

By: Wu, Allen, Harless, Thompson of Harris,  
Burkett, et al.

H.B. No. 418

A BILL TO BE ENTITLED

AN ACT

relating to child victims of trafficking who are placed in secure foster homes.

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

SECTION 1. Subchapter A, Chapter 262, Family Code, is amended by adding Section 262.011 to read as follows:

Sec. 262.011. PLACEMENT IN SECURE AGENCY FOSTER HOME OR SECURE AGENCY FOSTER GROUP HOME. A court in an emergency, initial, or full adversary hearing conducted under this chapter may order that the child who is the subject of the hearing be placed in a secure agency foster home or secure agency foster group home verified in accordance with Section 42.0531, Human Resources Code, if the court finds that:

(1) the placement is in the best interest of the child;

and

(2) the child's physical health or safety is in danger because the child has been recruited, harbored, transported, provided, or obtained for forced labor or commercial sexual activity, including any child subjected to an act specified in Section 20A.02 or 20A.03, Penal Code.

SECTION 2. Section 262.104(a), Family Code, is amended to read as follows:

(a) If there is no time to obtain a temporary restraining order or attachment before taking possession of a child consistent

1 with the health and safety of that child, an authorized  
2 representative of the Department of Family and Protective Services,  
3 a law enforcement officer, or a juvenile probation officer may take  
4 possession of a child without a court order under the following  
5 conditions, only:

6 (1) on personal knowledge of facts that would lead a  
7 person of ordinary prudence and caution to believe that there is an  
8 immediate danger to the physical health or safety of the child;

9 (2) on information furnished by another that has been  
10 corroborated by personal knowledge of facts and all of which taken  
11 together would lead a person of ordinary prudence and caution to  
12 believe that there is an immediate danger to the physical health or  
13 safety of the child;

14 (3) on personal knowledge of facts that would lead a  
15 person of ordinary prudence and caution to believe that the child  
16 has been the victim of sexual abuse or of trafficking under Section  
17 20A.02 or 20A.03, Penal Code;

18 (4) on information furnished by another that has been  
19 corroborated by personal knowledge of facts and all of which taken  
20 together would lead a person of ordinary prudence and caution to  
21 believe that the child has been the victim of sexual abuse or of  
22 trafficking under Section 20A.02 or 20A.03, Penal Code; or

23 (5) on information furnished by another that has been  
24 corroborated by personal knowledge of facts and all of which taken  
25 together would lead a person of ordinary prudence and caution to  
26 believe that the parent or person who has possession of the child is  
27 currently using a controlled substance as defined by Chapter 481,

1 Health and Safety Code, and the use constitutes an immediate danger  
2 to the physical health or safety of the child.

3 SECTION 3. Section 262.107(a), Family Code, is amended to  
4 read as follows:

5 (a) The court shall order the return of the child at the  
6 initial hearing regarding a child taken in possession without a  
7 court order by a governmental entity unless the court is satisfied  
8 that:

9 (1) there is a continuing danger to the physical  
10 health or safety of the child if the child is returned to the  
11 parent, managing conservator, possessory conservator, guardian,  
12 caretaker, or custodian who is presently entitled to possession of  
13 the child or the evidence shows that the child has been the victim  
14 of sexual abuse or of trafficking under Section 20A.02 or 20A.03,  
15 Penal Code, on one or more occasions and that there is a substantial  
16 risk that the child will be the victim of sexual abuse or of  
17 trafficking in the future;

18 (2) continuation of the child in the home would be  
19 contrary to the child's welfare; and

20 (3) reasonable efforts, consistent with the  
21 circumstances and providing for the safety of the child, were made  
22 to prevent or eliminate the need for removal of the child.

23 SECTION 4. Section 262.201(b), Family Code, is amended to  
24 read as follows:

25 (b) At the conclusion of the full adversary hearing, the  
26 court shall order the return of the child to the parent, managing  
27 conservator, possessory conservator, guardian, caretaker, or

1 custodian entitled to possession unless the court finds sufficient  
2 evidence to satisfy a person of ordinary prudence and caution that:

3 (1) there was a danger to the physical health or safety  
4 of the child, including a danger that the child would be a victim of  
5 trafficking under Section 20A.02 or 20A.03, Penal Code, which was  
6 caused by an act or failure to act of the person entitled to  
7 possession and for the child to remain in the home is contrary to  
8 the welfare of the child;

9 (2) the urgent need for protection required the  
10 immediate removal of the child and reasonable efforts, consistent  
11 with the circumstances and providing for the safety of the child,  
12 were made to eliminate or prevent the child's removal; and

13 (3) reasonable efforts have been made to enable the  
14 child to return home, but there is a substantial risk of a  
15 continuing danger if the child is returned home.

16 SECTION 5. Subchapter C, Chapter 42, Human Resources Code,  
17 is amended by adding Section 42.0531 to read as follows:

18 Sec. 42.0531. SECURE AGENCY FOSTER HOMES AND SECURE AGENCY  
19 FOSTER GROUP HOMES. (a) The commissioners court of a county or  
20 governing body of a municipality may contract with a child-placing  
21 agency to verify a secure agency foster home or secure agency foster  
22 group home to provide a safe and therapeutic environment tailored  
23 to the needs of children who are victims of trafficking.

24 (b) A child-placing agency may not verify a secure agency  
25 foster home or secure agency foster group home to provide services  
26 under this section unless the child-placing agency holds a license  
27 issued under this chapter that authorizes the agency to provide

1 services to victims of trafficking in accordance with department  
2 standards adopted under this chapter for child-placing agencies.

3 (c) A secure agency foster home or secure agency foster  
4 group home verified under this section must provide:

5 (1) mental health and other services specifically  
6 designed to assist children who are victims of trafficking under  
7 Section 20A.02 or 20A.03, Penal Code, including:

8 (A) victim and family counseling;

9 (B) behavioral health care;

10 (C) treatment and intervention for sexual  
11 assault;

12 (D) education tailored to the child's needs;

13 (E) life skills training;

14 (F) mentoring; and

15 (G) substance abuse screening and treatment as  
16 needed;

17 (2) individualized services based on the trauma  
18 endured by a child, as determined through comprehensive assessments  
19 of the service needs of the child;

20 (3) 24-hour services; and

21 (4) appropriate security through facility design,  
22 hardware, technology, and staffing.

23 SECTION 6. Not later than May 1, 2016, the executive  
24 commissioner of the Health and Human Services Commission shall  
25 adopt any standards and the Department of Family and Protective  
26 Services shall establish the verification procedures necessary to  
27 implement the changes in law made by this Act.

1 SECTION 7. This Act takes effect September 1, 2015.