day before the date of the hearing. Authorizes DFPS, a parent of the child, the attorney for that parent, or the child's attorney ad litem or guardian ad litem to submit a response to the request to excuse the child's attendance not later than the 10th day before the date of the hearing. Provides that, in the absence of a timely response or court order denying the request, the request is considered granted.

(c) Requires the court, in determining whether to excuse the child's attendance, to consider all relevant factors, including:

- (1) the child's wishes;
- (2) any transportation barriers to the child's attendance;
- (3) information from DFPS, including:

(A) whether the child will be required to be absent from school or a significant school-related event or activity; and

(B) whether the child has any medical, mental, or behavioral health issue that could cause potential harm to the child or others;

(4) whether the condition of the court's docket for the date of the hearing will be a barrier to meaningful participation by the child; and

(5) any other factor relevant to the child's best interest.

(d) Authorizes the child, on the child's request or the court's own motion, to attend the permanency hearing by telephone, videoconference, or other means of electronic communication approved by the court or to submit a written statement or prerecorded video statement to the court if the child's attendance in person at a permanency hearing is excused.

(e) Requires the court to consult, in a developmentally appropriate manner, with each child attending a permanency hearing in person unless the court finds that it is not in the child's best interest. Requires the court to consider whether in-chambers consultation is in the child's best interest.

(f) Authorizes a child committed to the Texas Department of Juvenile Justice (TDJJ), rather than the Texas Youth Commission (TYC), to attend a permanency hearing in person, by telephone, or by videoconference.

Deletes existing text requiring the child to attend each permanency hearing unless the court specifically excuses the child's attendance.

(g) Provides that failure by the child to attend a permanency hearing does not affect the validity of an order rendered at the hearing.

Deletes existing text requiring the court to consult with the child in a developmentally appropriate manner regarding the child's permanency plan, if the child is four years of age or older and if the court determines it is in the best interest of the child.

SECTION 33. Amends Section 263.3025(a), Family Code, to change a reference to Section 263.301(b) (relating to the entitlement of certain entities and persons to at least 10 days' notice of a permanency hearing and to the presentation of evidence and testimony at the hearing) to Section 263.0021(b).

SECTION 34. Amends Section 263.303, Family Code, as follows:

Sec. 263.303. New heading: PERMANENCY PROGRESS REPORT BEFORE FINAL ORDER. (a) Requires DFPS or other authorized agency to 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 not later than the 10th day before the date set for each permanency hearing before a final order is rendered, rather than each permanency hearing other than the first permanency hearing.

(b) Requires the permanency progress report to contain:

(1) information necessary for the court to conduct the permanency hearing and make its findings and determinations under Section 263.306 (Permanency Hearings Before Final Order);

(2) information on significant events; and

(3) any additional information DFPS determines is appropriate or that is requested by the court and relevant to the court's findings and determinations under Section 263.306.

Deletes existing text requiring that the permanency progress report recommend that the suit be dismissed or recommend that the suit continue and: identify the date for dismissal of the suit under this chapter; provide information regarding service on the necessary parties; evaluate the parties' compliance with temporary orders and with the service plan; 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; describe the permanency plan for the child and recommend actions necessary to ensure that a final order consistent with that permanency plan is rendered before the date for dismissal of the suit under this chapter; identify the services needed to assist the child in the transition to adult life with respect to a child 16 years of age or older; and, with respect to a child committed to TYC or released under supervision by TYC, evaluate whether the child's needs for treatment and education are being met, describe the child's progress in any rehabilitation program administered by TYC using information provided by the TYC, and recommend other plans or services to meet the child's needs.

(c) Authorizes 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 to file a response to DFPS's or other agency's report filed under this section, rather than under Subsection (b).

SECTION 35. Amends the heading to Section 263.306, Family Code, to read as follows:

Sec. 263.306. PERMANENCY HEARINGS BEFORE FINAL ORDER.

SECTION 36. Amends Section 263.306, Family Code, by adding Subsection (a-1), as follows:

(a-1) Requires the court, at each permanency hearing before a final order is rendered, to:

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

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

(A) locating and requesting service of citation on all persons entitled to service of citation under Section 102.009 (Service of Citation); 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 DFPS rule and whether DFPS

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. Amends the heading to Section 263.401, Family Code, to read as follows:

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

SECTION 38. Amends Section 263.401, Family Code, by amending Subsections (a) and (c) and adding Subsection (b-1), as follows:

(a) Requires the court to dismiss the suit affecting the parent-child relationship filed by DFPS that requests termination of the parent-child relationship or requests that DFPS be named conservator of the child on the first Monday after the first anniversary of the date the court rendered a temporary order appointing DFPS as temporary managing conservator unless the court has commenced the trial on the merits or granted an extension under Subsection (b) or (b-1).

