

1-1 By: Schwertner, et al. S.B. No. 206
 1-2 (In the Senate - Filed March 5, 2015; March 9, 2015, read
 1-3 first time and referred to Committee on Health and Human Services;
 1-4 April 7, 2015, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 7, 2015,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 206 By: Schwertner

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the functions of the Department of Family and
 1-22 Protective Services and procedures applicable to suits affecting
 1-23 the parent-child relationship, investigations of child abuse and
 1-24 neglect, and conservatorship of a child; affecting fee amounts and
 1-25 authorizing an administrative penalty.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-27 SECTION 1. Section 25.001, Education Code, is amended by
 1-28 amending Subsection (g) and adding Subsection (g-1) to read as
 1-29 follows:

1-30 (g) A student who was enrolled in a primary or secondary
 1-31 public school before the student entered ~~[who is placed in]~~ the
 1-32 conservatorship of the Department of Family and Protective Services
 1-33 and who is placed at a residence outside the attendance area for the
 1-34 school or outside the school district is entitled to continue to
 1-35 attend the school in which the student was enrolled immediately
 1-36 before entering conservatorship until the student successfully
 1-37 completes the highest grade level offered by the school at the time
 1-38 of placement without payment of tuition. The student is entitled to
 1-39 continue to attend the school regardless of whether the student
 1-40 remains in the conservatorship of the department for the duration
 1-41 of the student's enrollment in the school.

1-42 (g-1) If a student who is in the conservatorship of the
 1-43 department is enrolled in a primary or secondary public school,
 1-44 other than the school in which the student was enrolled at the time
 1-45 the student was placed in the conservatorship of the department,
 1-46 the student is entitled to continue to attend that school without
 1-47 payment of tuition until the student successfully completes the
 1-48 highest grade level offered by the school at the time of enrollment
 1-49 in the school, even if the child's placement is changed to a
 1-50 residence outside the attendance area for that school or outside
 1-51 the school district. The student is entitled to continue to attend
 1-52 the school regardless of whether the student remains in the
 1-53 conservatorship of the department for the duration of the student's
 1-54 enrollment in the school.

1-55 SECTION 2. Section 25.087(b), Education Code, as amended by
 1-56 Chapter 249 (H.B. 455), Chapter 688 (H.B. 2619), and Chapter 1354
 1-57 (S.B. 1404), Acts of the 83rd Legislature, Regular Session, 2013,
 1-58 is reenacted and amended to read as follows:

1-59 (b) A school district shall excuse a student from attending
 1-60 school for:

2-1 (1) the following purposes, including travel for those
2-2 purposes:
2-3 (A) observing religious holy days;
2-4 (B) attending a required court appearance;
2-5 (C) appearing at a governmental office to
2-6 complete paperwork required in connection with the student's
2-7 application for United States citizenship;
2-8 (D) taking part in a United States naturalization
2-9 oath ceremony;
2-10 (E) serving as an election clerk; or
2-11 [~~(F) for a child in the conservatorship of the~~
2-12 ~~Department of Family and Protective Services, attending a mental~~
2-13 ~~health or therapy appointment or family visitation as ordered by a~~
2-14 ~~court under Chapter 262 or 263, Family Code; or]~~
2-15 (F) if the student is in the conservatorship of
2-16 the Department of Family and Protective Services, participating, as
2-17 determined and documented by the department, in an activity:
2-18 (i) ordered by a court under Chapter 262 or
2-19 263, Family Code, provided that it is not practicable to schedule
2-20 the participation outside of school hours; or
2-21 (ii) required under a service plan under
2-22 Subchapter B, Chapter 263, Family Code; or
2-23 (2) a temporary absence resulting from an appointment
2-24 with health care professionals for the student or the student's
2-25 child if the student commences classes or returns to school on the
2-26 same day of the appointment
2-27 [~~(2) a temporary absence resulting from an appointment~~
2-28 ~~with a health care professional if that student commences classes~~
2-29 ~~or returns to school on the same day of the appointment].~~
2-30 SECTION 3. Section 54.366, Education Code, is amended by
2-31 adding Subsection (c) to read as follows:
2-32 (c) Notwithstanding Subsection (a)(1), a child who exits
2-33 the conservatorship of the Department of Family and Protective
2-34 Services and is returned to the child's parent, including a parent
2-35 whose parental rights were previously terminated, may be exempt
2-36 from the payment of tuition and fees if the department determines
2-37 that the child is eligible under department rule. The executive
2-38 commissioner of the Health and Human Services Commission shall by
2-39 rule develop factors for determining eligibility under this
2-40 subsection in consultation with the department and the Texas Higher
2-41 Education Coordinating Board.
2-42 SECTION 4. Section 51.03(b), Family Code, is amended to
2-43 read as follows:
2-44 (b) Conduct indicating a need for supervision is:
2-45 (1) subject to Subsection (f), conduct, other than a
2-46 traffic offense, that violates:
2-47 (A) the penal laws of this state of the grade of
2-48 misdemeanor that are punishable by fine only; or
2-49 (B) the penal ordinances of any political
2-50 subdivision of this state;
2-51 (2) the absence of a child on 10 or more days or parts
2-52 of days within a six-month period in the same school year or on
2-53 three or more days or parts of days within a four-week period from
2-54 school;
2-55 (3) the voluntary absence of a child from the child's
2-56 home without the consent of the child's parent or guardian for a
2-57 substantial length of time or without intent to return;
2-58 (4) conduct prohibited by city ordinance or by state
2-59 law involving the inhalation of the fumes or vapors of paint and
2-60 other protective coatings or glue and other adhesives and the
2-61 volatile chemicals itemized in Section 485.001, Health and Safety
2-62 Code;
2-63 (5) an act that violates a school district's
2-64 previously communicated written standards of student conduct for
2-65 which the child has been expelled under Section 37.007(c),
2-66 Education Code;
2-67 (6) [~~conduct that violates a reasonable and lawful~~
2-68 ~~order of a court entered under Section 264.305,~~
2-69 [~~(7)~~] notwithstanding Subsection (a)(1), conduct

