

By: Schwertner, et al.  
(Burkett, Price, Raymond, Dutton, Gonzales)

S.B. No. 206

Substitute the following for S.B. No. 206:

By: Raymond

C.S.S.B. No. 206

A BILL TO BE ENTITLED

AN ACT

relating to the continuation and functions of the Department of Family and Protective Services and procedures applicable to suits affecting the parent-child relationship, investigations of child abuse and neglect, and conservatorship of a child; affecting fee amounts and authorizing an administrative penalty.

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

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

(g) A student who was enrolled in a primary or secondary public school before the student entered [~~who is placed in~~] the conservatorship of the Department of Family and Protective Services and who is placed at a residence outside the attendance area for the school or outside the school district is entitled to continue to attend the school in which the student was enrolled immediately before entering conservatorship until the student successfully completes the highest grade level offered by the school at the time of placement without payment of tuition. The student is entitled to continue to attend the school regardless of whether the student remains in the conservatorship of the department for the duration of the student's enrollment in the school.

(g-1) If a student who is in the conservatorship of the department is enrolled in a primary or secondary public school,

1 other than the school in which the student was enrolled at the time  
2 the student was placed in the conservatorship of the department,  
3 the student is entitled to continue to attend that school without  
4 payment of tuition until the student successfully completes the  
5 highest grade level offered by the school at the time of enrollment  
6 in the school, even if the child's placement is changed to a  
7 residence outside the attendance area for that school or outside  
8 the school district. The student is entitled to continue to attend  
9 the school regardless of whether the student remains in the  
10 conservatorship of the department for the duration of the student's  
11 enrollment in the school.

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

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

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

20 (A) observing religious holy days;

21 (B) attending a required court appearance;

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

25 (D) taking part in a United States naturalization  
26 oath ceremony;

27 (E) serving as an election clerk; or

1                   ~~[(F) for a child in the conservatorship of the~~  
2 ~~Department of Family and Protective Services, attending a mental~~  
3 ~~health or therapy appointment or family visitation as ordered by a~~  
4 ~~court under Chapter 262 or 263, Family Code; or]~~

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

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

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

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

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

20                   SECTION 3. Section 54.366, Education Code, is amended by  
21 adding Subsection (c) to read as follows:

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

1 commissioner of the Health and Human Services Commission shall by  
2 rule develop factors for determining eligibility under this  
3 subsection in consultation with the department and the Texas Higher  
4 Education Coordinating Board.

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

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

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

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

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

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

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

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

26 (5) an act that violates a school district's  
27 previously communicated written standards of student conduct for

1 which the child has been expelled under Section 37.007(c),  
2 Education Code;

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

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

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

9 SECTION 5. The heading to Section 58.0052, Family Code, is  
10 amended to read as follows:

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

13 SECTION 6. Subchapter A, Chapter 58, Family Code, is  
14 amended by adding Section 58.0053 to read as follows:

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

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

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

1 section is not subject to disclosure to a third party under Chapter  
2 552, Government Code.

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

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

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

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

19 SECTION 8. Section 103.001(b), Family Code, is amended to  
20 read as follows:

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

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

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

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

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

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

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

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

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

23 (1) that the parent has:

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

27 (B) voluntarily left the child alone or in the

1 possession of another not the parent without expressing an intent  
2 to return, without providing for the adequate support of the child,  
3 and remained away for a period of at least three months;

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

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

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

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

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

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

27 (I) contumaciously refused to submit to a



1 reasonable and lawful order of a court under Subchapter D, Chapter  
2 261;

3 (J) been the major cause of:

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

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

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

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

- 22 (i) Section 19.02 (murder);
- 23 (ii) Section 19.03 (capital murder);
- 24 (iii) Section 19.04 (manslaughter);
- 25 (iv) Section 21.11 (indecent with a  
26 child);
- 27 (v) Section 22.01 (assault);

- 1 (vi) Section 22.011 (sexual assault);  
2 (vii) Section 22.02 (aggravated assault);  
3 (viii) Section 22.021 (aggravated sexual  
4 assault);  
5 (ix) Section 22.04 (injury to a child,  
6 elderly individual, or disabled individual);  
7 (x) Section 22.041 (abandoning or  
8 endangering child);  
9 (xi) Section 25.02 (prohibited sexual  
10 conduct);  
11 (xii) Section 43.25 (sexual performance by  
12 a child);  
13 (xiii) Section 43.26 (possession or  
14 promotion of child pornography);  
15 (xiv) Section 21.02 (continuous sexual  
16 abuse of young child or children);  
17 (xv) Section 20A.02(a)(7) or (8)  
18 (trafficking of persons); and  
19 (xvi) Section 43.05(a)(2) (compelling  
20 prostitution);  
21 (M) had his or her parent-child relationship  
22 terminated with respect to another child based on a finding that the  
23 parent's conduct was in violation of Paragraph (D) or (E) or  
24 substantially equivalent provisions of the law of another state;  
25 (N) constructively abandoned the child who has  
26 been in the permanent or temporary managing conservatorship of the  
27 Department of Family and Protective Services for not less than six

1 months, and:

2 (i) the department has made reasonable  
3 efforts to return the child to the parent;

4 (ii) the parent has not regularly visited  
5 or maintained significant contact with the child; and

6 (iii) the parent has demonstrated an  
7 inability to provide the child with a safe environment;

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

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

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

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

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

25 (i) conviction of an offense; and

26 (ii) confinement or imprisonment and  
27 inability to care for the child for not less than two years from the

1 date of filing the petition;

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

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

8 (T) been convicted of:

9 (i) the murder of the other parent of the  
10 child under Section 19.02 or 19.03, Penal Code, or under a law of  
11 another state, federal law, the law of a foreign country, or the  
12 Uniform Code of Military Justice that contains elements that are  
13 substantially similar to the elements of an offense under Section  
14 19.02 or 19.03, Penal Code;

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

21 (iii) criminal solicitation under Section  
22 15.03, Penal Code, or under a law of another state, federal law, the  
23 law of a foreign country, or the Uniform Code of Military Justice  
24 that contains elements that are substantially similar to the  
25 elements of an offense under Section 15.03, Penal Code, of the  
26 offense described by Subparagraph (i); and

27 (2) that termination is in the best interest of the

1 child.

2 SECTION 12. Section 162.005(c), Family Code, is transferred  
3 to Section 162.007, Family Code, and redesignated as Section  
4 162.007(e), Family Code, to read as follows:

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

7 SECTION 13. The heading to Section 162.006, Family Code, is  
8 amended to read as follows:

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

11 SECTION 14. Section 162.007, Family Code, is amended by  
12 adding Subsection (f) to read as follows:

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

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

20 (2) the provision of the child's case record to the  
21 prospective adoptive parents; or

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

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

27 Sec. 162.0062. ACCESS TO INFORMATION. (a) Except as

1 provided by Subsection (c), the prospective adoptive parents of a  
2 child are entitled to examine the records and other information  
3 relating to the history of the child. The Department of Family and  
4 Protective Services, licensed child-placing agency, or other  
5 person placing a child for adoption shall inform the prospective  
6 adoptive parents of their right to examine the records and other  
7 information relating to the history of the child. The department,  
8 licensed child-placing agency, or other person placing the child  
9 for adoption shall edit the records and information to protect the  
10 identity of the biological parents and any other person whose  
11 identity is confidential.