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

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

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

(B) the appellate court remanded the case;

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

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

(c) Requires the court, if the court grants an extension under Subsection (b) or (b-1) but does not commence the trial on the merits before the dismissal date, rather than the required date for dismissal under Subsection (b), to dismiss the suit. Prohibits the court from granting an additional extension that extends the suit beyond the required date for dismissal under Subsection (b) or (b-1), as applicable.

SECTION 39. Amends the heading to Subchapter F, Chapter 263, Family Code, to read as follows:

SUBCHAPTER F. PERMANENCY HEARINGS AFTER FINAL ORDER

SECTION 40. Amends the heading to Section 263.501, Family Code, to read as follows:

Sec. 263.501. PERMANENCY HEARING AFTER FINAL ORDER.

SECTION 41. Amends Sections 263.501(a), (b), (c), (f), and (g), Family Code, as follows:

(a) Requires the court to conduct a permanency hearing, rather than a placement review hearing, after the final order is rendered at least once every six months until DFPS is no longer the child's managing conservator, rather than until the child becomes an adult, if DFPS has been named as a child's managing conservator in a final order that does not include termination of parental rights.

(b) Requires the court to conduct a permanency hearing not later than the 90th day after the date the court renders the final order if DFPS has been named as a child's managing conservator in a final order that terminates a parent's parental rights. Requires the court to conduct additional permanency hearings at least once every six months until DFPS is no longer the child's managing conservator, rather than until the date the child is adopted or the child becomes an adult. Makes conforming changes.

(c) Requires that notice of each permanency hearing be given as provided by Section 263.0021, rather than Rule 21a, Texas Rules of Civil Procedure, to each person entitled to notice of the hearing. Makes a conforming change.

(f) Requires the child to attend each permanency hearing in accordance with Section 263.302. Makes a conforming change.

Deletes existing text requiring the child to attend each permanency hearing unless the court specifically excuses the child's attendance. Deletes existing text authorizing a child committed to TYC to attend a placement review hearing in person, by telephone, or by videoconference. Deletes existing text requiring the court to consult with the child in a developmentally appropriate manner regarding the child's permanency or transition plan, if the child is four years of age or older. Deletes existing text providing that failure by the child to attend a hearing does not affect the validity of an order rendered at the hearing.

(g) Prohibits a court required to conduct permanency hearings for a child for whom DFPS has been appointed permanent managing conservator from dismissing a suit affecting the parent-child relationship filed by DFPS regarding the child while the child is committed to TJJD, rather than TYC, or released under the supervision of TJJD, rather than TYC, unless the child is adopted or permanent managing conservatorship of the child is awarded to an individual other than DFPS. Makes a conforming change.

SECTION 42. Amends the heading to Section 263.502, Family Code, to read as follows:

Sec. 263.502. PERMANENCY PROGRESS REPORT AFTER FINAL ORDER.

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

(a) Requires DFPS or other authorized agency to file a permanency progress report, rather than a placement review report, with the court and provide a copy to each person entitled to notice under Section 263.0021, rather than 263.501(d) (relating to entities and persons entitled to not less than 10 days' notice of a placement review hearing and entitled to the presentation of evidence and testimony at the hearing), not later than the 10th day before the date set for a permanency hearing, rather than a placement review hearing, after a final order is rendered.

(a-1) Requires that the permanency progress report contain:

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

(2) information on significant events; and

(3) any additional information DFPS 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) Authorizes the court, for good cause shown, to:

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

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

SECTION 44. Amends Subchapter F, Chapter 263, Family Code, by adding Section 263.5031, as follows:

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

- (1) identify all persons and parties present at the hearing;
- (2) review the efforts of DFPS 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 DFPS has made reasonable efforts to finalize the permanency plan, including the concurrent permanency goals, in effect for the child, and whether:
 - (i) DFPS 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 DFPS has been named managing conservator in a final order that does not include termination of parental rights, whether to order DFPS 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 DFPS has identified a family or other caring adult who has made a permanent commitment to the child.

SECTION 45. Amends the heading to Section 264.002, Family Code, to read as follows:

Sec. 264.002. SPECIFIC APPROPRIATION REQUIRED.

SECTION 46. Amends Section 264.002(e), Family Code to prohibit DFPS from spending state funds to accomplish the purposes of this subtitle, rather than chapter, unless the funds have been specifically appropriated for those purposes.

SECTION 47. Amends Subchapter A, Chapter 264, Family Code, by adding Section 264.017, as follows:

Sec. 264.017. REQUIRED REPORTING. (a) Requires DFPS to prepare and disseminate a report of statistics by county relating to key performance measures and data elements for child protection.

