

By: Giddings, White of Bell

H.B. No. 825

A BILL TO BE ENTITLED

AN ACT

1
2 relating to procedures for identifying any Native American heritage
3 of children in certain hearings in suits affecting the parent-child
4 relationship.

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

6 SECTION 1. Section 262.201, Family Code, is amended by
7 adding Subsection (a-4) to read as follows:

8 (a-4) The court shall ask all parties present at the full
9 adversary hearing whether the child or the child's family has a
10 Native American heritage and identify any Native American tribe
11 with which the child may be associated.

12 SECTION 2. Section 263.202, Family Code, is amended by
13 adding Subsection (f-1) to read as follows:

14 (f-1) The court shall ask all parties present at the status
15 hearing whether the child or the child's family has a Native
16 American heritage and identify any Native American tribe with which
17 the child may be associated.

18 SECTION 3. Section 263.306(a), Family Code, as amended by
19 S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is
20 amended to read as follows:

21 (a) At each permanency hearing the court shall:

22 (1) identify all persons or parties present at the
23 hearing or those given notice but failing to appear;

24 (2) review the efforts of the department in:

1 (A) attempting to locate all necessary persons;
2 (B) requesting service of citation; and
3 (C) obtaining the assistance of a parent in
4 providing information necessary to locate an absent parent, alleged
5 father, or relative of the child;

6 (3) review the efforts of each custodial parent,
7 alleged father, or relative of the child before the court in
8 providing information necessary to locate another absent parent,
9 alleged father, or relative of the child;

10 (4) review any visitation plan or amended plan
11 required under Section 263.107 and render any orders for visitation
12 the court determines necessary;

13 (5) return the child to the parent or parents if the
14 child's parent or parents are willing and able to provide the child
15 with a safe environment and the return of the child is in the
16 child's best interest;

17 (6) place the child with a person or entity, other than
18 a parent, entitled to service under Chapter 102 if the person or
19 entity is willing and able to provide the child with a safe
20 environment and the placement of the child is in the child's best
21 interest;

22 (7) evaluate the department's efforts to identify
23 relatives who could provide the child with a safe environment, if
24 the child is not returned to a parent or another person or entity
25 entitled to service under Chapter 102;

26 (8) evaluate the parties' compliance with temporary
27 orders and the service plan;

1 (9) ask all parties present whether the child or the
2 child's family has a Native American heritage and identify any
3 Native American tribe with which the child may be associated;

4 (10) identify an education decision-maker for the
5 child if one has not previously been identified;

6 (11) [~~(10)~~] review the medical care provided to the
7 child as required by Section 266.007;

8 (12) [~~(11)~~] ensure the child has been provided the
9 opportunity, in a developmentally appropriate manner, to express
10 the child's opinion on the medical care provided;

11 (13) [~~(12)~~] for a child receiving psychotropic
12 medication, determine whether the child:

13 (A) has been provided appropriate psychosocial
14 therapies, behavior strategies, and other non-pharmacological
15 interventions; and

16 (B) has been seen by the prescribing physician,
17 physician assistant, or advanced practice nurse at least once every
18 90 days for purposes of the review required by Section 266.011;

19 (14) [~~(13)~~] determine whether:

20 (A) the child continues to need substitute care;

21 (B) the child's current placement is appropriate
22 for meeting the child's needs, including with respect to a child who
23 has been placed outside of the state, whether that placement
24 continues to be in the best interest of the child; and

25 (C) other plans or services are needed to meet
26 the child's special needs or circumstances;

27 (15) [~~(14)~~] if the child is placed in institutional

1 care, determine whether efforts have been made to ensure placement
2 of the child in the least restrictive environment consistent with
3 the best interest and special needs of the child;

4 (16) [~~(15)~~] if the child is 16 years of age or older,
5 order services that are needed to assist the child in making the
6 transition from substitute care to independent living if the
7 services are available in the community;

8 (17) [~~(16)~~] determine plans, services, and further
9 temporary orders necessary to ensure that a final order is rendered
10 before the date for dismissal of the suit under this chapter;

11 (18) [~~(17)~~] if the child is committed to the Texas
12 Juvenile Justice Department or released under supervision by the
13 Texas Juvenile Justice Department, determine whether the child's
14 needs for treatment, rehabilitation, and education are being met;
15 and

16 (19) [~~(18)~~] determine the date for dismissal of the
17 suit under this chapter and give notice in open court to all parties
18 of:

- 19 (A) the dismissal date;
20 (B) the date of the next permanency hearing; and
21 (C) the date the suit is set for trial.

22 SECTION 4. The changes in law made by this Act to Sections
23 [262.201](#), [263.202](#), and [263.306](#), Family Code, apply only to a hearing
24 held on or after the effective date of this Act.

25 SECTION 5. To the extent of any conflict, this Act prevails
26 over another Act of the 84th Legislature, Regular Session, 2015,
27 relating to nonsubstantive additions to and corrections in enacted

1 codes.

2 SECTION 6. This Act takes effect September 1, 2015.