

By: Burkett

H.B. No. 2433

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the functions of the Department of Family and
3 Protective Services and procedures applicable to suits affecting
4 the parent-child relationship, investigations of child abuse and
5 neglect, and conservatorship of a child; affecting fee amounts and
6 authorizing an administrative penalty.

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

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

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

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

16 (A) observing religious holy days;

17 (B) attending a required court appearance;

18 (C) appearing at a governmental office to
19 complete paperwork required in connection with the student's
20 application for United States citizenship;

21 (D) taking part in a United States naturalization
22 oath ceremony;

23 (E) serving as an election clerk; or

24 [~~(F) for a child in the conservatorship of the~~]

1 ~~Department of Family and Protective Services, attending a mental~~
2 ~~health or therapy appointment or family visitation as ordered by a~~
3 ~~court under Chapter 262 or 263, Family Code; or]~~

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

7 (i) ordered by a court under Chapter 262 or
8 263, Family Code, provided that it is not practicable to schedule
9 the participation outside of school hours; or

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

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

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

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

21 (c) Notwithstanding Subsection (a)(1), a child who exits
22 the conservatorship of the Department of Family and Protective
23 Services and is returned to the child's parent, including a parent
24 whose parental rights were previously terminated, may be exempt
25 from the payment of tuition and fees if the department determines
26 that the child is eligible under department rule. The executive
27 commissioner of the Health and Human Services Commission shall by

1 rule develop factors for determining eligibility under this
2 subsection in consultation with the department and the Texas Higher
3 Education Coordinating Board.

4 SECTION 3. Section 51.03(b), Family Code, is amended to
5 read as follows:

6 (b) Conduct indicating a need for supervision is:

7 (1) subject to Subsection (f), conduct, other than a
8 traffic offense, that violates:

9 (A) the penal laws of this state of the grade of
10 misdemeanor that are punishable by fine only; or

11 (B) the penal ordinances of any political
12 subdivision of this state;

13 (2) the absence of a child on 10 or more days or parts
14 of days within a six-month period in the same school year or on
15 three or more days or parts of days within a four-week period from
16 school;

17 (3) the voluntary absence of a child from the child's
18 home without the consent of the child's parent or guardian for a
19 substantial length of time or without intent to return;

20 (4) conduct prohibited by city ordinance or by state
21 law involving the inhalation of the fumes or vapors of paint and
22 other protective coatings or glue and other adhesives and the
23 volatile chemicals itemized in Section 485.001, Health and Safety
24 Code;

25 (5) an act that violates a school district's
26 previously communicated written standards of student conduct for
27 which the child has been expelled under Section 37.007(c),

1 Education Code;

2 (6) [~~conduct that violates a reasonable and lawful~~
3 ~~order of a court entered under Section 264.305;~~

4 [~~(7)~~] notwithstanding Subsection (a)(1), conduct
5 described by Section 43.02(a)(1) or (2), Penal Code; or

6 (7) [~~(8)~~] notwithstanding Subsection (a)(1), conduct
7 that violates Section 43.261, Penal Code.

8 SECTION 4. The heading to Section 58.0052, Family Code, is
9 amended to read as follows:

10 Sec. 58.0052. INTERAGENCY SHARING OF CERTAIN
11 NONEDUCATIONAL RECORDS.

12 SECTION 5. Subchapter A, Chapter 58, Family Code, is
13 amended by adding Section 58.0053 to read as follows:

14 Sec. 58.0053. INTERAGENCY SHARING OF JUVENILE PROBATION
15 RECORDS. (a) On request by the Department of Family and Protective
16 Services, a juvenile probation officer shall disclose to the
17 department the terms of probation of a child in the department's
18 conservatorship.

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

22 (c) This section does not affect the confidential status of
23 the information being shared. The information may be released to a
24 third party only as directed by a court order or as otherwise
25 authorized by law. Personally identifiable information disclosed
26 to the Department of Family and Protective Services under this
27 section is not subject to disclosure to a third party under Chapter

1 552, Government Code.

2 (d) The Department of Family and Protective Services shall
3 enter into a memorandum of understanding with the Texas Juvenile
4 Justice Department to adopt procedures for handling information
5 requests under this section.

6 SECTION 6. Chapter 101, Family Code, is amended by adding
7 Sections 101.0133 and 101.0134 to read as follows:

8 Sec. 101.0133. FOSTER CARE. "Foster care" means the
9 placement of a child who is in the conservatorship of the Department
10 of Family and Protective Services and in care outside the child's
11 home in an agency foster group home, agency foster home, foster
12 group home, foster home, or another facility licensed or certified
13 under Chapter 42, Human Resources Code, in which care is provided
14 for 24 hours a day.

15 Sec. 101.0134. FOSTER CHILD. "Foster child" means a child
16 who is in the managing conservatorship of the Department of Family
17 and Protective Services.

18 SECTION 7. Section 103.001(b), Family Code, is amended to
19 read as follows:

20 (b) A suit in which adoption is requested may be filed in the
21 county where the child resides or in the county where the
22 petitioners reside, regardless of whether another court has
23 continuing exclusive jurisdiction under Chapter 155. A court that
24 has continuing exclusive jurisdiction is not required to transfer
25 the suit affecting the parent-child relationship to the court in
26 which the adoption suit is filed.

27 SECTION 8. Section 104.007(b), Family Code, is amended to

1 read as follows:

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

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

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

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

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

15 (1) shall:

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

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

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

24 (iii) the parties to the suit;

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

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

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

6 (E) obtain and review copies of relevant records
7 relating to the child as provided by Section 107.006;

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

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

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

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

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

20 (3) is entitled to:

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

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

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

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

- 1 (E) receive notice of each hearing in the suit;
- 2 (F) participate in any case staffing concerning
- 3 the child conducted by the Department of Family and Protective
- 4 Services [~~an authorized agency~~]; and
- 5 (G) attend all legal proceedings in the suit.

6 SECTION 10. Section 155.001(c), Family Code, is amended to
7 read as follows:

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

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

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

17 (1) that the parent has:

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

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

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

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

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

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

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

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

21 (I) contumaciously refused to submit to a
22 reasonable and lawful order of a court under Subchapter D, Chapter
23 261;

24 (J) been the major cause of:

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

27 (ii) the child's absence from the child's

1 home without the consent of the parents or guardian for a
2 substantial length of time or without the intent to return;

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

6 (L) been convicted or has been placed on
7 community supervision, including deferred adjudication community
8 supervision, for being criminally responsible for the death or
9 serious injury of a child under the following sections of the Penal
10 Code, or under a law of another jurisdiction that contains elements
11 that are substantially similar to the elements of an offense under
12 one of the following Penal Code sections, or adjudicated under
13 Title 3 for conduct that caused the death or serious injury of a
14 child and that would constitute a violation of one of the following
15 Penal Code sections:

- 16 (i) Section 19.02 (murder);
- 17 (ii) Section 19.03 (capital murder);
- 18 (iii) Section 19.04 (manslaughter);
- 19 (iv) Section 21.11 (indecent with a
20 child);
- 21 (v) Section 22.01 (assault);
- 22 (vi) Section 22.011 (sexual assault);
- 23 (vii) Section 22.02 (aggravated assault);
- 24 (viii) Section 22.021 (aggravated sexual
25 assault);
- 26 (ix) Section 22.04 (injury to a child,
27 elderly individual, or disabled individual);

- 1 (x) Section 22.041 (abandoning or
2 endangering child);
- 3 (xi) Section 25.02 (prohibited sexual
4 conduct);
- 5 (xii) Section 43.25 (sexual performance by
6 a child);
- 7 (xiii) Section 43.26 (possession or
8 promotion of child pornography);
- 9 (xiv) Section 21.02 (continuous sexual
10 abuse of young child or children);
- 11 (xv) Section 20A.02(a)(7) or (8)
12 (trafficking of persons); and
- 13 (xvi) Section 43.05(a)(2) (compelling
14 prostitution);
- 15 (M) had his or her parent-child relationship
16 terminated with respect to another child based on a finding that the
17 parent's conduct was in violation of Paragraph (D) or (E) or
18 substantially equivalent provisions of the law of another state;
- 19 (N) constructively abandoned the child who has
20 been in the permanent or temporary managing conservatorship of the
21 Department of Family and Protective Services or an authorized
22 agency for not less than six months, and:
- 23 (i) the department or authorized agency has
24 made reasonable efforts to return the child to the parent;
- 25 (ii) the parent has not regularly visited
26 or maintained significant contact with the child; and
- 27 (iii) the parent has demonstrated an