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

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

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

(3) information on the number of clients for whom DFPS 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 DFPS was the children's managing conservator at the time of death;

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

(7) information on the response time by DFPS 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 DFPS, 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 DFPS 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) Requires DFPS, not later than September 1 of each year, to seek public input regarding the usefulness of, and any proposed modifications to, existing reporting requirements and proposed additional reporting requirements. Requires DFPS to 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 DFPS functions.

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

SECTION 48. Amends Section 264.101(a), Family Code, as follows:

(a) Authorizes DFPS to pay the cost of foster care for a child only if the child has been placed by DFPS in a foster home or other residential child-care facility, rather than institution, as defined by Chapter 42 (Regulation of Certain Facilities, Homes, and Agencies that Provide Child-Care Services), Human Resources Code, or in a comparable residential facility in another state, and DFPS has initiated suit and been named conservator of the child, or has the duty of care, control, and custody after taking possession of the child in an emergency without a prior court order as authorized by this subtitle.

Deletes existing text providing that DFPS is authorized to pay the cost of foster care for a child for whom DFPS has initiated a suit and has been named managing conservator under an order rendered under this title, who is a resident of the state, or who is under the

placement and care of a state agency or political subdivision with which DFPS has entered into an agreement to reimburse the cost of care and supervision of the child. Makes nonsubstantive changes.

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

(b) Requires DFPS to use an application or assessment developed by DFPS in coordination with interested parties for the placement of children in contract residential care, rather than the standard application as adopted and maintained by Health and Human Services Commission (HHSC).

(b-1) Requires DFPS, notwithstanding Subsection (b), to use the standard application for the placement of children in contract residential care as adopted and maintained by HHSC until DFPS develops an application or assessment under Subsection (b). Requires DFPS to develop the application or assessment not later than December 1, 2016, subject to the availability of funds. Provides that this subsection expires September 1, 2017.

SECTION 50. Amends Section 264.1075(b), Family Code, as follows:

(b) Requires DFPS to assess whether the child has a developmental or intellectual disability, rather than developmental disability or mental retardation, as soon as possible after a child begins receiving foster care under this subchapter.

Deletes existing text requiring HHSC to establish the procedures that DFPS is required to use in making an assessment under this subsection. Deletes existing text authorizing the procedures to include screening or participation by a person who has experience in childhood developmental disabilities or mental retardation, a local mental retardation authority, or a provider in a county with a local child welfare board.

SECTION 51. Amends the heading to Section 264.110, Family Code, to read as follows:

Sec. 264.110. PROSPECTIVE FOSTER OR ADOPTIVE PARENT STATEMENT.

SECTION 52. Amends Section 264.110(d), Family Code, to require the prospective foster or adoptive parent, rather than the person, to sign a written statement in which the prospective foster or adoptive parent agrees to the immediate removal of the child by DFPS under circumstances determined by DFPS before a child is authorized to be placed with a foster or adoptive parent, rather than with a person under this section.

SECTION 53. Amends Section 264.114, Family Code, by adding Subsection (c), as follows:

(c) Provides that a foster parent, relative or other designated caregiver, or other substitute care provider caring for a child in DFPS'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. Amends Section 264.121, Family Code, by amending Subsection (e) and adding Subsection (e-2), as follows:

(e) Requires DFPS to 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 (Driver's License and Certificates), Transportation Code, on or before the date on which the youth turns 16 years of age.

(e-2) Requires DFPS to 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 when providing a youth with a document required by Subsection (e-1).

SECTION 55. Transfers Section 264.014, Family Code, to Section 264.121, Family Code, redesignates it as Section 264.121(e-1), Family Code, and amends it as follows:

(e-1) Requires DFPS, if, at the time a youth is discharged from foster care, the youth is at least 18 years of age or has had the disabilities of minority removed, to provide to the youth, not later than the 30th day before the date the youth is discharged from foster care, the following information and documents unless the youth already has the information or document:

- (1) the youth's birth certificate;
- (2) the youth's immunization records;
- (3) the information contained in the youth's health passport;
- (4)-(6) Makes no change to these subdivisions.

Changes references to child to youth.

SECTION 56. Amends Subchapter B, Chapter 264, Family Code, by adding Section 264.126, as follows:

Sec. 264.126. REDESIGN IMPLEMENTATION PLAN. (a) Requires DFPS to 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. Requires that the plan:

- (1) describe DFPS'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 DFPS and DFPS 's contractors;
- (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 DFPS'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) Requires DFPS to annually:

- (1) update the implementation plan developed under this section and post the updated plan on DFPS's Internet website; and
- (2) post on DFPS's Internet website the progress DFPS has made toward its goals for implementing the foster care redesign.

SECTION 57. Amends the heading to Section 264.207, Family Code, to read as follows:

Sec. 264.207. HOME STUDY REQUIRED BEFORE ADOPTION.