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

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

1 the prospective adoptive parents request the child's case record.  
2 The department shall provide the child's case record to the  
3 prospective adoptive parents on the request of the prospective  
4 adoptive parents.

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

10 (d) [Sec. 162.018. ACCESS TO INFORMATION. (a) The  
11 adoptive parents are entitled to receive copies of the records and  
12 other information relating to the history of the child maintained  
13 by the Department of Family and Protective Services, licensed  
14 child-placing agency, person, or entity placing the child for  
15 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 vital statistics unit that describes the functions  
3 of the voluntary adoption registry under Subchapter E. The  
4 licensed child-placing agency shall provide to each of the child's  
5 biological parents known to the agency, the information when the  
6 parent signs an affidavit of relinquishment of parental rights or  
7 affidavit of waiver of interest in a child. The information shall  
8 include the right of the child or biological parent to refuse to  
9 participate in the registry. If the adopted child is 14 years old  
10 or older the court shall provide the information to the child.

11 SECTION 16. Section [162.304](#), Family Code, is amended by  
12 amending Subsections (a) and (b-1) and adding Subsection (j) to  
13 read as follows:

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

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

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

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

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



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

4        SECTION 17. Section 162.3041(d), Family Code, is amended to  
5 read as follows:

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

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

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

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

26        (e) An interview with a child in which the allegations of  
27 the current investigation are discussed and that is conducted by

1 the department during the investigation stage shall be audiotaped  
2 or videotaped unless:

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

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

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

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

1 trial of the offense that is the subject of the interview.

2 SECTION 20. Section 261.3021, Family Code, is amended to  
3 read as follows:

4 Sec. 261.3021. CASEWORK DOCUMENTATION AND MANAGEMENT.

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

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

11 [~~(2) identify and develop a comprehensive set of~~  
12 ~~casework quality indicators that must be reported in real time to~~  
13 ~~support timely management oversight;~~

14 [~~(3) provide department supervisors with access to~~  
15 ~~casework quality indicators and train department supervisors on the~~  
16 ~~use of that information in the daily supervision of caseworkers;~~

17 [~~(4) develop a case tracking system that notifies~~  
18 ~~department supervisors and management when a case is not~~  
19 ~~progressing in a timely manner;~~

20 [~~(5) use current data reporting systems to provide~~  
21 ~~department supervisors and management with easier access to~~  
22 ~~information; and~~

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

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

27 (b) If a person under investigation for allegedly abusing or

1 neglecting a child requests clarification of the status of the  
 2 person's case or files a complaint relating to the conduct of the  
 3 department's staff or to department policy, the department shall  
 4 conduct an informal review to clarify the person's status or  
 5 resolve the complaint. The division of the department responsible  
 6 for investigating complaints [~~immediate supervisor of the employee~~  
 7 ~~who conducted the child abuse or neglect investigation or against~~  
 8 ~~whom the complaint was filed~~] shall conduct the informal review as  
 9 soon as possible but not later than the 14th day after the date the  
 10 request or complaint is received.

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

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

24 (b) The department shall send a copy of the completed report  
 25 of the department's investigation to the Texas Education Agency.  
 26 On request, the department shall provide a copy of the completed  
 27 report of the department's investigation to[7] the State Board for

1 Educator Certification, the local school board or the school's  
2 governing body, the superintendent of the school district, and the  
3 school principal or director, unless the principal or director is  
4 alleged to have committed the abuse or neglect, for appropriate  
5 action. On request, the department shall provide a copy of the  
6 report of investigation to the parent, managing conservator, or  
7 legal guardian of a child who is the subject of the investigation  
8 and to the person alleged to have committed the abuse or neglect.  
9 The report of investigation shall be edited to protect the identity  
10 of the persons who made the report of abuse or neglect. Other than  
11 the persons authorized by the section to receive a copy of the  
12 report, Section 261.201(b) applies to the release of the report  
13 relating to the investigation of abuse or neglect under this  
14 section and to the identity of the person who made the report of  
15 abuse or neglect.

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

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

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

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

27 (B) [~~or is~~] an adult relative of the alleged

1 father of the child if [~~who~~] the department has a reasonable basis  
2 to believe the alleged father is [~~determines is most likely to be~~]  
3 the child's biological father; or [~~and~~]

4 (C) [~~(B) is~~] identified as a potential relative  
5 or designated caregiver, as defined by Section 264.751, on the  
6 proposed child placement resources form provided under Section  
7 261.307; and

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

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

14 (b) The department may place a child with a relative or  
15 other designated caregiver [~~individual~~] identified on the proposed  
16 child placement resources form if the department determines that  
17 the placement is in the best interest of the child. The department  
18 must complete the background and criminal history check and conduct  
19 a preliminary evaluation of the relative or other designated  
20 caregiver's home before the child is placed with the relative or  
21 other designated caregiver. The department may place the child  
22 with the relative or designated caregiver [~~individual~~] before  
23 conducting the [~~background and criminal history check or~~] home  
24 study required under Subsection (a). Not later than 48 hours after  
25 the time that the child is placed with the relative or other  
26 designated caregiver, the department shall begin the home study of  
27 the relative or other designated caregiver. The department shall

1 complete the home study as soon as possible unless otherwise  
2 ordered by a court. The department shall provide a copy of an  
3 informational manual required under Section 261.3071 to the  
4 relative or other designated caregiver at the time of the child's  
5 placement.