1 inability to provide the child with a safe environment;

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

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

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

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

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

19 (i) conviction of an offense; and

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

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

27 (S) voluntarily delivered the child to a

1 designated emergency infant care provider under Section 262.302
2 without expressing an intent to return for the child; or

3 (T) been convicted of:

4 (i) the murder of the other parent of the
5 child under Section 19.02 or 19.03, Penal Code, or under a law of
6 another state, federal law, the law of a foreign country, or the
7 Uniform Code of Military Justice that contains elements that are
8 substantially similar to the elements of an offense under Section
9 19.02 or 19.03, Penal Code;

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

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

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

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

26 (a) The Department of Family and Protective Services shall
27 obtain a medical history report of a child whose biological [A]

1 parent intends to sign [~~who signs~~] an affidavit of voluntary
2 relinquishment of parental rights under Section 161.103. The
3 department shall make every reasonable effort to obtain the report
4 before the parent signs the affidavit or as soon as possible after
5 the parent signs the affidavit. The [~~regarding a biological child~~
6 ~~must also prepare a~~] medical history report must address [~~that~~
7 ~~addresses~~] the medical history of the parent and the parent's
8 ancestors.

9 SECTION 13. Section 162.005(c), Family Code, is transferred
10 to Section 162.007, Family Code, and redesignated as Section
11 162.007(e), Family Code, to read as follows:

12 (e) [~~(e)~~] The report shall include a history of physical,
13 sexual, or emotional abuse suffered by the child, if any.

14 SECTION 14. The heading to Section 162.006, Family Code, is
15 amended to read as follows:

16 Sec. 162.006. ACCESS TO HEALTH, SOCIAL, EDUCATIONAL, AND
17 GENETIC HISTORY REPORT; RETENTION [~~RIGHT TO EXAMINE RECORDS~~].

18 SECTION 15. Section 162.007, Family Code, is amended by
19 adding Subsection (f) to read as follows:

20 (f) Notwithstanding the other provisions of this section,
21 the Department of Family and Protective Services may, in accordance
22 with department rule, modify the form and contents of the health,
23 social, educational, and genetic history report for a child as the
24 department determines appropriate based on:

25 (1) the relationship between the prospective adoptive
26 parents and the child or the child's birth family;

27 (2) the provision of the child's case record to the

1 prospective adoptive parents; or

2 (3) any other factor specified by department rule.

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

6 Sec. 162.0062. ACCESS TO INFORMATION. (a) Except as
7 provided by Subsection (c), the prospective adoptive parents of a
8 child are entitled to examine the records and other information
9 relating to the history of the child. The Department of Family and
10 Protective Services [~~department~~], licensed child-placing agency,
11 or other person placing a child for adoption shall inform the
12 prospective adoptive parents of their right to examine the records
13 and other information relating to the history of the child. The
14 department, licensed child-placing agency, or other person placing
15 the child for adoption shall edit the records and information to
16 protect the identity of the biological parents and any other person
17 whose identity is confidential.

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

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

7 (b) Section 162.018, Family Code, is transferred to Section
8 162.0062, Family Code, as added by this section, redesignated as
9 Sections 162.0062(d), (e), and (f), Family Code, and amended to
10 read as follows:

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

16 [~~(b)~~] The adoptive parents and the adopted child, after the
17 child is an adult, are entitled to receive copies of the records
18 that have been edited to protect the identity of the biological
19 parents and any other person whose identity is confidential and
20 other information relating to the history of the child maintained
21 by the department, licensed child-placing agency, person, or entity
22 placing the child for adoption.

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

27 (f) [~~(d)~~] At the time an adoption order is rendered, the

1 court shall provide to the parents of an adopted child information
2 provided by the [~~bureau of~~] vital statistics unit that describes
3 the functions of the voluntary adoption registry under Subchapter
4 E. The licensed child-placing agency shall provide to each of the
5 child's biological parents known to the agency, the information
6 when the parent signs an affidavit of relinquishment of parental
7 rights or affidavit of waiver of interest in a child. The
8 information shall include the right of the child or biological
9 parent to refuse to participate in the registry. If the adopted
10 child is 14 years old or older the court shall provide the
11 information to the child.

12 SECTION 17. Section [162.304](#), Family Code, is amended by
13 amending Subsections (a) and (b-1) and adding Subsection (j) to
14 read as follows:

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

20 (b-1) Subject to the availability of funds, the [~~The~~]
21 department shall pay a \$150 subsidy each month for the premiums for
22 health benefits coverage for a child with respect to whom a court
23 has entered a final order of adoption if the child:

24 (1) was in the conservatorship of the department at
25 the time of the child's adoptive placement;

26 (2) after the adoption, is not eligible for medical
27 assistance under Chapter 32, Human Resources Code; and

1 (3) is younger than 18 years of age.

2 (j) The department shall keep records necessary to evaluate
3 the adoption assistance program's effectiveness in encouraging and
4 promoting the adoption of children.

5 SECTION 18. Section 162.3041(d), Family Code, is amended to
6 read as follows:

7 (d) The department is not required to provide adoption
8 assistance benefits under Subsection (a) or (a-1) unless funds are
9 appropriated to the department specifically for purposes of those
10 subsections. If the legislature does not appropriate sufficient
11 money to provide adoption assistance to the adoptive parents of all
12 children described by Subsection (a), the department shall provide
13 adoption assistance only to the adoptive parents of children
14 described by Subsection (a)(1). [~~The department is not required to~~
15 ~~provide adoption assistance benefits under Subsection (a-1) unless~~
16 ~~the department is specifically appropriated funds for purposes of~~
17 ~~that subsection.~~]

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

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

26 SECTION 20. Section 261.3021, Family Code, is amended to
27 read as follows:

1 Sec. 261.3021. CASEWORK DOCUMENTATION AND MANAGEMENT.

2 Subject to the appropriation of money [~~for these purposes~~], the
3 department shall[+]

4 ~~[(1)] identify critical investigation actions that~~
5 impact child safety and require department caseworkers to document
6 those actions in a child's case file not later than the day after
7 the action occurs[+]

8 ~~[(2) identify and develop a comprehensive set of~~
9 ~~casework quality indicators that must be reported in real time to~~
10 ~~support timely management oversight,~~

11 ~~[(3) provide department supervisors with access to~~
12 ~~casework quality indicators and train department supervisors on the~~
13 ~~use of that information in the daily supervision of caseworkers,~~

14 ~~[(4) develop a case tracking system that notifies~~
15 ~~department supervisors and management when a case is not~~
16 ~~progressing in a timely manner,~~

17 ~~[(5) use current data reporting systems to provide~~
18 ~~department supervisors and management with easier access to~~
19 ~~information, and~~

20 ~~[(6) train department supervisors and management on~~
21 ~~the use of data to monitor cases and make decisions].~~

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

24 (d) The [~~Unless a civil or criminal court proceeding or an~~
25 ~~ongoing criminal investigation relating to the alleged abuse or~~
26 ~~neglect investigated by the department is pending, the] department
27 employee shall conduct the review prescribed by Subsection (c) as~~

1 soon as possible but not later than the 45th day after the date the
2 department receives the request, unless the department has good
3 cause for extending the deadline. If a civil or criminal court
4 proceeding or an ongoing criminal investigation relating to the
5 alleged abuse or neglect investigated by the department is pending,
6 the department may postpone the review until the court proceeding
7 is completed.