SECTION 58. Amends Section 264.207(a), Family Code, as follows:

(a) Requires DFPS to complete a home study before the date an applicant is approved for an adoption.

Deletes existing text requiring DFPS to adopt policies that provide for the improvement of DFPS's services for children and families, including policies that provide for conducting a home study within four months after the date an applicant is approved for an adoption and documenting the results of the home study within 30 days after the date the study is completed. Deletes existing text requiring the policies adopted under this section to be designed to increase the accountability of DFPS to individuals who receive services and to the public and assure consistency of services provided by DFPS in the different regions of the state.

SECTION 59. Amends Section 264.302(e), Family Code, to delete existing text requiring DFPS to provide services for a child and the child's family if a contract to provide services under this section is available in the county and the child is referred to DFPS as an at-risk child by a court under Section 264.304 (Hearing; Determination of At-Risk Child). Renumbers existing subdivisions appropriately.

SECTION 60. Amends the heading to Chapter 265, Family Code, to read as follows:

CHAPTER 265. PREVENTION AND INTERVENTION SERVICES

SECTION 61. Amends Chapter 265, Family Code, by designating Sections 265.001 through 265.004, Family Code, as Subchapter A and adding a subchapter heading to read as follows:

SUBCHAPTER A. PREVENTION AND EARLY INTERVENTION SERVICES

SECTION 62. Amends Subchapter A, Chapter 265, Family Code, as added by this Act, by adding Section 265.005, as follows:

Sec. 265.005. STRATEGIC PLAN. (a) Requires DFPS to develop and implement a five-year strategic plan for prevention and early intervention services. Requires DFPS, not later than September 1 of the last fiscal year in each five-year period, to issue a new strategic plan for the next five fiscal years beginning with the following fiscal year.

(b) Requires that a strategic plan required under this section:

- (1) identify methods to leverage other sources of funding or provide support for existing community-based prevention efforts;
- (2) include a needs assessment that identifies programs to best target the needs of the highest risk populations and geographic areas;
- (3) identify the goals and priorities for DFPS's overall prevention efforts;
- (4) report the results of previous prevention efforts using available information in the plan;
- (5) identify additional methods of measuring program effectiveness and results or outcomes;
- (6) identify methods to collaborate with other state agencies on prevention efforts; and
- (7) identify specific strategies to implement the plan and to develop measures for reporting on the overall progress toward the plan's goals.

(c) Requires DFPS to coordinate with interested parties and communities in developing the strategic plan under this section.

(d) Requires DFPS to annually update the strategic plan developed under this section.

(e) Requires DFPS to post the strategic plan developed under this section and any update to the plan on its Internet website.

SECTION 63. Transfers Subchapter D, Chapter 40, Human Resources Code, to Chapter 265, Family Code, redesignates it as Subchapter B, Chapter 265, Family Code, and amends it as follows:

SUBCHAPTER B. CHILD ABUSE AND NEGLECT PRIMARY PREVENTION PROGRAMS

Sec. 265.051. DEFINITIONS. Redesignates Section 40.101 as Section 265.051. Redefines "primary prevention," and "operating fund."

Sec. 265.052. CHILD ABUSE AND NEGLECT PRIMARY PREVENTION PROGRAMS. Redesignates Section 40.102 as Section 265.052. Makes no further change to this section.

Sec. 265.053. ADMINISTRATIVE AND OTHER COSTS. Redesignates Section 40.104 as Section 265.053. Makes no further change to this section.

Sec. 265.054. CHILD ABUSE AND NEGLECT PREVENTION TRUST FUND ACCOUNT. Redesignates Section 40.105 as Section 265.054. (a) Provides that money in the trust fund is dedicated to child abuse and neglect primary prevention programs.

(b)-(d) Makes no change to these subsections.

(e) Requires all marriage license fees and other fees collected for and deposited in the trust fund and interest earned on the trust fund balance to be appropriated each biennium only to the operating fund for child abuse and neglect primary prevention programs, rather than for primary child abuse prevention programs.

Sec. 265.055. DEPARTMENT OPERATING FUND ACCOUNT. Redesignates Section 40.106 as Section 265.055. (a) Provides that the operating fund account, rather than the Department of Protective and Regulatory Services child abuse and neglect prevention operating fund account, is an account in the general revenue fund.

(b) Changes a reference to Section 40.104 to Section 265.053.

(c) and (d) Makes no change to these subsections.

Sec. 265.056. CONTRIBUTIONS. Redesignates Section 40.107 as Section 265.056. Makes no further change to this section.

SECTION 64. Amends Section 266.004, Family Code, by amending Subsections (e) and (f) and adding Subsection (k), as follows:

(e) Changes a reference to Section 263.301(b) to Section 263.0021(b).