3-1 described by Section 43.02(a)(1) or (2), Penal Code; or
3-2 (7) ~~[(8)]~~ notwithstanding Subsection (a)(1), conduct
3-3 that violates Section 43.261, Penal Code.

3-4 SECTION 5. The heading to Section 58.0052, Family Code, is
3-5 amended to read as follows:

3-6 Sec. 58.0052. INTERAGENCY SHARING OF CERTAIN
3-7 NONEDUCATIONAL RECORDS.

3-8 SECTION 6. Subchapter A, Chapter 58, Family Code, is
3-9 amended by adding Section 58.0053 to read as follows:

3-10 Sec. 58.0053. INTERAGENCY SHARING OF JUVENILE PROBATION
3-11 RECORDS. (a) On request by the Department of Family and
3-12 Protective Services, a juvenile probation officer shall disclose to
3-13 the department the terms of probation of a child in the department's
3-14 conservatorship.

3-15 (b) To the extent of a conflict between this section and
3-16 another law of this state applicable to confidential information
3-17 held by a governmental agency, this section controls.

3-18 (c) This section does not affect the confidential status of
3-19 the information being shared. The information may be released to a
3-20 third party only as directed by a court order or as otherwise
3-21 authorized by law. Personally identifiable information disclosed
3-22 to the Department of Family and Protective Services under this
3-23 section is not subject to disclosure to a third party under Chapter
3-24 552, Government Code.

3-25 (d) The Department of Family and Protective Services shall
3-26 enter into a memorandum of understanding with the Texas Juvenile
3-27 Justice Department to adopt procedures for handling information
3-28 requests under this section.

3-29 SECTION 7. Chapter 101, Family Code, is amended by adding
3-30 Sections 101.0133 and 101.0134 to read as follows:

3-31 Sec. 101.0133. FOSTER CARE. "Foster care" means the
3-32 placement of a child who is in the conservatorship of the Department
3-33 of Family and Protective Services and in care outside the child's
3-34 home in an agency foster group home, agency foster home, foster
3-35 group home, foster home, or another facility licensed or certified
3-36 under Chapter 42, Human Resources Code, in which care is provided
3-37 for 24 hours a day.

3-38 Sec. 101.0134. FOSTER CHILD. "Foster child" means a child
3-39 who is in the managing conservatorship of the Department of Family
3-40 and Protective Services.

3-41 SECTION 8. Section 103.001(b), Family Code, is amended to
3-42 read as follows:

3-43 (b) A suit in which adoption is requested may be filed in the
3-44 county where the child resides or in the county where the
3-45 petitioners reside, regardless of whether another court has
3-46 continuing exclusive jurisdiction under Chapter 155. A court that
3-47 has continuing exclusive jurisdiction is not required to transfer
3-48 the suit affecting the parent-child relationship to the court in
3-49 which the adoption suit is filed.