8 SECTION 22. Section 261.406(b), Family Code, is amended to
9 read as follows:

10 (b) The department shall send a copy of the completed report
11 of the department's investigation to the Texas Education Agency.
12 On request, the department shall provide a copy of the completed
13 report of the department's investigation to [r] the State Board for
14 Educator Certification, the local school board or the school's
15 governing body, the superintendent of the school district, and the
16 school principal or director, unless the principal or director is
17 alleged to have committed the abuse or neglect, for appropriate
18 action. On request, the department shall provide a copy of the
19 report of investigation to the parent, managing conservator, or
20 legal guardian of a child who is the subject of the investigation
21 and to the person alleged to have committed the abuse or neglect.
22 The report of investigation shall be edited to protect the identity
23 of the persons who made the report of abuse or neglect. Other than
24 the persons authorized by the section to receive a copy of the
25 report, Section 261.201(b) applies to the release of the report
26 relating to the investigation of abuse or neglect under this
27 section and to the identity of the person who made the report of

1 abuse or neglect.

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

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

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

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

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

17 (C) [~~(B) is~~] identified as a potential relative
18 or designated caregiver, as defined by Section 264.751, on the
19 proposed child placement resources form provided under Section
20 261.307; and

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

25 SECTION 24. Section 262.114(b), Family Code, is amended to
26 read as follows:

27 (b) The department may place a child with a relative or

1 other designated caregiver [~~individual~~] identified on the proposed
2 child placement resources form if the department determines that
3 the placement is in the best interest of the child. The department
4 must complete the background and criminal history check and conduct
5 a preliminary evaluation of the relative or other designated
6 caregiver's home before the child is placed with the relative or
7 other designated caregiver. The department may place the child
8 with the relative or designated caregiver [~~individual~~] before
9 conducting the [~~background and criminal history check or~~] home
10 study required under Subsection (a). Not later than 48 hours after
11 the time that the child is placed with the relative or other
12 designated caregiver, the department shall begin the home study of
13 the relative or other designated caregiver. The department shall
14 complete the home study as soon as possible unless otherwise
15 ordered by a court. The department shall provide a copy of an
16 informational manual required under Section 261.3071 to the
17 relative or other designated caregiver at the time of the child's
18 placement.

19 SECTION 25. Section 262.115(c), Family Code, is amended to
20 read as follows:

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

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

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

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

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

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

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

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

15 (A) Section 19.02 (murder);

16 (B) Section 19.03 (capital murder);

17 (C) Section 19.04 (manslaughter);

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

19 (E) Section 22.011 (sexual assault);

20 (F) Section 22.02 (aggravated assault);

21 (G) Section 22.021 (aggravated sexual assault);

22 (H) Section 22.04 (injury to a child, elderly
23 individual, or disabled individual);

24 (I) Section 22.041 (abandoning or endangering
25 child);

26 (J) Section 25.02 (prohibited sexual conduct);

27 (K) Section 43.25 (sexual performance by a

1 child);

2 (L) Section 43.26 (possession or promotion of
3 child pornography);

4 (M) Section 21.02 (continuous sexual abuse of
5 young child or children);

6 (N) Section 43.05(a)(2) (compelling
7 prostitution); or

8 (O) Section 20A.02(a)(7) or (8) (trafficking of
9 persons);

10 (4) the parent voluntarily left the child alone or in
11 the possession of another person not the parent of the child for at
12 least six months without expressing an intent to return and without
13 providing adequate support for the child;

14 (5) the parent's parental rights with regard to
15 another child have been involuntarily terminated based on a finding
16 that the parent's conduct violated Section 161.001(1)(D) or (E) or
17 a substantially equivalent provision of another state's law;

18 (6) the parent has been convicted for:

19 (A) the murder of another child of the parent and
20 the offense would have been an offense under 18 U.S.C. Section
21 1111(a) if the offense had occurred in the special maritime or
22 territorial jurisdiction of the United States;

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

27 (C) aiding or abetting, attempting, conspiring,

1 or soliciting an offense under Subdivision (A) or (B); or

2 (D) the felony assault of the child or another
3 child of the parent that resulted in serious bodily injury to the
4 child or another child of the parent; ~~[or]~~

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

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

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

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

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

19 (1) the department;

20 (2) the foster parent, preadoptive parent, relative of
21 the child providing care, or director or director's designee of the
22 group home or general residential operation [~~institution~~] where the
23 child is residing;

24 (3) each parent of the child;

25 (4) the managing conservator or guardian of the child;

26 (5) an attorney ad litem appointed for the child under
27 Chapter 107, if the appointment was not dismissed in the final

1 order;

2 (6) a guardian ad litem appointed for the child under
3 Chapter 107, if the appointment was not dismissed in the final
4 order;

5 (7) a volunteer advocate appointed for the child under
6 Chapter 107, if the appointment was not dismissed in the final
7 order;

8 (8) [~~(7)~~] the child if:

9 (A) the child is 10 years of age or older; or

10 (B) the court determines it is appropriate for
11 the child to receive notice; and

12 (9) [~~(8)~~] any other person or agency named by the
13 court to have an interest in the child's welfare.

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

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

17 (2) in a temporary order following a full adversary
18 hearing;

19 (3) in an order following a hearing under this
20 chapter;

21 (4) in open court; or

22 (5) in any manner that would provide actual notice to a
23 person entitled to notice.

24 (d) The licensed administrator of the child-placing agency
25 responsible for placing the child or the licensed administrator's
26 designee is entitled to at least 10 days' notice of a permanency
27 hearing after final order [~~If a person entitled to notice under~~

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

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

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

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

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

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

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

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

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

11 SECTION 29. Subchapter A, Chapter 263, Family Code, is
 12 amended by adding Sections 263.010 and 263.011 to read as follows:

13 Sec. 263.010. TESTIMONY IN CERTAIN HEARINGS. Sections
 14 104.002, 104.003, 104.004, 104.005, and 104.006 do not apply to
 15 testimony given in a hearing conducted under this chapter if the
 16 testimony is not used as evidence.

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

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

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

1 managing conservator of a child shall file a service plan.

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

4 (a) The service plan must:

5 (1) be specific;

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

8 (3) be prepared by the department or other agency in
9 conference with the child's parents;

10 (4) state appropriate deadlines;

11 (5) specify the primary permanency goal and at least
12 one alternative permanency goal [~~state whether the goal of the plan~~
13 ~~is:~~

14 [~~(A) return of the child to the child's parents;~~

15 [~~(B) termination of parental rights and~~
16 ~~placement of the child for adoption; or~~

17 [~~(C) because of the child's special needs or~~
18 ~~exceptional circumstances, continuation of the child's care out of~~
19 ~~the child's home]~~;

20 (6) state steps that are necessary to:

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

23 (B) enable the child to remain in the child's
24 home with the assistance of a service plan if the placement is in
25 the home under the department's or other agency's supervision; or

26 (C) otherwise provide a permanent safe placement
27 for the child;

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

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

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

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

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

20 SECTION 32. Section 263.302, Family Code, is amended to
21 read as follows:

22 Sec. 263.302. CHILD'S ATTENDANCE AT PERMANENCY HEARING.

23 (a) There is a rebuttable presumption that it is in the best
24 interest of the child for the child to attend each permanency
25 hearing in person.

26 (b) On request of the department or the attorney ad litem
27 appointed for the child or on the court's own motion, the court may

1 excuse the child's attendance at a permanency hearing. The request
2 must state the reasons for waiving the child's attendance and be
3 submitted to the court and all parties entitled to notice of the
4 permanency hearing not later than the 14th day before the date of
5 the hearing. The department, a parent of the child, the attorney
6 for that parent, or the child's attorney ad litem or guardian ad
7 litem may submit a response to the request to excuse the child's
8 attendance not later than the 10th day before the date of the
9 hearing. In the absence of a timely response or court order denying
10 the request, the request is considered granted.

11 (c) In determining whether to excuse the child's
12 attendance, the court shall consider all relevant factors,
13 including:

14 (1) the child's wishes;

15 (2) any transportation barriers to the child's
16 attendance;

17 (3) information from the department, including:

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

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

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

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

1 interest.

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

8 (e) The court shall consult, in a developmentally
9 appropriate manner, with each child attending a permanency hearing
10 in person unless the court finds that it is not in the child's best
11 interest. The court shall consider whether in-chambers
12 consultation is in the child's best interest.