(f) Changes a reference to Section 263.301(b) to Section 263.0021(b).

(k) Authorizes DFPS to consent to health care services ordered or prescribed by a health care provider authorized to order or prescribe health care services regardless of whether the services are provided under the medical assistance program under Chapter 32

(Medical Assistance Program), Human Resources Code, if DFPS otherwise has the authority under this section to consent to health care services.

SECTION 65. Amends Section 266.010(b), Family Code, to change a reference to Section 263.503 (Placement Review Hearings; Procedure) to Section 263.5031.

SECTION 66. Amends Sections 411.114(a)(3) and (7), Government Code, as follows:

(3) Entitles DFPS to obtain from the Department of Public Safety of the State of Texas (DPS) criminal history record information maintained by DPS that relates to a person with respect to whom DFPS determines obtaining a criminal history record is necessary to ensure the safety or welfare of a child, elderly person, or person with a disability.

Deletes existing text entitling DFPS to obtain from DPS criminal history record information maintained by DPS that relates to a person who meets certain enumerated criteria.

(7) Provides that DFPS is not prohibited from releasing criminal history record information obtained under this subsection to:

(A) and (B) Makes no change to these paragraphs.

(C) a person or business entity described by Subdivision (2)(E), rather than 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) Creates this paragraph from existing text;

(F) Redesignates Paragraph (E) as Paragraph (F).

SECTION 67. Amends Section 40.030, Human Resources Code, as follows:

Sec. 40.030. ADVISORY COMMITTEES. (a) Creates this subsection from existing text. Makes no further change to this section.

(b) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner) to adopt rules, in compliance with Chapter 2110 (State Agency Advisory Committees), Government Code, regarding the purpose, structure, and use of advisory committees by DFPS. Authorizes rules to include provisions governing an advisory committee's size and quorum requirements, qualifications for membership of an advisory committee, including requirements relating to experience and geographic representation, appointment procedures for an advisory committee, terms for advisory committee members, and compliance with Chapter 551 (Open Meetings), Government Code.

SECTION 68. Amends Section 40.037(a), Human Resources Code, to require DFPS to develop and implement a training program that each employee who is newly hired or promoted to a management position in the child protective services division is required to complete 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, rather than before the employee begins serving in the management position.

SECTION 69. Amends Section 40.0524(a), Human Resources Code, to require DFPS, in a jurisdiction for which a children's advocacy center has not been established under Section

264.402 (Establishment of Children's Advocacy Center), Family Code, to establish, to the extent possible, multidisciplinary teams to provide services relating to a report of child abuse or neglect. Makes nonsubstantive changes.

SECTION 70. Amends Subchapter C, Chapter 40, Human Resources Code, by adding Section 40.05275, as follows:

Sec. 40.05275. ANNUAL BUSINESS PLAN FOR CHILD PROTECTIVE SERVICES.

(a) Requires DFPS to develop and implement an annual business plan for the child protective services program to prioritize DFPS's activities and resources to improve the program.

(b) Requires DFPS to coordinate with DFPS's regional staff in developing the annual business plan under this section.

(c) Requires that the annual business plan developed under this section include:

(1) long-term and short-term performance goals;

(2) identification of priority projects and ongoing initiatives that are clearly linked to established goals; and

(3) a statement of staff expectations that includes identification of:

(A) the person or team responsible for each project;

(B) the specific tasks and deliverables expected;

(C) the resources needed to accomplish each project;

(D) a time frame for the completion of each deliverable and project; and

(E) the expected outcome for each project and the method and procedure for measuring the outcome to ensure effective evaluation for each project.

(d) Requires DFPS, not later than October 1 of each year, to submit the annual business plan developed under this section to the governor, lieutenant governor, speaker of the house of representatives, and chairs of the standing committees of the senate and house of representatives having primary jurisdiction over child protection issues.

SECTION 71. Amends the heading to Section 40.0528, Human Resources Code, to read as follows:

Sec. 40.0528. GOALS FOR ANNUAL BUSINESS PLAN FOR CHILD PROTECTIVE SERVICES; REPORTING CASELOAD INFORMATION.

SECTION 72. Amends Section 40.0528(a), Human Resources Code, as follows:

(a) Requires DFPS to consider the following goals in developing the annual business plan required under Section 40.05275 for the child protective services program: reducing caseloads, enhancing accountability, improving the quality of investigations, eliminating delays, and ensuring the most efficient and effective use of child protective services staff and resources.

Deletes existing text requiring DFPS to develop and implement a staffing and workload distribution plan for the child protective services program to perform certain enumerated tasks. Makes nonsubstantive changes.