3-50 SECTION 9. Section 104.007(b), Family Code, is amended to
3-51 read as follows:

3-52 (b) In a proceeding brought by the Department of Family and
3-53 Protective ~~[and Regulatory]~~ Services concerning a child who is
3-54 alleged in a suit to have been abused or neglected, the court may
3-55 order~~[, with the agreement of the state's counsel and the~~
3-56 ~~defendant's counsel,~~ that the testimony of a professional be taken
3-57 outside the courtroom by videoconference:

3-58 (1) on the agreement of the department's counsel and
3-59 respondent's counsel; or

3-60 (2) if good cause exists, on the court's own motion.

3-61 SECTION 10. Section 155.001(c), Family Code, is amended to
3-62 read as follows:

3-63 (c) If a court of this state has acquired continuing,
3-64 exclusive jurisdiction, no other court of this state has
3-65 jurisdiction of a suit with regard to that child except as provided
3-66 by this chapter, Section 103.001(b), or Chapter 262.

3-67 SECTION 11. Section 161.001(b), Family Code, as amended by
3-68 S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is
3-69 amended to read as follows:

4-1 (b) The court may order termination of the parent-child
4-2 relationship if the court finds by clear and convincing evidence:
4-3 (1) that the parent has:
4-4 (A) voluntarily left the child alone or in the
4-5 possession of another not the parent and expressed an intent not to
4-6 return;
4-7 (B) voluntarily left the child alone or in the
4-8 possession of another not the parent without expressing an intent
4-9 to return, without providing for the adequate support of the child,
4-10 and remained away for a period of at least three months;
4-11 (C) voluntarily left the child alone or in the
4-12 possession of another without providing adequate support of the
4-13 child and remained away for a period of at least six months;
4-14 (D) knowingly placed or knowingly allowed the
4-15 child to remain in conditions or surroundings which endanger the
4-16 physical or emotional well-being of the child;
4-17 (E) engaged in conduct or knowingly placed the
4-18 child with persons who engaged in conduct which endangers the
4-19 physical or emotional well-being of the child;
4-20 (F) failed to support the child in accordance
4-21 with the parent's ability during a period of one year ending within
4-22 six months of the date of the filing of the petition;
4-23 (G) abandoned the child without identifying the
4-24 child or furnishing means of identification, and the child's
4-25 identity cannot be ascertained by the exercise of reasonable
4-26 diligence;
4-27 (H) voluntarily, and with knowledge of the
4-28 pregnancy, abandoned the mother of the child beginning at a time
4-29 during her pregnancy with the child and continuing through the
4-30 birth, failed to provide adequate support or medical care for the
4-31 mother during the period of abandonment before the birth of the
4-32 child, and remained apart from the child or failed to support the
4-33 child since the birth;
4-34 (I) contumaciously refused to submit to a
4-35 reasonable and lawful order of a court under Subchapter D, Chapter
4-36 261;
4-37 (J) been the major cause of:
4-38 (i) the failure of the child to be enrolled
4-39 in school as required by the Education Code; or
4-40 (ii) the child's absence from the child's
4-41 home without the consent of the parents or guardian for a
4-42 substantial length of time or without the intent to return;
4-43 (K) executed before or after the suit is filed an
4-44 unrevoked or irrevocable affidavit of relinquishment of parental
4-45 rights as provided by this chapter;
4-46 (L) been convicted or has been placed on
4-47 community supervision, including deferred adjudication community
4-48 supervision, for being criminally responsible for the death or
4-49 serious injury of a child under the following sections of the Penal
4-50 Code, or under a law of another jurisdiction that contains elements
4-51 that are substantially similar to the elements of an offense under
4-52 one of the following Penal Code sections, or adjudicated under
4-53 Title 3 for conduct that caused the death or serious injury of a
4-54 child and that would constitute a violation of one of the following
4-55 Penal Code sections:
4-56 (i) Section 19.02 (murder);
4-57 (ii) Section 19.03 (capital murder);
4-58 (iii) Section 19.04 (manslaughter);
4-59 (iv) Section 21.11 (indecent with a
4-60 child);
4-61 (v) Section 22.01 (assault);
4-62 (vi) Section 22.011 (sexual assault);
4-63 (vii) Section 22.02 (aggravated assault);
4-64 (viii) Section 22.021 (aggravated sexual
4-65 assault);
4-66 (ix) Section 22.04 (injury to a child,
4-67 elderly individual, or disabled individual);
4-68 (x) Section 22.041 (abandoning or
4-69 endangering child);