13 (f) [The child shall attend each permanency hearing unless
14 the court specifically excuses the child's attendance.] A child
15 committed to the Texas Department of Juvenile Justice [Youth
16 Commission] may attend a permanency hearing in person, by
17 telephone, or by videoconference.

18 (g) [The court shall consult with the child in a
19 developmentally appropriate manner regarding the child's
20 permanency plan, if the child is four years of age or older and if
21 the court determines it is in the best interest of the
22 child.] Failure by the child to attend a permanency hearing does
23 not affect the validity of an order rendered at the hearing.

24 SECTION 33. Section 263.3025(a), Family Code, is amended to
25 read as follows:

26 (a) The department shall prepare a permanency plan for a
27 child for whom the department has been appointed temporary managing

1 conservator. The department shall give a copy of the plan to each
2 person entitled to notice under Section 263.0021(b) [~~263.301(b)~~]
3 not later than the 10th day before the date of the child's first
4 permanency hearing.

5 SECTION 34. Section 263.303, Family Code, is amended to
6 read as follows:

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

15 (b) The permanency progress report must contain:

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

19 (2) information on significant events; and

20 (3) any additional information the department
21 determines is appropriate or that is requested by the court and
22 relevant to the court's findings and determinations under Section
23 263.306 [~~recommend that the suit continue, and:~~

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

26 [~~(B) provide:~~

27 [~~(i) the name of any person entitled to~~

1 ~~notice under Chapter 102 who has not been served;~~

2 ~~[(ii) a description of the efforts by the~~
3 ~~department or another agency to locate and request service of~~
4 ~~citation; and~~

5 ~~[(iii) a description of each parent's~~
6 ~~assistance in providing information necessary to locate an unserved~~
7 ~~party;~~

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

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

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

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

21 ~~[(G) with respect to a child committed to the~~
22 ~~Texas Youth Commission or released under supervision by the Texas~~
23 ~~Youth Commission;~~

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

26 ~~[(ii) describe, using information provided~~
27 ~~by the Texas Youth Commission, the child's progress in any~~

1 ~~rehabilitation program administered by the Texas Youth Commission,~~
2 ~~and~~
3 ~~[(iii) recommend other plans or services to~~
4 ~~meet the child's needs].~~

5 (c) A parent whose parental rights are the subject of a suit
6 affecting the parent-child relationship, the attorney for that
7 parent, or the child's attorney ad litem or guardian ad litem may
8 file a response to the department's or other agency's report filed
9 under this section [~~Subsection (b)~~]. A response must be filed not
10 later than the third day before the date of the hearing.

11 SECTION 35. The heading to Section 263.306, Family Code, is
12 amended to read as follows:

13 Sec. 263.306. PERMANENCY HEARINGS BEFORE FINAL ORDER [~~+~~
14 ~~PROCEDURE~~].

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

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

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

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

23 (A) locating and requesting service of citation
24 on all persons entitled to service of citation under Section
25 102.009; and

26 (B) obtaining the assistance of a parent in
27 providing information necessary to locate an absent parent, alleged

1 father, or relative of the child;

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

6 (4) review the permanency progress report to
7 determine:

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

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

13 (C) the appropriateness of the primary and
14 alternative permanency goals for the child developed in accordance
15 with department rule and whether the department has made reasonable
16 efforts to finalize the permanency plan, including the concurrent
17 permanency goals, in effect for the child;

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

21 (E) for a child receiving psychotropic
22 medication, whether the child:

23 (i) has been provided appropriate
24 nonpharmacological interventions, therapies, or strategies to meet
25 the child's needs; or

26 (ii) has been seen by the prescribing
27 physician, physician assistant, or advanced practice nurse at least

1 once every 90 days;

2 (F) whether an education decision-maker for the
3 child has been identified, the child's education needs and goals
4 have been identified and addressed, and there have been major
5 changes in the child's school performance or there have been
6 serious disciplinary events;

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

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

13 (i) the desired permanency outcome for the
14 child, by asking the child; and

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

19 (a) return home;

20 (b) be placed for adoption;

21 (c) be placed with a legal guardian;

22 or

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

25 (5) determine whether to return the child to the
26 child's parents if the child's parents are willing and able to
27 provide the child with a safe environment and the return of the

1 child is in the child's best interest;

2 (6) estimate a likely date by which the child may be
3 returned to and safely maintained in the child's home, placed for
4 adoption, or placed in permanent managing conservatorship; and

5 (7) announce in open court the dismissal date and the
6 date of any upcoming hearings.

7 SECTION 37. The heading to Section 263.401, Family Code, is
8 amended to read as follows:

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

11 SECTION 38. Section 263.401, Family Code, is amended by
12 amending Subsections (a) and (c) and adding Subsection (b-1) to
13 read as follows:

14 (a) Unless the court has commenced the trial on the merits
15 or granted an extension under Subsection (b) or (b-1), on the first
16 Monday after the first anniversary of the date the court rendered a
17 temporary order appointing the department as temporary managing
18 conservator, the court shall dismiss the suit affecting the
19 parent-child relationship filed by the department that requests
20 termination of the parent-child relationship or requests that the
21 department be named conservator of the child.

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

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

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

6 (B) the appellate court remanded the case;

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

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

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

18 SECTION 39. The heading to Subchapter F, Chapter 263,
19 Family Code, is amended to read as follows:

20 SUBCHAPTER F. PERMANENCY [PLACEMENT REVIEW] HEARINGS AFTER
21 FINAL ORDER

22 SECTION 40. The heading to Section 263.501, Family Code, is
23 amended to read as follows:

24 Sec. 263.501. PERMANENCY HEARING [PLACEMENT REVIEW] AFTER
25 FINAL ORDER.

26 SECTION 41. Sections 263.501(a), (b), (c), (f), and (g),
27 Family Code, are amended to read as follows:

1 (a) If the department has been named as a child's managing
2 conservator in a final order that does not include termination of
3 parental rights, the court shall conduct a permanency [~~placement~~
4 ~~review~~] hearing after the final order is rendered at least once
5 every six months until the department is no longer the child's
6 managing conservator [~~child becomes an adult~~].

7 (b) If the department has been named as a child's managing
8 conservator in a final order that terminates a parent's parental
9 rights, the court shall conduct a permanency [~~placement review~~]
10 hearing not later than the 90th day after the date the court renders
11 the final order. The court shall conduct additional permanency
12 [~~placement review~~] hearings at least once every six months until
13 the department is no longer the child's managing conservator [~~date~~
14 ~~the child is adopted or the child becomes an adult~~].

15 (c) Notice of each permanency [~~a placement review~~] hearing
16 shall be given as provided by Section 263.0021 [~~Rule 21a, Texas~~
17 ~~Rules of Civil Procedure,~~] to each person entitled to notice of the
18 hearing.

19 (f) The child shall attend each permanency [~~placement~~
20 ~~review~~] hearing in accordance with Section 263.302 [~~unless the~~
21 ~~court specifically excuses the child's attendance. A child~~
22 ~~committed to the Texas Youth Commission may attend a placement~~
23 ~~review hearing in person, by telephone, or by videoconference. The~~
24 ~~court shall consult with the child in a developmentally appropriate~~
25 ~~manner regarding the child's permanency or transition plan, if the~~
26 ~~child is four years of age or older. Failure by the child to attend~~
27 ~~a hearing does not affect the validity of an order rendered at the~~

1 hearing].

2 (g) A court required to conduct permanency [~~placement~~
3 ~~review~~] hearings for a child for whom the department has been
4 appointed permanent managing conservator may not dismiss a suit
5 affecting the parent-child relationship filed by the department
6 regarding the child while the child is committed to the Texas
7 Juvenile Justice Department [~~Youth Commission~~] or released under
8 the supervision of the Texas Juvenile Justice Department [~~Youth~~
9 ~~Commission~~], unless the child is adopted or permanent managing
10 conservatorship of the child is awarded to an individual other than
11 the department.