SECTION 73. Transfers Chapter 54, Human Resources Code, to Subchapter C, Chapter 40, Human Resources Code, redesignates it as Section 40.075, Human Resources Code, and amends it as follows:

Sec. 40.075. PROTECTIVE ORDERS. Redesignates Section 54.001 as Section 40.075.

(a) Requires the executive commissioner, rather than the Department of Protective and Regulatory Services, to 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, Family Code, rather than as provided by Section 71.04, Family Code.

(b) Creates this subsection from existing Section 54.002. Changes a reference to the Department of Protective and Regulatory Services to DFPS.

Deletes existing title: CHAPTER 54. PROTECTIVE ORDERS SOUGHT BY DEPARTMENT OF PROTECTIVE AND REGULATORY SERVICES.

SECTION 74. Amends Section 42.048(f), Human Resources Code, to provide that a license is valid until the license expires, is revoked, or is surrendered.

SECTION 75. Amends Section 42.050, Human Resources Code, as follows:

Sec. 42.050. LICENSE RENEWAL. (a) Authorizes a license holder to apply for a renewal of a license, rather than for a new license, in compliance with the requirements of this chapter and DFPS rules, rather than the requirements of this chapter and the rules promulgated by DFPS. Makes nonsubstantive changes.

(b) Makes a conforming change.

(c) Makes a conforming change.

(d) Requires the executive commissioner to adopt rules governing the license renewal process for all licenses issued under this chapter. Requires that the rules include renewal periods, a process for staggered renewals, a process for resolving a late application for renewal, expiration dates, and conditions for renewal.

SECTION 76. Amends Section 42.052, Human Resources Code, by amending Subsections (a) and (e) and adding Subsections (e-1) and (f-1), as follows:

(a) Provides that the certification of approval remains valid until the certification expires, is revoked, or is surrendered.

(e) Provides that a registration, rather than a registration or listing, remains valid until the registration expires, is revoked, or is surrendered.

(e-1) Provides that a listing remains valid until the listing is revoked or surrendered.

(f-1) Requires the executive commissioner to adopt rule governing the certification and registration renewal process for all certifications and registrations issued under this chapter. Requires that the rules include renewal periods, a process for staggered renewals, a process for resolving a late application for renewal, expiration dates, and conditions for renewal.

SECTION 77. Amends Section 42.054, Human Resources Code, by amending Subsections (a), (b), (c), (d), and (e) and adding Subsection (h), as follows:

(a) Deletes existing text providing that the nonrefundable application fee is \$35.

(b) Deletes existing text providing that the initial license fee of a child-care facility is \$35. Deletes existing text providing that the initial license fee of a child-placing agency is \$50.

(c) Deletes existing text providing that an annual license fee for a licensed child-care facility is \$35 plus \$1 for each child the child-care facility is permitted to serve.

(d) Deletes existing text providing that an annual license fee for a licensed child-placing agency is \$100.

(e) Deletes existing text requiring that DFPS charge an annual fee to cover a part of DFPS's cost in regulating family homes. Deletes existing text providing that the amount of the fee is \$20 for a listed home or \$35 for a registered home.

(h) Requires the executive commissioner by rule to set fees under this section.

SECTION 78. Amends Subchapter D, Chapter 42, Human Resources Code, by adding Section 42.0704, as follows:

Sec. 42.0704. ENFORCEMENT POLICY. (a) Requires the executive commissioner by rule to adopt a general enforcement policy that describes DFPS's approach to enforcement of this chapter.

(b) Requires the enforcement policy to:

(1) summarize DFPS's general expectations in enforcing this chapter;

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

(3) describe DFPS's plan for strengthening its enforcement efforts and for making objective regulatory decisions.

(c) Requires DFPS, as part of the enforcement policy, to develop and implement a methodology for determining the appropriate disciplinary action to take against a person who violates this chapter or a DFPS rule. Requires that the methodology provide guidance on when to use each of the available tools of enforcement, including technical assistance, voluntary plans of action, evaluation, probation, suspension or revocation of a license or registration, denial of a license or registration, administrative penalties, and emergency suspension. Requires that the methodology allow DFPS to consider the circumstances of a particular case, including the nature and seriousness of the violation, history of previous violations, and aggravating and mitigating factors, in determining the appropriate disciplinary action.

(d) Requires DFPS to make the methodology described by Subsection (c) available to the public, including by posting the methodology on DFPS's Internet website.

SECTION 79. Amends Section 42.078(a-2), Human Resources Code, as follows:

(a-2) Authorizes DFPS to impose an administrative penalty without first imposing a nonmonetary administrative sanction for violating a minimum standard applicable to a facility or family home under this chapter that is determined by DFPS to be a high-risk standard, including background check standards, safety hazard standards, and supervision standards.

Deletes existing text authorizing DFPS to impose an administrative penalty without first imposing a nonmonetary administrative sanction for certain enumerated violations.