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

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

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

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

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

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

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

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

27 (3) the parent has engaged in conduct against the

1 child or another child of the parent that would constitute an  
2 offense under the following provisions of the Penal Code:

- 3 (A) Section 19.02 (murder);
- 4 (B) Section 19.03 (capital murder);
- 5 (C) Section 19.04 (manslaughter);
- 6 (D) Section 21.11 (indecent with a child);
- 7 (E) Section 22.011 (sexual assault);
- 8 (F) Section 22.02 (aggravated assault);
- 9 (G) Section 22.021 (aggravated sexual assault);
- 10 (H) Section 22.04 (injury to a child, elderly  
11 individual, or disabled individual);
- 12 (I) Section 22.041 (abandoning or endangering  
13 child);
- 14 (J) Section 25.02 (prohibited sexual conduct);
- 15 (K) Section 43.25 (sexual performance by a  
16 child);
- 17 (L) Section 43.26 (possession or promotion of  
18 child pornography);
- 19 (M) Section 21.02 (continuous sexual abuse of  
20 young child or children);
- 21 (N) Section 43.05(a)(2) (compelling  
22 prostitution); or
- 23 (O) Section 20A.02(a)(7) or (8) (trafficking of  
24 persons);

25 (4) the parent voluntarily left the child alone or in  
26 the possession of another person not the parent of the child for at  
27 least six months without expressing an intent to return and without



1 providing adequate support for the child;

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

6 (6) the parent has been convicted for:

7 (A) the murder of another child of the parent and  
8 the offense would have been an offense under 18 U.S.C. Section  
9 1111(a) if the offense had occurred in the special maritime or  
10 territorial jurisdiction of the United States;

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

15 (C) aiding or abetting, attempting, conspiring,  
16 or soliciting an offense under Paragraph (A) or (B); or

17 (D) the felony assault of the child or another  
18 child of the parent that resulted in serious bodily injury to the  
19 child or another child of the parent; ~~or~~

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

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

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

1 as Section 263.0021, Family Code, and amended to read as follows:

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

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

9 (1) the department;

10 (2) the foster parent, preadoptive parent, relative of  
11 the child providing care, or director or director's designee of the  
12 group home or general residential operation [~~institution~~] where the  
13 child is residing;

14 (3) each parent of the child;

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

16 (5) an attorney ad litem appointed for the child under  
17 Chapter 107, if the appointment was not dismissed in the final  
18 order;

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

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

25 (8) [~~(7)~~] the child if:

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

27 (B) the court determines it is appropriate for

1 the child to receive notice; and

2 (9) [~~(8)~~] any other person or agency named by the  
3 court to have an interest in the child's welfare.

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

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

7 (2) in a temporary order following a full adversary  
8 hearing;

9 (3) in an order following a hearing under this  
10 chapter;

11 (4) in open court; or

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

14 (d) The licensed administrator of the child-placing agency  
15 responsible for placing the child or the licensed administrator's  
16 designee is entitled to at least 10 days' notice of a permanency  
17 hearing after final order [~~If a person entitled to notice under~~  
18 ~~Chapter 102 or this section has not been served, the court shall~~  
19 ~~review the department's efforts at attempting to locate all~~  
20 ~~necessary persons and requesting service of citation and the~~  
21 ~~assistance of a parent in providing information necessary to locate~~  
22 ~~an absent parent].~~

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

25 Sec. 263.004. NOTICE TO COURT REGARDING EDUCATION  
26 DECISION-MAKING. (a) Unless the rights and duties of the  
27 department under Section 153.371(10) to make decisions regarding

1 the child's education have been limited by court order, the  
2 department shall file with the court [~~a report identifying~~] the  
3 name and contact information for each person who has been:

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

6 (2) assigned to serve as the child's surrogate parent  
7 in accordance with 20 U.S.C. Section 1415(b) and Section  
8 29.001(10), Education Code, for purposes of decision-making  
9 regarding special education services, if applicable.

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

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

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

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

27 SECTION 29. Sections 263.009(a) and (b), Family Code, are

1 amended to read as follows:

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

10 [~~(1) not later than the 45th day after the date the~~  
11 ~~department is named temporary managing conservator of the child,~~  
12 ~~and~~

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

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

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

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

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

24 SECTION 30. Subchapter A, Chapter 263, Family Code, is  
25 amended by adding Sections 263.010 and 263.011 to read as follows:

26 Sec. 263.010. TESTIMONY IN CERTAIN HEARINGS. Sections  
27 104.002, 104.003, 104.004, 104.005, and 104.006 do not apply to

1 testimony given in a hearing conducted under this chapter if the  
2 testimony is not used as evidence.

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

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

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

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

18 (a) The service plan must:  
19 (1) be specific;  
20 (2) be in writing in a language that the parents  
21 understand, or made otherwise available;  
22 (3) be prepared by the department in conference with  
23 the child's parents;  
24 (4) state appropriate deadlines;  
25 (5) specify the primary permanency goal and at least  
26 one alternative permanency goal ~~[state whether the goal of the plan~~  
27 ~~is:~~

1                   ~~[(A) return of the child to the child's parents,~~  
2                   ~~[(B) termination of parental rights and~~  
3 ~~placement of the child for adoption; or~~  
4                   ~~[(C) because of the child's special needs or~~  
5 ~~exceptional circumstances, continuation of the child's care out of~~  
6 ~~the child's home];~~

7                   (6) state steps that are necessary to:

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

10                   (B) enable the child to remain in the child's  
11 home with the assistance of a service plan if the placement is in  
12 the home under the department's supervision; or

13                   (C) otherwise provide a permanent safe placement  
14 for the child;

15                   (7) state the actions and responsibilities that are  
16 necessary for the child's parents to take to achieve the plan goal  
17 during the period of the service plan and the assistance to be  
18 provided to the parents by the department or other agency toward  
19 meeting that goal;

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

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

27                   (10) state the name of the person with the department

1 whom the child's parents may contact for information relating to  
2 the child if other than the person preparing the plan; and

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

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

8 (a) The department shall prepare a permanency plan for a  
9 child for whom the department has been appointed temporary managing  
10 conservator. The department shall give a copy of the plan to each  
11 person entitled to notice under Section 263.0021(b) [~~263.301(b)~~]  
12 not later than the 10th day before the date of the child's first  
13 permanency hearing.

14 SECTION 34. Section 263.303, Family Code, as amended by  
15 S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is  
16 amended to read as follows:

17 Sec. 263.303. PERMANENCY PROGRESS REPORT BEFORE FINAL  
18 ORDER. (a) Not later than the 10th day before the date set for  
19 each permanency hearing before a final order is rendered [~~other~~  
20 ~~than the first permanency hearing~~], the department shall file with  
21 the court and provide to each party, the child's attorney ad litem,  
22 the child's guardian ad litem, and the child's volunteer advocate a  
23 permanency progress report unless the court orders a different  
24 period for providing the report.

25 (b) 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 263.306 [~~recommend that the suit be dismissed~~]; [~~or~~]

2 (2) information on significant events, as defined by  
3 Section 264.018; and

4 (3) any additional information the department  
5 determines is appropriate or that is requested by the court and  
6 relevant to the court's findings and determinations under Section  
7 263.306 [~~recommend that the suit continue, and:~~

8 [(A) ~~identify the date for dismissal of the suit~~  
9 ~~under this chapter;~~

10 [(B) ~~provide:~~

11 [(i) ~~the name of any person entitled to~~  
12 ~~notice under Chapter 102 who has not been served;~~

13 [(ii) ~~a description of the efforts by the~~  
14 ~~department to locate and request service of citation; and~~

15 [(iii) ~~a description of each parent's~~  
16 ~~assistance in providing information necessary to locate an unserved~~  
17 ~~party;~~

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

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

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

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

4                   ~~[(C) with respect to a child committed to the~~  
5 ~~Texas Juvenile Justice Department or released under supervision by~~  
6 ~~the Texas Juvenile Justice Department;~~

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

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

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

15           (c) A parent whose parental rights are the subject of a suit  
16 affecting the parent-child relationship, the attorney for that  
17 parent, or the child's attorney ad litem or guardian ad litem may  
18 file a response to the department's report filed under this section  
19 ~~[Subsection (b)]~~. A response must be filed not later than the third  
20 day before the date of the hearing.