12 SECTION 42. The heading to Section 263.502, Family Code, is
13 amended to read as follows:

14 Sec. 263.502. PERMANENCY PROGRESS [~~PLACEMENT REVIEW~~]
15 REPORT AFTER FINAL ORDER.

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

19 (a) Not later than the 10th day before the date set for a
20 permanency [~~placement review~~] hearing after a final order is
21 rendered, the department or other authorized agency shall file a
22 permanency progress [~~placement review~~] report with the court and
23 provide a copy to each person entitled to notice under Section
24 263.0021 [~~263.501(d)~~].

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

26 (1) information necessary for the court to conduct the
27 permanency hearing and make its findings and determinations under

1 Section 263.5031;

2 (2) information on significant events; and

3 (3) any additional information the department
4 determines is appropriate or that is requested by the court and
5 relevant to the court's findings and determinations under Section
6 263.5031.

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

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

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

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

14 Sec. 263.5031. PERMANENCY HEARINGS FOLLOWING FINAL ORDER.

15 At each permanency hearing after the court renders a final order,
16 the court shall:

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

19 (2) review the efforts of the department or other
20 agency in notifying persons entitled to notice under Section
21 263.0021; and

22 (3) review the permanency progress report to
23 determine:

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

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

1 continues to be in the best interest of the child;

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

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

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

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

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

20 (i) the desired permanency outcome for the
21 child, by asking the child; and

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

26 (a) return home;

27 (b) be placed for adoption;

1 (c) be placed with a legal guardian;

2 or

3 (d) be placed with a fit and willing

4 relative;

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

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

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

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

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

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

26 (J) for a child for whom the department has been
27 named managing conservator in a final order that does not include

1 termination of parental rights, whether to order the department to
2 provide services to a parent for not more than six months after the
3 date of the permanency hearing if:

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

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

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

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

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

16 SECTION 45. The heading to Section 264.002, Family Code, is
17 amended to read as follows:

18 Sec. 264.002. SPECIFIC APPROPRIATION REQUIRED [~~DUTIES OF~~
19 ~~DEPARTMENT~~].

20 SECTION 46. Section 264.002(e), Family Code, is amended to
21 read as follows:

22 (e) The department may not spend state funds to accomplish
23 the purposes of this subtitle [~~chapter~~] unless the funds have been
24 specifically appropriated for those purposes.

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

27 Sec. 264.017. REQUIRED REPORTING. (a) The department

1 shall prepare and disseminate a report of statistics by county
2 relating to key performance measures and data elements for child
3 protection.

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

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

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

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

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

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

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

27 (7) information on the response time by the department

1 in commencing services to families and children for whom an
2 allegation of child abuse or neglect has been made;

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

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

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

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

23 (d) In addition to the information required under
24 Subsections (a) and (b), the department shall annually publish
25 information on the number of children who died during the preceding
26 year whom the department determined had been abused or neglected
27 but whose death was not the result of the abuse or neglect. The

1 department may publish the information described by this subsection
2 in the same report required by Subsection (a) or in another annual
3 report published by the department.

4 SECTION 48. Section 264.101(a), Family Code, is amended to
5 read as follows:

6 (a) The department may pay the cost of foster care for a
7 child only if:

8 (1) the child [~~for whom the department has initiated a~~
9 ~~suit and has been named managing conservator under an order~~
10 ~~rendered under this title, who is a resident of the state, and who]~~
11 has been placed by the department in a foster home or other
12 residential child-care facility [~~institution~~], as defined by
13 Chapter 42, Human Resources Code, or in a comparable residential
14 facility in another state; and [~~or~~]

15 (2) the department:

16 (A) has initiated suit and been named conservator
17 of the child; or

18 (B) has the duty of care, control, and custody
19 after taking possession of the child in an emergency without a prior
20 court order as authorized by this subtitle [~~who is under the~~
21 ~~placement and care of a state agency or political subdivision with~~
22 ~~which the department has entered into an agreement to reimburse the~~
23 ~~cost of care and supervision of the child]~~.

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

27 (b) The department shall use an [~~the standard~~] application

1 or assessment developed by the department in coordination with
2 interested parties for the placement of children in contract
3 residential care [~~as adopted and maintained by the Health and Human~~
4 ~~Services Commission~~].

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

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

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

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

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

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

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

1 amended to read as follows:

2 Sec. 264.110. PROSPECTIVE FOSTER OR ADOPTIVE PARENT
3 STATEMENT [~~REGISTRY~~].

4 SECTION 52. Section 264.110(d), Family Code, is amended to
5 read as follows:

6 (d) Before a child may be placed with a foster or adoptive
7 parent [~~person under this section~~], the prospective foster or
8 adoptive parent [~~person~~] must sign a written statement in which the
9 prospective foster or adoptive parent [~~person~~] agrees to the
10 immediate removal of the child by the department under
11 circumstances determined by the department.

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

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

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

24 (e) The department shall ensure that each youth acquires a
25 copy or a certified copy, according to the youth's preference, of
26 the youth's birth certificate, a social security card or
27 replacement social security card, as appropriate, and a personal

1 identification certificate under Chapter 521, Transportation Code,
2 on or before the date on which the youth turns 16 years of age. The
3 department shall designate one or more employees in the Preparation
4 for Adult Living Program as the contact person to assist a youth who
5 has not been able to obtain the documents described by this
6 subsection in a timely manner from the youth's primary caseworker.
7 The department shall ensure that:

8 (1) all youth who are age 16 or older are provided with
9 the contact information for the designated employees; and

10 (2) a youth who misplaces a document provided under
11 this subsection receives assistance in obtaining a replacement
12 document or information on how to obtain a duplicate copy, as
13 appropriate.

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

18 SECTION 55. Section 264.014, Family Code, is transferred to
19 Section 264.121, Family Code, redesignated as Section
20 264.121(e-1), Family Code, and amended to read as follows:

21 (e-1) [Sec. 264.014. PROVISION OF COPIES OF CERTAIN
22 RECORDS.] If, at the time a youth [child] is discharged from foster
23 care, the youth [child] is at least 18 years of age or has had the
24 disabilities of minority removed, the department shall provide to
25 the youth [child], not later than the 30th day before the date the
26 youth [child] is discharged from foster care, the following
27 information and documents unless the youth already has the

1 information or document [~~a copy of~~]:

- 2 (1) the youth's [~~child's~~] birth certificate;
- 3 (2) the youth's [~~child's~~] immunization records;
- 4 (3) the information contained in the youth's [~~child's~~]
5 health passport;
- 6 (4) a personal identification certificate under
7 Chapter 521, Transportation Code;
- 8 (5) a social security card or a replacement social
9 security card, if appropriate; and
- 10 (6) proof of enrollment in Medicaid, if appropriate.

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

13 Sec. 264.126. REDESIGN IMPLEMENTATION PLAN. (a) The
14 department shall develop and maintain a plan for implementing the
15 foster care redesign required by Chapter 598 (S.B. 218), Acts of the
16 82nd Legislature, Regular Session, 2011. The plan must:

- 17 (1) describe the department's expectations, goals, and
18 approach to implementing foster care redesign;
- 19 (2) include a timeline for implementing the foster
20 care redesign throughout this state and any limitations related to
21 the implementation;
- 22 (3) delineate and define the case management roles and
23 responsibilities of the department and the department's
24 contractors;
- 25 (4) identify any training needs and include long-range
26 and continuous plans for training and cross-training staff;
- 27 (5) include a plan for evaluating the costs and tasks

1 associated with each contract procurement;

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

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

7 (b) The department shall annually:

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

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

14 SECTION 57. The heading to Section 264.207, Family Code, is
15 amended to read as follows:

16 Sec. 264.207. HOME STUDY REQUIRED BEFORE ADOPTION
17 [~~DEPARTMENT PLANNING AND ACCOUNTABILITY~~].

18 SECTION 58. Section 264.207(a), Family Code, is amended to
19 read as follows:

20 (a) The department must complete [~~shall adopt policies that~~
21 ~~provide for the improvement of the department's services for~~
22 ~~children and families, including policies that provide for~~
23 ~~conducting~~] a home study before [~~within four months after~~] the date
24 an applicant is approved for an adoption [~~and documenting the~~
25 ~~results of the home study within 30 days after the date the study is~~
26 ~~completed. The policies adopted under this section must:~~

27 [~~(1) be designed to increase the accountability of the~~

1 ~~department to individuals who receive services and to the public,~~
2 ~~and~~

3 ~~[(2) assure consistency of services provided by the~~
4 ~~department in the different regions of the state].~~

5 SECTION 59. Section 264.302(e), Family Code, is amended to
6 read as follows:

7 (e) The department shall provide services for a child and
8 the child's family if a contract to provide services under this
9 section is available in the county and the child is referred to the
10 department as an at-risk child by:

11 (1) ~~[a court under Section 264.304,~~

12 ~~(2)]~~ a juvenile court or probation department as part
13 of a progressive sanctions program under Chapter 59;

14 (2) ~~(3)]~~ a law enforcement officer or agency under
15 Section 52.03; or

16 (3) ~~(4)]~~ a justice or municipal court under Article
17 45.057, Code of Criminal Procedure.