SECTION 80. Amends Subchapter D, Chapter 42, Human Resources Code, by adding Section 42.079, as follows:

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

(b) Provides that a violation of an order under this section constitutes grounds for imposing an administrative penalty under Section 42.078 (Administrative Penalty).

SECTION 81. Amends Section 74.006(c), Human Resources Code, to delete existing text authorizing money transferred to the operating fund that was originally deposited to the credit of the trust fund under Section 118.022 (Disposition of Marriage License and Declaration Fees), Local Government Code, to be used only for an infant mortality prevention education program developed and implemented under Section 40.0523 (Infant Mortality Prevention Education Program).

SECTION 82. Amends Section 244.0105(a), Human Resources Code, to delete existing text requiring a DFPS caseworker to submit a written report regarding the child's commitment to DFPS to certain enumerated entities and persons not later than the 10th day before the date of a placement review hearing under Subchapter F (Placement Review Hearings), Chapter 263, Family Code.

SECTION 83. Repealer: Sections 161.1031(b) (relating to the adoption of a form by DFPS designed to permit a parent to identify any medical condition of the parent or the parent's ancestors that could indicate a predisposition for the child to develop the condition) and (c) (relating to the uses of the medical history report), Family Code.

Repealer: Section 162.302 (Adoption Assistance Program), Family Code.

Repealer: Section 162.303 (Dissemination of Information), Family Code.

Repealers: Sections 162.304(c) (relating to the subsidization of the cost of medical care for a child by DFPS), (d) (relating to the payment of a subsidy if the county is responsible for the child's foster care at the time of adoptive placement), and (e) (relating to the payment of a subsidy for a child receiving supplemental security income from the federal government), Family Code.

Repealers: Sections 162.308(a) (prohibiting the placement of a child in a family of the same race or ethnicity based on the presumption that it is in the best interest of the child) and (b) (relating to restrictions on denying, delaying, or prohibiting the placement of a child due to an attempt to locate a family of a particular race or ethnicity), Family Code.

Repealer: Section 162.309 (Advisory Committee on Promoting Adoption of Minority Children), Family Code.

Repealer: Section 261.004 (Statistics of Abuse and Neglect of Children), Family Code.

Repealer: Section 261.203(d) (requiring that DFPS notify and provide a copy of a request for information to the attorney ad litem for a deceased child), Family Code.

Repealer: Section 261.3012 (Completion of Paperwork), Family Code.

Repealers: Sections 261.308(b) (relating to the filing of a suit following an investigation report) and (c) (relating to the authority of the court on receipt of the investigation report and recommendations), Family Code.

Repealer: Section 261.3101 (Forensic Investigation Support), Family Code.

Repealer: Section 262.1041 (Release of Child by Law Enforcement or Juvenile Probation Officer), Family Code.

Repealer: Section 262.105(b) (relating to the date the Department of Protective and Regulatory Services is required to file a suit seeking termination of the parent-child relationship), Family Code.

Repealer: Section 263.008(a)(2) (defining "foster care"), Family Code.

Repealer: Section 263.1015 (Service Plan Not Required), Family Code.

Repealers: Sections 263.102(c) (relating to the preparation of a service plan by DFPS when both parents do not live in the same household but are available) and (g) (relating to therapeutic visits between the child and the child's parents under a service plan), Family Code.

Repealer: Section 263.306(a) (relating to the requirements of the court at each permanency hearing), 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.

Repealers: Sections 263.501(d) (relating to those entities and persons entitled to not less than 10 days' notice of a placement review hearing and to the presentation of evidence and testimony at the hearing) and (e) (entitling the licensed administrator of the child-placing agency to not less than 10 days' notice of a placement review hearing), Family Code.

Repealers: Sections 263.502(b) (authorizing the court to order a different time for filing the placement review report or to order that a report is not required for a specific hearing), (c) (relating to the requirements of the placement review report), and (d) (relating to a requirement of the placement review report if the goal of DFPS's permanency plan is to find another planned, permanent living arrangement for a child), Family Code.

Repealer: Section 263.503 (Placement Review Hearings; Procedure), Family Code.

Repealers: Sections 264.002(a) (requiring DFPS to oversee matters involving the interests of children), (b) (requiring DFPS to disseminate information to all agencies involved in the welfare of children), (c) (requiring DFPS to work with the child county welfare boards and to use and allot funds for the protection of children), and (d) (requiring DFPS to visit and study the conditions in state-supported eleemosynary institutions for children and make actions for the management and operation of the institutions), Family Code.

Repealer: Section 264.012 (Burial Expenses for Child in Foster Care), Family Code.

Repealer: Section 264.016 (Credit Report for Foster Child), Family Code.