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

23           Sec. 263.306. PERMANENCY HEARINGS BEFORE FINAL ORDER~~[+~~  
24 ~~PROCEDURE]~~.

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

27           (a-1) At each permanency hearing before a final order is

1 rendered, the court shall:

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

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

6 (A) locating and requesting service of citation  
7 on all persons entitled to service of citation under Section  
8 102.009; and

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

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

16 (4) review the permanency progress report to  
17 determine:

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

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

25 (C) the appropriateness of the primary and  
26 alternative permanency goals for the child developed in accordance  
27 with department rule and whether the department has made reasonable

1 efforts to finalize the permanency plan, including the concurrent  
2 permanency goals, in effect for the child;

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

6 (E) for a child receiving psychotropic  
7 medication, whether the child:

8 (i) has been provided appropriate  
9 nonpharmacological interventions, therapies, or strategies to meet  
10 the child's needs; or

11 (ii) has been seen by the prescribing  
12 physician, physician assistant, or advanced practice nurse at least  
13 once every 90 days;

14 (F) whether an education decision-maker for the  
15 child has been identified, the child's education needs and goals  
16 have been identified and addressed, and there have been major  
17 changes in the child's school performance or there have been  
18 serious disciplinary events;

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

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

25 (i) the desired permanency outcome for the  
26 child, by asking the child; and

27 (ii) whether, as of the date of the hearing,

1 another planned permanent living arrangement is the best permanency  
2 plan for the child and, if so, provide compelling reasons why it  
3 continues to not be in the best interest of the child to:

4 (a) return home;

5 (b) be placed for adoption;

6 (c) be placed with a legal guardian;

7 or

8 (d) be placed with a fit and willing

9 relative;

10 (5) determine whether to return the child to the  
11 child's parents if the child's parents are willing and able to  
12 provide the child with a safe environment and the return of the  
13 child is in the child's best interest;

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

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

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

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

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

26 (a) Unless the court has commenced the trial on the merits  
27 or granted an extension under Subsection (b) or (b-1), on the first

1 Monday after the first anniversary of the date the court rendered a  
2 temporary order appointing the department as temporary managing  
3 conservator, the court shall dismiss the suit affecting the  
4 parent-child relationship filed by the department that requests  
5 termination of the parent-child relationship or requests that the  
6 department be named conservator of the child.

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

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

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

18 (B) the appellate court remanded the case;

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

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

24 (c) If the court grants an extension under Subsection (b) or  
25 (b-1) but does not commence the trial on the merits before the  
26 dismissal [~~required~~] date [~~for dismissal under Subsection (b)~~], the  
27 court shall dismiss the suit. The court may not grant an

1 additional extension that extends the suit beyond the required date  
2 for dismissal under Subsection (b) or (b-1), as applicable.

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

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

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

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

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

16 [~~4~~] the needs and desires of the child.

17 SECTION 40. The heading to Subchapter F, Chapter 263,  
18 Family Code, is amended to read as follows:

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

21 SECTION 41. The heading to Section 263.501, Family Code, is  
22 amended to read as follows:

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

25 SECTION 42. Sections 263.501(a), (b), (c), (f), and (g),  
26 Family Code, are amended to read as follows:

27 (a) If the department has been named as a child's managing

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

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

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

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



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

11 SECTION 43. The heading to Section 263.502, Family Code, is  
12 amended to read as follows:

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

15 SECTION 44. Section 263.502, Family Code, is amended by  
16 amending Subsection (a), as amended by S.B. 219, Acts of the 84th  
17 Legislature, Regular Session, 2015, and adding Subsections (a-1)  
18 and (a-2) to 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 shall file a permanency progress  
22 [~~placement review~~] report with the court and provide a copy to each  
23 person entitled to notice under Section 263.0021 [~~263.501(d)~~].

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

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

1           (2) information on significant events, as defined by  
2 Section 264.018; 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 45. 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 and  
25 whether the child's needs, including any medical or special needs,  
26 are being adequately addressed;

27           (B) the continuing necessity and appropriateness

1 of the placement of the child, including with respect to a child who  
2 has been placed outside of this state, whether the placement  
3 continues to be in the best interest of the child;

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

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

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

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

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

22 (i) the desired permanency outcome for the  
23 child, by asking the child; and

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

1                   (a) return home;

2                   (b) be placed for adoption;

3                   (c) be placed with a legal guardian;

4 or

5                   (d) be placed with a fit and willing

6 relative;

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

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

15                   (H) for a child receiving psychotropic  
16 medication, whether the child:

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

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

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

1           (J) for a child for whom the department has been  
2 named managing conservator in a final order that does not include  
3 termination of parental rights, whether to order the department to  
4 provide services to a parent for not more than six months after the  
5 date of the permanency hearing if:

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

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

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

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

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

18           SECTION 46. The heading to Section 264.002, Family Code, is  
19 amended to read as follows:

20           Sec. 264.002. SPECIFIC APPROPRIATION REQUIRED [~~DUTIES OF~~  
21 ~~DEPARTMENT~~].

22           SECTION 47. Section 264.002(e), Family Code, is amended to  
23 read as follows:

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

27           SECTION 48. Subchapter A, Chapter 264, Family Code, is

1 amended by adding Sections 264.017 and 264.018 to read as follows:

2 Sec. 264.017. REQUIRED REPORTING. (a) The department  
3 shall prepare and disseminate a report of statistics by county  
4 relating to key performance measures and data elements for child  
5 protection.

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

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

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

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

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

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

27 (6) information on the timeliness of the department's

1 initial contact in an investigation or alternative response;

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

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

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

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

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

27 (d) In addition to the information required under

1 Subsections (a) and (b), the department shall annually publish  
2 information on the number of children who died during the preceding  
3 year whom the department determined had been abused or neglected  
4 but whose death was not the result of the abuse or neglect. The  
5 department may publish the information described by this subsection  
6 in the same report required by Subsection (a) or in another annual  
7 report published by the department.

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

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

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

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

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

22 (5) "Significant event" means:

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

26 (B) a significant change in medical condition;

27 (C) an initial prescription of a psychotropic



1 medication or a change in dosage of a psychotropic medication;

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

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

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

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

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

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

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

21 (3) an initial prescription of a psychotropic  
22 medication.