18 SECTION 60. The heading to Chapter 265, Family Code, is
19 amended to read as follows:

20 CHAPTER 265. PREVENTION AND ~~[EARLY]~~ INTERVENTION SERVICES

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

24 SUBCHAPTER A. PREVENTION AND EARLY INTERVENTION SERVICES

25 SECTION 62. Subchapter A, Chapter 265, Family Code, as
26 added by this Act, is amended by adding Section 265.005 to read as
27 follows:

1 Sec. 265.005. STRATEGIC PLAN. (a) The department shall
2 develop and implement a five-year strategic plan for prevention and
3 early intervention services. Not later than September 1 of the last
4 fiscal year in each five-year period, the department shall issue a
5 new strategic plan for the next five fiscal years beginning with the
6 following fiscal year.

7 (b) A strategic plan required under this section must:

8 (1) identify methods to leverage other sources of
9 funding or provide support for existing community-based prevention
10 efforts;

11 (2) include a needs assessment that identifies
12 programs to best target the needs of the highest risk populations
13 and geographic areas;

14 (3) identify the goals and priorities for the
15 department's overall prevention efforts;

16 (4) report the results of previous prevention efforts
17 using available information in the plan;

18 (5) identify additional methods of measuring program
19 effectiveness and results or outcomes;

20 (6) identify methods to collaborate with other state
21 agencies on prevention efforts; and

22 (7) identify specific strategies to implement the plan
23 and to develop measures for reporting on the overall progress
24 toward the plan's goals.

25 (c) The department shall coordinate with interested parties
26 and communities in developing the strategic plan under this
27 section.

1 (d) The department shall annually update the strategic plan
2 developed under this section.

3 (e) The department shall post the strategic plan developed
4 under this section and any update to the plan on its Internet
5 website.

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

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

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

13 (1) "Children's trust fund" means a child abuse and
14 neglect primary prevention program.

15 (2) "Primary prevention" means services and
16 activities available to the community at large or to families to
17 prevent child abuse and neglect before it occurs, including an
18 infant mortality prevention education program.

19 (3) "Operating fund" means the Department of Family
20 and Protective [~~and Regulatory~~] Services child abuse and neglect
21 prevention operating fund account.

22 (4) "State agency" means a board, commission,
23 department, office, or other state agency that:

24 (A) is in the executive branch of the state
25 government;

26 (B) was created by the constitution or a statute
27 of this state; and

1 (C) has statewide jurisdiction.

2 (5) "Trust fund" means the child abuse and neglect
3 prevention trust fund account.

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

7 (1) set policy, offer resources for community primary
8 prevention programs, and provide information and education on
9 prevention of child abuse and neglect;

10 (2) develop a state plan for expending funds for child
11 abuse and neglect primary prevention programs that includes an
12 annual schedule of transfers of trust fund money to the operating
13 fund;

14 (3) develop eligibility criteria for applicants
15 requesting funding for child abuse and neglect primary prevention
16 programs; and

17 (4) establish funding priorities for child abuse and
18 neglect primary prevention programs.

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

22 (c) The department may:

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

27 (2) solicit donations for child abuse and neglect

1 primary prevention programs.

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

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

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

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

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

25 (d) The trust fund is exempt from the application of Section
26 403.095, Government Code.

27 (e) All marriage license fees and other fees collected for

1 and deposited in the trust fund and interest earned on the trust
2 fund balance shall be appropriated each biennium only to the
3 operating fund for [~~primary~~] child abuse and neglect primary
4 prevention programs.

5 Sec. 265.055 [~~40.106~~]. DEPARTMENT OPERATING FUND ACCOUNT.

6 (a) The [~~Department of Protective and Regulatory Services child~~
7 ~~abuse and neglect prevention~~] operating fund account is an account
8 in the general revenue fund.

9 (b) Administrative and other costs allowed in Section
10 265.053 [~~40.104~~] shall be taken from the operating fund. The
11 department may transfer funds contained in the operating fund to
12 the trust fund at any time.

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

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

17 Sec. 265.056 [~~40.107~~]. CONTRIBUTIONS. (a) The department
18 may solicit contributions from any appropriate source.

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

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

27 (d) If a person designates that a contribution is intended

1 as a donation to a specific fund, the contribution shall be
2 deposited in the designated fund.

3 SECTION 64. Section 266.004, Family Code, is amended by
4 amending Subsections (e) and (f) and adding Subsection (k) to read
5 as follows:

6 (e) The department, a person authorized to consent to
7 medical care under Subsection (b), the child's parent if the
8 parent's rights have not been terminated, a guardian ad litem or
9 attorney ad litem if one has been appointed, or the person providing
10 foster care to the child may petition the court for any order
11 related to medical care for a foster child that the department or
12 other person believes is in the best interest of the child. Notice
13 of the petition must be given to each person entitled to notice
14 under Section 263.0021(b) [~~263.301(b)~~].

15 (f) If a physician who has examined or treated the foster
16 child has concerns regarding the medical care provided to the
17 foster child, the physician may file a letter with the court stating
18 the reasons for the physician's concerns. The court shall provide a
19 copy of the letter to each person entitled to notice under Section
20 263.0021(b) [~~263.301(b)~~].

21 (k) The department may consent to health care services
22 ordered or prescribed by a health care provider authorized to order
23 or prescribe health care services regardless of whether the
24 services are provided under the medical assistance program under
25 Chapter 32, Human Resources Code, if the department otherwise has
26 the authority under this section to consent to health care
27 services.

1 SECTION 65. Section 266.010(b), Family Code, is amended to
2 read as follows:

3 (b) A court with continuing jurisdiction may make the
4 determination regarding the foster child's capacity to consent to
5 medical care during a hearing under Chapter 263 or may hold a
6 hearing to make the determination on its own motion. The court may
7 issue an order authorizing the child to consent to all or some of
8 the medical care as defined by Section 266.001. In addition, a
9 foster child who is at least 16 years of age, or the foster child's
10 attorney ad litem, may file a petition with the court for a hearing.
11 If the court determines that the foster child lacks the capacity to
12 consent to medical care, the court may consider whether the foster
13 child has acquired the capacity to consent to medical care at
14 subsequent hearings under Section 263.5031 [~~263.503~~].