Repealers: Sections 264.107(a) (requiring DFPS to conform to the levels of care adopted and maintained by HHSC), (c) (requiring DFPS to institute the use of real-time technology in the placement system to screen placement options), and (d) (requiring DFPS to ensure that placement decisions are reliable and made in a consistent manner), Family Code.

Repealer: Section 264.1071 (Placement for Children Under Age Two), Family Code.

Repealer: Section 264.1072 (Educational Stability), Family Code.

Repealer: Section 264.108(e) (providing that an employee who violates this section is subject to immediate dismissal), Family Code.

Repealers: Sections 264.110(a) (requiring DFPS to establish a registry of persons who are willing to accept foster care placement of a child in the care of DFPS), (b) (requiring a person registered under this section to satisfy requirements adopted by rule by DFPS), (c) (requiring DFPS to maintain a list of persons registered under this section and to place the children with the first available qualified person on the list), (e) (relating to compensation and support services provided for the child under the care of a person registered under this section by DFPS), (f) (relating to a registered person's right to be considered first for the adoption of a child placed in a person's home), (g) (authorizing DFPS to refuse to place a child with a registered person only for a reason permitted under criteria adopted by DFPS rule), and (h) (requiring DFPS to make the public aware of the existence and benefits of the adoptive parent registry through appropriate existing DFPS communication methods), Family Code.

Repealer: Section 264.111 (Adoption and Substitute Information), Family Code.

Repealer: Section 264.207(b) (relating to certain requirements set for DFPS in order to accomplish goals stated in Subsection (a)), Family Code.

Repealer: Section 264.208 (Location of Parents), Family Code.

Repealer: Section 264.303 (Commencement of Civil Action for Determination of At-Risk Children), Family Code.

Repealer: Section 264.304 (Hearing; Determination of At-Risk Child), Family Code.

Repealer: Section 264.305 (Court Order for Services), Family Code.

Repealer: Section 264.306 (Sanctions), Family Code.

Repealer: Section 264.752(b) (requiring DFPS to use federal funds, as permitted by federal law, to administer the program under this subchapter), Family Code.

Repealer: Section 264.851(1) (defining "foster child"), Family Code.

Repealer: Section 266.001(4) (defining "foster child"), Family Code.

Repealer: Section 40.001(5) (defining "family preservation"), Human Resources Code.

Repealer: Section 40.0305 (Strategic Use of Technology), Human Resources Code.

Repealer: Section 40.031 (Divisions of Department), Human Resources Code.

Repealer: Section 40.0324 (Caseworker Replacement Program), Human Resources Code.

Repealer: Section 40.0327 (Preemployment Assessment; Preference), Human Resources Code.

Repealer: Section 40.036 (Enhanced Training of Child Protective Services Caseworkers), Human Resources Code.

Repealers: Sections 40.037(b) (requiring the training program for child protective services managers to be designed to assist the employee in developing certain skills) and (c) (authorizing DFPS to waive the required training for an employee who has completed another training program provided by DFPS that is similar), Human Resources Code.

Repealer: Section 40.052 (Duties Relating to Delivery of Services), Human Resources Code.

Repealer: Section 40.0523 (Infant Mortality Prevention Education Program), Human Resources Code.

Repealer: Section 40.0524(d) (requiring DFPS to establish a process by which members of a multidisciplinary team are involved in the development and implementation of procedures relating to coordination of the DFPS's child abuse or neglect services with services provided by other public and private agencies), Human Resources Code.

Repealer: Section 40.0525 (Separation of Investigatory and Service Delivery Functions), Human Resources Code.

Repealers: Sections 40.0528(b) (requiring DFPS to perform certain functions in developing and implementing the comprehensive staffing and workload distribution plan for child protective services) and (c) (providing that this section does not prevent DFPS from contracting for special investigator services as needed), Human Resources Code.

Repealer: Section 40.0566 (County Outreach Program), Human Resources Code.

Repealer: Section 40.069 (Required Affidavit for Applicants for Employment), Human Resources Code.

Repealer: Section 40.073 (Parental Advisory Committee), Human Resources Code.

SECTION 84. Requires the executive commissioner of the Health and Human Services Commission to adopt rules necessary to implement the changes in law made by this Act not later than January 1, 2016.

SECTION 85. Makes application of Section 264.114(c), Family Code, as added by this Act, prospective.

SECTION 86. Requires the Department of Family and Protective Services, not later than September 1, 2016, to adopt the initial strategic plan required by Section 265.005, Family Code, as added by this Act.

SECTION 87. Makes application of Section 42.078, Human Resources Code, as amended by this Act, prospective.

SECTION 88. (a) Effective date, this Act, except as otherwise provided by this section: September 1, 2015.

(b) Effective date, Sections 42.050(d) and 42.052(f-1), Human Resources Code: September 1, 2016.