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

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

- 1 applicable;  
2 (2) an attorney ad litem appointed for the child under  
3 Chapter 107;  
4 (3) a guardian ad litem appointed for the child under  
5 Chapter 107;  
6 (4) a volunteer advocate appointed for the child under  
7 Chapter 107; and  
8 (5) the licensed administrator of the child-placing  
9 agency responsible for placing the child or the licensed  
10 administrator's designee.  
11 (f) As soon as possible but not later than the 10th day after  
12 the date the department becomes aware of a significant event  
13 affecting a child in the conservatorship of the department, the  
14 department shall provide notice of the significant event to:  
15 (1) the child's parent or the parent's attorney, if  
16 applicable;  
17 (2) an attorney ad litem appointed for the child under  
18 Chapter 107;  
19 (3) a guardian ad litem appointed for the child under  
20 Chapter 107;  
21 (4) a volunteer advocate appointed for the child under  
22 Chapter 107;  
23 (5) the licensed administrator of the child-placing  
24 agency responsible for placing the child or the licensed  
25 administrator's designee;  
26 (6) a foster parent, prospective adoptive parent,  
27 relative of the child providing care to the child, or director of

1 the group home or general residential operation where the child is  
2 residing; and

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

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

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

12 (1) the department cannot locate the parent;

13 (2) a court has restricted the parent's access to the  
14 information;

15 (3) the child is in the permanent managing  
16 conservatorship of the department and the parent has not  
17 participated in the child's case for at least six months despite the  
18 department's efforts to involve the parent;

19 (4) the parent's rights have been terminated; or

20 (5) the department has documented in the child's case  
21 file that it is not in the best interest of the child to involve the  
22 parent in case planning.

23 (i) The department is not required to provide notice of a  
24 significant event under this section to the child-placing agency  
25 responsible for the placement of a child in the managing  
26 conservatorship of the department, a foster parent, a prospective  
27 adoptive parent, a relative of the child providing care to the

1 child, or the director of the group home or general residential  
2 operation where the child resides if that agency or individual is  
3 required under a contract or other agreement to provide notice of  
4 the significant event to the department.

5 (j) A person entitled to notice from the department under  
6 this section shall provide the department with current contact  
7 information, including the person's e-mail address and the  
8 telephone number at which the person may most easily be reached.  
9 The person shall update the person's contact information as soon as  
10 possible after a change to the information. The department is not  
11 required to provide notice under this section to a person who fails  
12 to provide contact information to the department. The department  
13 may rely on the most recently provided contact information in  
14 providing notice under this section.

15 (k) To facilitate timely notification under this section, a  
16 residential child-care facility contracting with the department  
17 for 24-hour care shall notify the department, in the time provided  
18 by the facility's contract, of a significant event for a child who  
19 is in the conservatorship of the department and residing in the  
20 facility.

21 (l) The executive commissioner of the Health and Human  
22 Services Commission shall adopt rules necessary to implement this  
23 section using a negotiated rulemaking process under Chapter 2008,  
24 Government Code.

25 SECTION 49. Section 264.101(a), Family Code, is amended to  
26 read as follows:

27 (a) The department may pay the cost of foster care for a

1 child only if:

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

9 (2) the department:

10 (A) has initiated suit and been named conservator  
11 of the child; or

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

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

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

27 (b-1) Notwithstanding Subsection (b), the department shall

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

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

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

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

19 ~~[(2) a local intellectual and developmental~~  
20 ~~disability authority, or~~

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

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

25 Sec. 264.1085. FOSTER CARE PLACEMENT IN COMPLIANCE WITH  
26 FEDERAL LAW REQUIRED. The department or a licensed child-placing  
27 agency making a foster care placement shall comply with the

1 Multiethnic Placement Act of 1994 (42 U.S.C. Section 1996b).

2 SECTION 53. The heading to Section 264.110, Family Code, is  
3 amended to read as follows:

4 Sec. 264.110. PROSPECTIVE FOSTER OR ADOPTIVE PARENT  
5 STATEMENT [~~REGISTRY~~].

6 SECTION 54. Section 264.110(d), Family Code, is amended to  
7 read as follows:

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

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

17 (e) The department shall ensure that each youth acquires a  
18 copy and a certified copy of the youth's birth certificate, a social  
19 security card or replacement social security card, as appropriate,  
20 and a personal identification certificate under Chapter 521,  
21 Transportation Code, on or before the date on which the youth turns  
22 16 years of age. The department shall designate one or more  
23 employees in the Preparation for Adult Living Program as the  
24 contact person to assist a youth who has not been able to obtain the  
25 documents described by this subsection in a timely manner from the  
26 youth's primary caseworker. The department shall ensure that:

27 (1) all youth who are age 16 or older are provided with

1 the contact information for the designated employees; and

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

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

10 SECTION 56. Section 264.014, Family Code, is transferred to  
11 Section 264.121, Family Code, redesignated as Section  
12 264.121(e-1), Family Code, and amended to read as follows:

13 (e-1) [~~Sec. 264.014. PROVISION OF COPIES OF CERTAIN~~  
14 ~~RECORDS.~~] If, at the time a youth [~~child~~] is discharged from foster  
15 care, the youth [~~child~~] is at least 18 years of age or has had the  
16 disabilities of minority removed, the department shall provide to  
17 the youth [~~child~~], not later than the 30th day before the date the  
18 youth [~~child~~] is discharged from foster care, the following  
19 information and documents unless the youth already has the  
20 information or document [a copy of]:

- 21 (1) the youth's [~~child's~~] birth certificate;
- 22 (2) the youth's [~~child's~~] immunization records;
- 23 (3) the information contained in the youth's [~~child's~~]  
24 health passport;
- 25 (4) a personal identification certificate under  
26 Chapter 521, Transportation Code;
- 27 (5) a social security card or a replacement social



1 security card, if appropriate; and

2 (6) proof of enrollment in Medicaid, if appropriate.

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

5 Sec. 264.126. REDESIGN IMPLEMENTATION PLAN. (a) The  
6 department shall develop and maintain a plan for implementing the  
7 foster care redesign required by Chapter 598 (S.B. 218), Acts of the  
8 82nd Legislature, Regular Session, 2011. The plan must:

9 (1) describe the department's expectations, goals, and  
10 approach to implementing foster care redesign;

11 (2) include a timeline for implementing the foster  
12 care redesign throughout this state, any limitations related to the  
13 implementation, and a progressive intervention plan and a  
14 contingency plan to provide continuity of foster care service  
15 delivery if a contract with a single source continuum contractor  
16 ends prematurely;

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

21 (4) identify any training needs and include long-range  
22 and continuous plans for training and cross-training staff;

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

26 (6) include the department's contract monitoring  
27 approach and a plan for evaluating the performance of each

1 contractor and the foster care redesign system as a whole that  
2 includes an independent evaluation of processes and outcomes; and  
3 (7) include a report on transition issues resulting  
4 from implementation of the foster care redesign.