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

17 (3) The Department of Family and Protective Services
18 is entitled to obtain from the department criminal history record
19 information maintained by the department that relates to a person
20 with respect to whom the Department of Family and Protective
21 Services determines obtaining a criminal history record is
22 necessary to ensure the safety or welfare of a child, elderly
23 person, or person with a disability [~~who is:~~

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

27 [~~(B) a volunteer or applicant volunteer with the~~

1 ~~"I Have a Dream/Houston" program;~~

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

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

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

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

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

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

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

26 ~~[(J) a person providing or applying to provide~~
27 ~~in-home, adoptive, or foster care for children to the extent~~

1 ~~necessary to comply with Subchapter B, Chapter 162, Family Code,~~

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

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

8 ~~[(M) a person, other than an alleged perpetrator~~
9 ~~in a report described in Subdivision (2)(I), living in the~~
10 ~~residence in which the alleged victim of the report resides,~~

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

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

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

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

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

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

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

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

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

18 (B) a child-care facility, child-placing agency,
19 or family home listed in Subdivision (2) that employs or is
20 considering employing the person who is the subject of the criminal
21 history record information;

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

26 (D) a person or business entity who uses or
27 intends to use the volunteer services of or who employs or is

1 considering employing the person who is the subject of the criminal
2 history record if the release of the record is related to the
3 purpose for which the record was obtained under Subdivision (3);

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

8 (i) the alleged perpetrator is the subject
9 of the criminal history record information; and

10 (ii) the Department of Family and
11 Protective Services determines that the release of information to
12 the adult is necessary to ensure the safety or welfare of the
13 alleged victim or the adult; or

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

18 (i) the alleged perpetrator is the subject
19 of the criminal history record information; and

20 (ii) the Department of Family and
21 Protective Services determines that the release of information to
22 the elderly or disabled person or adult is necessary to ensure the
23 safety or welfare of the elderly or disabled person.

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

26 Sec. 40.030. ADVISORY COMMITTEES. (a) The executive
27 commissioner or the executive commissioner's designee may appoint

1 advisory committees in accordance with Chapter 2110, Government
2 Code.

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

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

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

12 (3) appointment procedures for an advisory committee;

13 (4) terms for advisory committee members; and

14 (5) compliance with Chapter 551, Government Code.

15 SECTION 68. Section 40.037(a), Human Resources Code, is
16 amended to read as follows:

17 (a) The department shall develop and implement a training
18 program that each employee who is newly hired or promoted to a
19 management position in the child protective services division must
20 complete as soon as is practicable, but not later than the 60th day
21 after the date the employee is hired or promoted to ~~[before the~~
22 ~~employee begins serving in]~~ the management position.

23 SECTION 69. Section 40.0524(a), Human Resources Code, is
24 amended to read as follows:

25 (a) In a jurisdiction for which a children's advocacy center
26 has not been established under Section 264.402, Family Code, the
27 department shall, to ~~[To]~~ the extent possible, ~~[the department~~

1 ~~shall~~] establish multidisciplinary teams to provide services
2 relating to a report of child abuse or neglect. A multidisciplinary
3 team shall include professionals in parent education and in each
4 professional discipline necessary to provide comprehensive medical
5 and psychological services to a child who is the subject of a report
6 and to members of the child's household.

7 SECTION 70. Subchapter C, Chapter 40, Human Resources Code,
8 is amended by adding Section 40.05275 to read as follows:

9 Sec. 40.05275. ANNUAL BUSINESS PLAN FOR CHILD PROTECTIVE
10 SERVICES. (a) The department shall develop and implement an annual
11 business plan for the child protective services program to
12 prioritize the department's activities and resources to improve the
13 program.

14 (b) The department shall coordinate with the department's
15 regional staff in developing the annual business plan under this
16 section.

17 (c) The annual business plan developed under this section
18 must include:

19 (1) long-term and short-term performance goals;
20 (2) identification of priority projects and ongoing
21 initiatives that are clearly linked to established goals; and

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

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

26 (B) the specific tasks and deliverables
27 expected;

1 (C) the resources needed to accomplish each
2 project;

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

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

8 (d) Not later than October 1 of each year, the department
9 shall submit the annual business plan developed under this section
10 to the governor, lieutenant governor, speaker of the house of
11 representatives, and chairs of the standing committees of the
12 senate and house of representatives having primary jurisdiction
13 over child protection issues.

14 SECTION 71. The heading to Section 40.0528, Human Resources
15 Code, is amended to read as follows:

16 Sec. 40.0528. GOALS FOR ANNUAL BUSINESS [~~COMPREHENSIVE~~
17 ~~STAFFING AND WORKLOAD DISTRIBUTION~~] PLAN FOR CHILD PROTECTIVE
18 SERVICES; REPORTING CASELOAD INFORMATION.

19 SECTION 72. Section 40.0528(a), Human Resources Code, is
20 amended to read as follows:

21 (a) The department shall consider the following goals in
22 developing the annual business plan required under Section 40.05275
23 [develop and implement a staffing and workload distribution plan]
24 for the child protective services program [to]:

- 25 (1) reducing [~~reduce~~] caseloads;
26 (2) enhancing [~~enhance~~] accountability;
27 (3) improving [~~improve~~] the quality of

1 investigations;

2 (4) eliminating [~~eliminate~~] delays; and

3 (5) ensuring [~~ensure~~] the most efficient and effective
4 use of child protective services staff and resources.

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

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

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

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

1 SECTION 74. Section 42.048(f), Human Resources Code, is
2 amended to read as follows:

3 (f) A license must be issued if the department determines
4 that a facility meets all requirements. The evaluation shall be
5 based on one or more visits to the facility and a review of required
6 forms and records. A license is valid until the license expires, is
7 revoked, or is surrendered.

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

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

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

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

22 (d) The executive commissioner shall adopt rules governing
23 the license renewal process for all licenses issued under this
24 chapter. The rules must include:

- 25 (1) renewal periods;
26 (2) a process for staggered renewals;
27 (3) a process for resolving a late application for

1 renewal;

2 (4) expiration dates; and

3 (5) conditions for renewal.

4 SECTION 76. Section 42.052, Human Resources Code, is
5 amended by amending Subsections (a) and (e) and adding Subsections
6 (e-1) and (f-1) to read as follows:

7 (a) A state-operated child-care facility or child-placing
8 agency must receive certification of approval from the department.
9 The certification of approval remains valid until the certification
10 expires, is revoked, or is surrendered.

11 (e) A registration [~~or listing~~] remains valid until the
12 registration expires, is revoked, or is surrendered. The operator
13 of a registered home must display the registration in a prominent
14 place at the home.

15 (e-1) A listing remains valid until the listing is revoked
16 or surrendered.

17 (f-1) The executive commissioner shall adopt rules
18 governing the certification and registration renewal process for
19 all certifications and registrations issued under this chapter.
20 The rules must include:

21 (1) renewal periods;

22 (2) a process for staggered renewals;

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

25 (4) expiration dates; and

26 (5) conditions for renewal.

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

1 amended by amending Subsections (a), (b), (c), (d), and (e) and
2 adding Subsection (h) to read as follows:

3 (a) The department shall charge an applicant a
4 nonrefundable application fee [~~of \$35~~] for an initial license to
5 operate a child-care facility or a child-placing agency.

6 (b) The department shall charge each child-care facility a
7 fee [~~of \$35~~] for an initial license. The department shall charge
8 each child-placing agency a fee [~~of \$50~~] for an initial license.

9 (c) The department shall charge each licensed child-care
10 facility an annual license fee [~~in the amount of \$35 plus \$1 for~~
11 ~~each child the child-care facility is permitted to serve~~]. The fee
12 is due on the date on which the department issues the child-care
13 facility's initial license and on the anniversary of that date.

14 (d) The department shall charge each licensed child-placing
15 agency an annual license fee [~~of \$100~~]. The fee is due on the date
16 on which the department issues the child-placing agency's initial
17 license and on the anniversary of that date.

18 (e) The department shall charge each family home that is
19 listed or registered with the department an annual fee [~~to cover a~~
20 ~~part of the department's cost in regulating family homes. The~~
21 ~~amount of the fee is \$20 for a listed home or \$35 for a registered~~
22 ~~home~~]. The fee is due on the date on which the department initially
23 lists or registers the home and on the anniversary of that date.

24 (h) The executive commissioner by rule shall set fees under
25 this section.

26 SECTION 78. Subchapter D, Chapter 42, Human Resources Code,
27 is amended by adding Section 42.0704 to read as follows:

1 Sec. 42.0704. ENFORCEMENT POLICY. (a) The executive
2 commissioner by rule shall adopt a general enforcement policy that
3 describes the department's approach to enforcement of this chapter.

4 (b) The enforcement policy must:

5 (1) summarize the department's general expectations in
6 enforcing this chapter;

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

9 (3) describe the department's plan for strengthening
10 its enforcement efforts and for making objective regulatory
11 decisions.