5 (b) The department shall annually:

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

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

12 SECTION 58. The heading to Section 264.207, Family Code, is  
13 amended to read as follows:

14 Sec. 264.207. HOME STUDY REQUIRED BEFORE ADOPTION  
15 [~~DEPARTMENT PLANNING AND ACCOUNTABILITY~~].

16 SECTION 59. Section 264.207(a), Family Code, is amended to  
17 read as follows:

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

25 [~~(1) be designed to increase the accountability of the~~  
26 ~~department to individuals who receive services and to the public,~~  
27 ~~and~~

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

3           SECTION 60. Section 264.302(e), Family Code, is amended to  
4 read as follows:

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

9           (1) ~~[a court under Section 264.304,~~  
10 ~~[(2)] a juvenile court or probation department as part~~  
11 of a progressive sanctions program under Chapter 59;

12           (2) ~~[(3)]~~ a law enforcement officer or agency under  
13 Section 52.03; or

14           (3) ~~[(4)]~~ a justice or municipal court under Article  
15 45.057, Code of Criminal Procedure.

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

19           SUBCHAPTER A. PREVENTION AND EARLY INTERVENTION SERVICES

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

23           Sec. 265.005. STRATEGIC PLAN. (a) The department shall  
24 develop and implement a five-year strategic plan for prevention and  
25 early intervention services. Not later than September 1 of the last  
26 fiscal year in each five-year period, the department shall issue a  
27 new strategic plan for the next five fiscal years beginning with the

1 following fiscal year.

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

3 (1) identify methods to leverage other sources of  
4 funding or provide support for existing community-based prevention  
5 efforts;

6 (2) include a needs assessment that identifies  
7 programs to best target the needs of the highest risk populations  
8 and geographic areas;

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

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

13 (5) identify additional methods of measuring program  
14 effectiveness and results or outcomes;

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

17 (7) identify specific strategies to implement the plan  
18 and to develop measures for reporting on the overall progress  
19 toward the plan's goals.

20 (c) The department shall coordinate with interested parties  
21 and communities in developing the strategic plan under this  
22 section.

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

25 (e) The department shall post the strategic plan developed  
26 under this section and any update to the plan on its Internet  
27 website.

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

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

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

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

11 (2) "Primary prevention" means services and  
12 activities available to the community at large or to families to  
13 prevent child abuse and neglect before it occurs. The term includes  
14 infant mortality prevention education programs.

15 (3) "Operating fund" means the Department of Family  
16 and Protective Services child abuse and neglect prevention  
17 operating fund account.

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

20 (A) is in the executive branch of the state  
21 government;

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

24 (C) has statewide jurisdiction.

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

27 Sec. 265.052 [~~40.102~~]. CHILD ABUSE AND NEGLECT PRIMARY

1 PREVENTION PROGRAMS. (a) The department shall operate the  
2 children's trust fund to:

3 (1) set policy, offer resources for community primary  
4 prevention programs, and provide information and education on  
5 prevention of child abuse and neglect;

6 (2) develop a state plan for expending funds for child  
7 abuse and neglect primary prevention programs that includes an  
8 annual schedule of transfers of trust fund money to the operating  
9 fund;

10 (3) develop eligibility criteria for applicants  
11 requesting funding for child abuse and neglect primary prevention  
12 programs; and

13 (4) establish funding priorities for child abuse and  
14 neglect primary prevention programs.

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

18 (c) The department may:

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

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

25 Sec. 265.053 [~~40.104~~]. ADMINISTRATIVE AND OTHER COSTS.

26 (a) Administrative costs under this subchapter during any fiscal  
27 year may not exceed an amount equal to 50 percent of the interest

1 credited to the trust fund during the preceding fiscal year.

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

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

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

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

21 (d) The trust fund is exempt from the application of Section  
22 403.095, Government Code.

23 (e) All marriage license fees and other fees collected for  
24 and deposited in the trust fund and interest earned on the trust  
25 fund balance shall be appropriated each biennium only to the  
26 operating fund for [~~primary~~] child abuse and neglect primary  
27 prevention programs.

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

2       (a) The operating fund is an account in the general revenue fund.

3           (b) Administrative and other costs allowed in Section  
4 265.053 [~~40.104~~] shall be taken from the operating fund. The  
5 department may transfer funds contained in the operating fund to  
6 the trust fund at any time.

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

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

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

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

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

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

24          SECTION 64. Section 40.0561, Human Resources Code, is  
25 transferred to Subchapter B, Chapter 265, Family Code, as  
26 transferred and redesignated from Subchapter D, Chapter 40, Human  
27 Resources Code, by this Act, and redesignated as Section 265.057,



1 Family Code, to read as follows:

2       Sec. 265.057 [~~40.0561~~]. COMMUNITY YOUTH DEVELOPMENT  
3 GRANTS. (a) Subject to available funding, the department shall  
4 award community youth development grants to communities identified  
5 by incidence of crime. The department shall give priority in  
6 awarding grants under this section to areas of the state in which  
7 there is a high incidence of juvenile crime.

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

11       SECTION 65. Section 266.004, Family Code, is amended by  
12 amending Subsections (e) and (f) and adding Subsection (k) to read  
13 as follows:

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

23       (f) If a physician who has examined or treated the foster  
24 child has concerns regarding the medical care provided to the  
25 foster child, the physician may file a letter with the court stating  
26 the reasons for the physician's concerns. The court shall provide a  
27 copy of the letter to each person entitled to notice under Section

1 263.0021(b) [~~263.301(b)~~].

2 (k) The department may consent to health care services  
3 ordered or prescribed by a health care provider authorized to order  
4 or prescribe health care services regardless of whether the  
5 services are provided under the medical assistance program under  
6 Chapter 32, Human Resources Code, if the department otherwise has  
7 the authority under this section to consent to health care  
8 services.

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

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

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

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

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

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

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

25 SECTION 67. Section 266.010(b), Family Code, is amended to  
26 read as follows:

27 (b) A court with continuing jurisdiction may make the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26                   ~~[(Q) a person 14 years of age or older who will be~~  
27 ~~regularly or frequently working or staying in a host home that is~~

1 ~~providing supervised independent living services to a young adult~~  
2 ~~receiving extended foster care services from the Department of~~  
3 ~~Family and Protective Services; or~~

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

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

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

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

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

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

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

1 (i) the alleged perpetrator is the subject  
2 of the criminal history record information; and

3 (ii) the Department of Family and  
4 Protective Services determines that the release of information to  
5 the adult is necessary to ensure the safety or welfare of the  
6 alleged victim or the adult; or

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

11 (i) the alleged perpetrator is the subject  
12 of the criminal history record information; and

13 (ii) the Department of Family and  
14 Protective Services determines that the release of information to  
15 the elderly or disabled person or adult is necessary to ensure the  
16 safety or welfare of the elderly or disabled person.

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

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

24 (b) This section takes effect only if H.B. 2304, S.B. 200,  
25 or similar legislation of the 84th Legislature, Regular Session,  
26 2015, providing for the continuation of the Department of Family  
27 and Protective Services is not enacted or does not become law. If

1 H.B. 2304, S.B. 200, or similar legislation of the 84th  
2 Legislature, Regular Session, 2015, is enacted, becomes law, and  
3 provides for the continuation of the department, this section has  
4 no effect.

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

7 Sec. 40.030. ADVISORY COMMITTEES. (a) The executive  
8 commissioner or the executive commissioner's designee may appoint  
9 advisory committees in accordance with Chapter 2110, Government  
10 Code.

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

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

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

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

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

26 (3) appointment procedures for an advisory committee;

27 (4) terms for advisory committee members; and



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

2           SECTION 71. Section 40.037(a), Human Resources Code, is  
3 amended to read as follows:

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

10          SECTION 72. Section 40.0524(a), Human Resources Code, is  
11 amended to read as follows:

12          (a) In a jurisdiction for which a children's advocacy center  
13 has not been established under Section 264.402, Family Code, the  
14 department shall, to [~~To~~] the extent possible, [~~the department~~  
15 ~~shall~~] establish multidisciplinary teams to provide services  
16 relating to a report of child abuse or neglect. A multidisciplinary  
17 team shall include professionals in parent education and in each  
18 professional discipline necessary to provide comprehensive medical  
19 and psychological services to a child who is the subject of a report  
20 and to members of the child's household.

21          SECTION 73. Subchapter C, Chapter 40, Human Resources Code,  
22 is amended by adding Section 40.05275 to read as follows:

23          Sec. 40.05275. ANNUAL BUSINESS PLAN FOR CHILD PROTECTIVE  
24 SERVICES. (a) The department shall develop and implement an  
25 annual business plan for the child protective services program to  
26 prioritize the department's activities and resources to improve the  
27 program.

1       (b) The department shall coordinate with the department's  
2 regional staff in developing the annual business plan under this  
3 section.

4       (c) The annual business plan developed under this section  
5 must include:

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

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

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

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

13                   (B) the specific tasks and deliverables  
14 expected;

15                   (C) the resources needed to accomplish each  
16 project;

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

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

22       (d) Not later than October 1 of each year, the department  
23 shall submit the annual business plan developed under this section  
24 to the governor, lieutenant governor, speaker of the house of  
25 representatives, and chairs of the standing committees of the  
26 senate and house of representatives having primary jurisdiction  
27 over child protection issues.

1 SECTION 74. The heading to Section 40.0528, Human Resources  
2 Code, is amended to read as follows:

3 Sec. 40.0528. GOALS FOR ANNUAL BUSINESS [~~COMPREHENSIVE~~  
4 ~~STAFFING AND WORKLOAD DISTRIBUTION~~] PLAN FOR CHILD PROTECTIVE  
5 SERVICES; REPORTING CASELOAD INFORMATION.

6 SECTION 75. Section 40.0528(a), Human Resources Code, is  
7 amended to read as follows:

8 (a) The department shall consider the following goals in  
9 developing the annual business plan required under Section 40.05275  
10 [~~develop and implement a staffing and workload distribution plan~~]  
11 for the child protective services program [~~to~~]:

- 12 (1) reducing [~~reduce~~] caseloads;
- 13 (2) enhancing [~~enhance~~] accountability;
- 14 (3) improving [~~improve~~] the quality of  
15 investigations;
- 16 (4) eliminating [~~eliminate~~] delays; and
- 17 (5) ensuring [~~ensure~~] the most efficient and effective  
18 use of child protective services staff and resources.

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

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

26 Sec. 40.075 [~~54.001~~]. PROTECTIVE ORDERS. (a) The  
27 executive commissioner shall adopt rules to provide procedures for

1 the filing of protective orders by the Department of Family and  
2 Protective Services for the protection of a member of a family or  
3 household as provided by Title 4, Family Code.

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

15 SECTION 77. Section 42.048(f), Human Resources Code, is  
16 amended to read as follows:

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

22 SECTION 78. Section 42.050, Human Resources Code, as  
23 amended by S.B. 219, Acts of the 84th Legislature, Regular Session,  
24 2015, is amended to read as follows:

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

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

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

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

12 (1) renewal periods;

13 (2) a process for staggered renewals;

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

16 (4) expiration dates; and

17 (5) conditions for renewal.

18 SECTION 79. Section 42.052, Human Resources Code, is  
19 amended by amending Subsections (a) and (e) and adding Subsections  
20 (e-1) and (f-1) to read as follows:

21 (a) A state-operated child-care facility or child-placing  
22 agency must receive certification of approval from the department.  
23 The certification of approval remains valid until the certification  
24 expires, is revoked, or is surrendered.

25 (e) A registration [~~or listing~~] remains valid until the  
26 registration expires, is revoked, or is surrendered. The operator  
27 of a registered home must display the registration in a prominent

1 place at the home.

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

4 (f-1) The executive commissioner shall adopt rules  
5 governing the certification and registration renewal process for  
6 all certifications and registrations issued under this chapter.

7 The rules must include:

8 (1) renewal periods;

9 (2) a process for staggered renewals;

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

12 (4) expiration dates; and

13 (5) conditions for renewal.

14 SECTION 80. Section 42.054, Human Resources Code, is  
15 amended by amending Subsections (a), (b), (c), (d), and (e) and  
16 adding Subsection (h) to read as follows:

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

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

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

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

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

11 (h) The executive commissioner by rule shall set fees under  
12 this section.

13 SECTION 81. Subchapter D, Chapter 42, Human Resources Code,  
14 is amended by adding Section 42.0704 to read as follows:

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

18 (b) The enforcement policy must:

19 (1) summarize the department's general expectations in  
20 enforcing this chapter;

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

23 (3) describe the department's plan for strengthening  
24 its enforcement efforts and for making objective regulatory  
25 decisions.

26 (c) As part of the enforcement policy, the department shall  
27 develop and implement a methodology for determining the appropriate

1 disciplinary action to take against a person who violates this  
2 chapter or a department rule. The methodology must provide  
3 guidance on when to use each of the available tools of enforcement,  
4 including technical assistance, voluntary plans of action,  
5 evaluation, probation, suspension or revocation of a license or  
6 registration, denial of a license or registration, administrative  
7 penalties, and emergency suspension. The methodology must allow  
8 the department to consider the circumstances of a particular case,  
9 including the nature and seriousness of the violation, history of  
10 previous violations, and aggravating and mitigating factors, in  
11 determining the appropriate disciplinary action.