12 (c) As part of the enforcement policy, the department shall
13 develop and implement a methodology for determining the appropriate
14 disciplinary action to take against a person who violates this
15 chapter or a department rule. The methodology must provide
16 guidance on when to use each of the available tools of enforcement,
17 including technical assistance, voluntary plans of action,
18 evaluation, probation, suspension or revocation of a license or
19 registration, denial of a license or registration, administrative
20 penalties, and emergency suspension. The methodology must allow
21 the department to consider the circumstances of a particular case,
22 including the nature and seriousness of the violation, history of
23 previous violations, and aggravating and mitigating factors, in
24 determining the appropriate disciplinary action.

25 (d) The department shall make the methodology described by
26 Subsection (c) available to the public, including by posting the
27 methodology on the department's Internet website.

1 SECTION 79. Section 42.078(a-2), Human Resources Code, is
2 amended to read as follows:

3 (a-2) The department may impose an administrative penalty
4 without first imposing a nonmonetary administrative sanction for
5 violating a minimum standard applicable to a facility or family
6 home under this chapter that is determined by the department to be a
7 high-risk standard, including background check standards, safety
8 hazard standards, and supervision standards [~~the following~~
9 ~~violations:~~

10 [~~(1) failing to timely submit the information required~~
11 ~~to conduct a background and criminal history check under Section~~
12 ~~42.056 and applicable department rules on two or more occasions,~~

13 [~~(2) failing to submit the information required to~~
14 ~~conduct a background and criminal history check under Section~~
15 ~~42.056 and applicable department rules before the 30th day after~~
16 ~~the date the facility or family home is notified by the department~~
17 ~~that the information is overdue,~~

18 [~~(3) except as provided by Section 42.056(g),~~
19 ~~knowingly allowing a person to be present in a facility or family~~
20 ~~home when the person's background and criminal history check has~~
21 ~~not been received,~~

22 [~~(4) knowingly allowing a person to be present in a~~
23 ~~facility or family home when the person's background and criminal~~
24 ~~history check has been received and contains criminal history or~~
25 ~~central registry findings that under department rules preclude the~~
26 ~~person from being present in the facility or family home, or~~

27 [~~(5) violating a condition or restriction the~~

1 ~~department places on a person's presence at a facility or family~~
2 ~~home as part of a pending or approved risk evaluation of the~~
3 ~~person's background and criminal history or central registry~~
4 ~~findings].~~

5 SECTION 80. Subchapter D, Chapter 42, Human Resources Code,
6 is amended by adding Section 42.079 to read as follows:

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

13 (b) A violation of an order under this section constitutes
14 grounds for imposing an administrative penalty under Section
15 42.078.

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

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

1 and neglect prevention programs. The council may also transfer
2 funds contained in the operating fund to the trust fund at any time.

3 SECTION 82. Section 244.0105(a), Human Resources Code, is
4 amended to read as follows:

5 (a) Not later than the 10th day before the date of a
6 permanency hearing under Subchapter D, Chapter 263, Family Code, or
7 [~~a placement review hearing under~~] Subchapter F, Chapter 263,
8 Family Code, regarding a child for whom the Department of Family and
9 Protective Services has been appointed managing conservator, a
10 department caseworker shall submit a written report regarding the
11 child's commitment to the department to:

- 12 (1) the court;
- 13 (2) the Department of Family and Protective Services;
- 14 (3) any attorney ad litem or guardian ad litem
15 appointed for the child; and
- 16 (4) any volunteer advocate appointed for the child.

17 SECTION 83. The following provisions are repealed:

- 18 (1) Sections 161.1031(b) and (c), Family Code;
- 19 (2) Section 162.302, Family Code;
- 20 (3) Section 162.303, Family Code;
- 21 (4) Sections 162.304(c), (d), and (e), Family Code;
- 22 (5) Sections 162.308(a) and (b), Family Code;
- 23 (6) Section 162.309, Family Code;
- 24 (7) Section 261.004, Family Code;
- 25 (8) Section 261.203(d), Family Code;
- 26 (9) Section 261.3012, Family Code;
- 27 (10) Sections 261.308(b) and (c), Family Code;

- 1 (11) Section 261.3101, Family Code;
- 2 (12) Section 262.1041, Family Code;
- 3 (13) Section 262.105(b), Family Code;
- 4 (14) Section 263.008(a)(2), Family Code;
- 5 (15) Section 263.1015, Family Code;
- 6 (16) Sections 263.102(c) and (g), Family Code;
- 7 (17) Section 263.306(a), Family Code, as amended by
8 Chapters 191 (S.B. 352), 204 (H.B. 915), and 688 (H.B. 2619), Acts
9 of the 83rd Legislature, Regular Session, 2013;
- 10 (18) Sections 263.501(d) and (e), Family Code;
- 11 (19) Sections 263.502(b), (c), and (d), Family Code;
- 12 (20) Section 263.503, Family Code;
- 13 (21) Sections 264.002(a), (b), (c), and (d), Family
14 Code;
- 15 (22) Section 264.012, Family Code;
- 16 (23) Section 264.016, Family Code;
- 17 (24) Sections 264.107(a), (c), and (d), Family Code;
- 18 (25) Section 264.1071, Family Code;
- 19 (26) Section 264.1072, Family Code;
- 20 (27) Section 264.108(e), Family Code;
- 21 (28) Sections 264.110(a), (b), (c), (e), (f), (g), and
22 (h), Family Code;
- 23 (29) Section 264.111, Family Code;
- 24 (30) Section 264.207(b), Family Code;
- 25 (31) Section 264.208, Family Code;
- 26 (32) Section 264.303, Family Code;
- 27 (33) Section 264.304, Family Code;

- 1 (34) Section 264.305, Family Code;
- 2 (35) Section 264.306, Family Code;
- 3 (36) Section 264.752(b), Family Code;
- 4 (37) Section 264.851(1), Family Code;
- 5 (38) Section 266.001(4), Family Code;
- 6 (39) Section 40.001(5), Human Resources Code;
- 7 (40) Section 40.0305, Human Resources Code;
- 8 (41) Section 40.031, Human Resources Code;
- 9 (42) Section 40.0324, Human Resources Code;
- 10 (43) Section 40.0327, Human Resources Code;
- 11 (44) Section 40.036, Human Resources Code;
- 12 (45) Sections 40.037(b) and (c), Human Resources Code;
- 13 (46) Section 40.052, Human Resources Code;
- 14 (47) Section 40.0523, Human Resources Code;
- 15 (48) Section 40.0524(d), Human Resources Code;
- 16 (49) Section 40.0525, Human Resources Code;
- 17 (50) Sections 40.0528(b) and (c), Human Resources
- 18 Code;
- 19 (51) Section 40.0566, Human Resources Code;
- 20 (52) Section 40.069, Human Resources Code; and
- 21 (53) Section 40.073, Human Resources Code.

22 SECTION 84. Not later than January 1, 2016, the executive
23 commissioner of the Health and Human Services Commission shall
24 adopt rules necessary to implement the changes in law made by this
25 Act.

26 SECTION 85. Section 264.114(c), Family Code, as added by
27 this Act, applies only to a cause of action that accrues on or after

1 the effective date of this Act. A cause of action that accrues
2 before the effective date of this Act is governed by the law in
3 effect immediately before that date, and that law is continued in
4 effect for that purpose.

5 SECTION 86. Not later than September 1, 2016, the
6 Department of Family and Protective Services shall adopt the
7 initial strategic plan required by Section 265.005, Family Code, as
8 added by this Act.

9 SECTION 87. Section 42.078, Human Resources Code, as
10 amended by this Act, applies only to a violation that occurs on or
11 after the effective date of this Act. A violation that occurs
12 before the effective date of this Act is governed by the law in
13 effect at the time the violation occurred, and the former law is
14 continued in effect for that purpose.

15 SECTION 88. (a) Except as otherwise provided by this
16 section, this Act takes effect September 1, 2015.

17 (b) Sections 42.050(d) and 42.052(f-1), Human Resources
18 Code, as added by this Act, take effect September 1, 2016.