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

15 SECTION 82. Section 42.078(a-2), Human Resources Code, is  
16 amended to read as follows:

17 (a-2) The department may impose an administrative penalty  
18 without first imposing a nonmonetary administrative sanction for  
19 violating a minimum standard applicable to a facility or family  
20 home under this chapter that is determined by the department to be a  
21 high-risk standard, including background check standards, safety  
22 hazard standards, and supervision standards [~~the following~~  
23 ~~violations:~~

24 [~~(1) failing to timely submit the information required~~  
25 ~~to conduct a background and criminal history check under Section~~  
26 ~~42.056 and applicable department rules on two or more occasions,~~

27 [~~(2) failing to submit the information required to~~



1 ~~conduct a background and criminal history check under Section~~  
2 ~~42.056 and applicable department rules before the 30th day after~~  
3 ~~the date the facility or family home is notified by the department~~  
4 ~~that the information is overdue;~~

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

9 ~~[(4) knowingly allowing a person to be present in a~~  
10 ~~facility or family home when the person's background and criminal~~  
11 ~~history check has been received and contains criminal history or~~  
12 ~~central registry findings that under department rules preclude the~~  
13 ~~person from being present in the facility or family home; or~~

14 ~~[(5) violating a condition or restriction the~~  
15 ~~department places on a person's presence at a facility or family~~  
16 ~~home as part of a pending or approved risk evaluation of the~~  
17 ~~person's background and criminal history or central registry~~  
18 ~~findings].~~

19 SECTION 83. Subchapter D, Chapter 42, Human Resources Code,  
20 is amended by adding Section 42.079 to read as follows:

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

27 (b) A violation of an order under this section constitutes

1 grounds for imposing an administrative penalty under Section  
2 42.078.

3 SECTION 84. 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 85. Section 244.0106(c), Human Resources Code, is  
18 amended to read as follows:

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

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

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

24 (B) require a child's caseworker to visit the  
25 child in person at least once each month while the child is  
26 committed to the department;

27 (2) the department to:

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

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

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

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

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

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

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

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

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

27 (v) a report of abuse or neglect of the

1 child; and

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

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

9 SECTION 86. The following provisions, including provisions  
10 amended by S.B. 219, Acts of the 84th Legislature, Regular Session,  
11 2015, are repealed:

- 12 (1) Section [162.302](#), Family Code;
- 13 (2) Section [162.303](#), Family Code;
- 14 (3) Sections [162.304](#)(c), (d), and (e), Family Code;
- 15 (4) Section [162.308](#), Family Code;
- 16 (5) Section [162.309](#), Family Code;
- 17 (6) Section [261.004](#), Family Code;
- 18 (7) Section [261.203](#)(d), Family Code;
- 19 (8) Section [261.3012](#), Family Code;
- 20 (9) Sections [261.308](#)(b) and (c), Family Code;
- 21 (10) Section [261.310](#)(c), Family Code;
- 22 (11) Section [261.3101](#), Family Code;
- 23 (12) Section [262.1041](#), Family Code;
- 24 (13) Section [262.105](#)(b), Family Code;
- 25 (14) Section [263.008](#)(a)(2), Family Code;
- 26 (15) Sections [263.009](#)(c), (d), (e), and (f), Family  
27 Code;

- 1 (16) Sections 263.102(c) and (g), Family Code;
- 2 (17) Section 263.306(a), Family Code, as amended by
- 3 Chapters 191 (S.B. 352), 204 (H.B. 915), and 688 (H.B. 2619), Acts
- 4 of the 83rd Legislature, Regular Session, 2013;
- 5 (18) Section 263.306(b), Family Code;
- 6 (19) Sections 263.501(d) and (e), Family Code;
- 7 (20) Sections 263.502(b), (c), and (d), Family Code;
- 8 (21) Section 263.503, Family Code;
- 9 (22) Sections 264.002(a), (b), (c), and (d), Family
- 10 Code;
- 11 (23) Section 264.012, Family Code;
- 12 (24) Section 264.016, Family Code;
- 13 (25) Sections 264.107(a), (c), and (d), Family Code;
- 14 (26) Section 264.1071, Family Code;
- 15 (27) Section 264.108, Family Code;
- 16 (28) Sections 264.110(a), (b), (c), (e), (f), (g), and
- 17 (h), Family Code;
- 18 (29) Section 264.111, Family Code;
- 19 (30) Section 264.117, Family Code;
- 20 (31) Section 264.119, Family Code;
- 21 (32) Section 264.207(b), Family Code;
- 22 (33) Section 264.208, Family Code;
- 23 (34) Section 264.303, Family Code;
- 24 (35) Section 264.304, Family Code;
- 25 (36) Section 264.305, Family Code;
- 26 (37) Section 264.306, Family Code;
- 27 (38) Section 264.752(b), Family Code;

- 1 (39) Section 264.851(1), Family Code;
- 2 (40) Section 266.001(4), Family Code;
- 3 (41) Section 266.005, Family Code;
- 4 (42) Section 40.001(5), Human Resources Code;
- 5 (43) Section 40.0305, Human Resources Code;
- 6 (44) Section 40.031, Human Resources Code;
- 7 (45) Section 40.0324, Human Resources Code;
- 8 (46) Section 40.0327, Human Resources Code;
- 9 (47) Section 40.036, Human Resources Code;
- 10 (48) Sections 40.037(b) and (c), Human Resources Code;
- 11 (49) Section 40.052, Human Resources Code;
- 12 (50) Section 40.0523, Human Resources Code;
- 13 (51) Section 40.0524(d), Human Resources Code;
- 14 (52) Section 40.0525, Human Resources Code;
- 15 (53) Sections 40.0528(b) and (c), Human Resources
- 16 Code;
- 17 (54) Section 40.0566, Human Resources Code;
- 18 (55) Section 40.069, Human Resources Code; and
- 19 (56) Section 40.073, Human Resources Code.

20 SECTION 87. Not later than January 1, 2016, the executive  
21 commissioner of the Health and Human Services Commission shall  
22 adopt rules necessary to implement the changes in law made by this  
23 Act.

24 SECTION 88. Not later than January 1, 2016, the Department  
25 of Family and Protective Services shall seek public input for the  
26 initial report required under Section 264.017, Family Code, as  
27 added by this Act.

1           SECTION 89. Not later than September 1, 2016, the  
2 Department of Family and Protective Services shall adopt the  
3 initial strategic plan required by Section 265.005, Family Code, as  
4 added by this Act.

5           SECTION 90. Section 42.078, Human Resources Code, as  
6 amended by this Act, applies only to a violation that occurs on or  
7 after the effective date of this Act. A violation that occurs  
8 before the effective date of this Act is governed by the law in  
9 effect at the time the violation occurred, and the former law is  
10 continued in effect for that purpose.

11          SECTION 91. (a) Except as otherwise provided by this  
12 section, this Act takes effect September 1, 2015.

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