5-1 (xi) Section 25.02 (prohibited sexual
5-2 conduct);

5-3 (xii) Section 43.25 (sexual performance by
5-4 a child);

5-5 (xiii) Section 43.26 (possession or
5-6 promotion of child pornography);

5-7 (xiv) Section 21.02 (continuous sexual
5-8 abuse of young child or children);

5-9 (xv) Section 20A.02(a)(7) or (8)
5-10 (trafficking of persons); and

5-11 (xvi) Section 43.05(a)(2) (compelling
5-12 prostitution);

5-13 (M) had his or her parent-child relationship
5-14 terminated with respect to another child based on a finding that the
5-15 parent's conduct was in violation of Paragraph (D) or (E) or
5-16 substantially equivalent provisions of the law of another state;

5-17 (N) constructively abandoned the child who has
5-18 been in the permanent or temporary managing conservatorship of the
5-19 Department of Family and Protective Services for not less than six
5-20 months, and:

5-21 (i) the department has made reasonable
5-22 efforts to return the child to the parent;

5-23 (ii) the parent has not regularly visited
5-24 or maintained significant contact with the child; and

5-25 (iii) the parent has demonstrated an
5-26 inability to provide the child with a safe environment;

5-27 (O) failed to comply with the provisions of a
5-28 court order that specifically established the actions necessary for
5-29 the parent to obtain the return of the child who has been in the
5-30 permanent or temporary managing conservatorship of the Department
5-31 of Family and Protective Services for not less than nine months as a
5-32 result of the child's removal from the parent under Chapter 262 for
5-33 the abuse or neglect of the child;

5-34 (P) used a controlled substance, as defined by
5-35 Chapter 481, Health and Safety Code, in a manner that endangered the
5-36 health or safety of the child, and:

5-37 (i) failed to complete a court-ordered
5-38 substance abuse treatment program; or

5-39 (ii) after completion of a court-ordered
5-40 substance abuse treatment program, continued to abuse a controlled
5-41 substance;

5-42 (Q) knowingly engaged in criminal conduct that
5-43 has resulted in the parent's:

5-44 (i) conviction of an offense; and

5-45 (ii) confinement or imprisonment and
5-46 inability to care for the child for not less than two years from the
5-47 date of filing the petition;

5-48 (R) been the cause of the child being born
5-49 addicted to alcohol or a controlled substance, other than a
5-50 controlled substance legally obtained by prescription;

5-51 (S) voluntarily delivered the child to a
5-52 designated emergency infant care provider under Section 262.302
5-53 without expressing an intent to return for the child; or

5-54 (T) been convicted of:

5-55 (i) the murder of the other parent of the
5-56 child under Section 19.02 or 19.03, Penal Code, or under a law of
5-57 another state, federal law, the law of a foreign country, or the
5-58 Uniform Code of Military Justice that contains elements that are
5-59 substantially similar to the elements of an offense under Section
5-60 19.02 or 19.03, Penal Code;

5-61 (ii) criminal attempt under Section 15.01,
5-62 Penal Code, or under a law of another state, federal law, the law of
5-63 a foreign country, or the Uniform Code of Military Justice that
5-64 contains elements that are substantially similar to the elements of
5-65 an offense under Section 15.01, Penal Code, to commit the offense
5-66 described by Subparagraph (i); or

5-67 (iii) criminal solicitation under Section
5-68 15.03, Penal Code, or under a law of another state, federal law, the
5-69 law of a foreign country, or the Uniform Code of Military Justice

6-1 that contains elements that are substantially similar to the
6-2 elements of an offense under Section 15.03, Penal Code, of the
6-3 offense described by Subparagraph (i); and

6-4 (2) that termination is in the best interest of the
6-5 child.

6-6 SECTION 12. Section 162.005(c), Family Code, is transferred
6-7 to Section 162.007, Family Code, and redesignated as Section
6-8 162.007(e), Family Code, to read as follows:

6-9 (e) [~~(e)~~] The report shall include a history of physical,
6-10 sexual, or emotional abuse suffered by the child, if any.

6-11 SECTION 13. The heading to Section 162.006, Family Code, is
6-12 amended to read as follows:

6-13 Sec. 162.006. ACCESS TO HEALTH, SOCIAL, EDUCATIONAL, AND
6-14 GENETIC HISTORY REPORT; RETENTION [~~RIGHT TO EXAMINE RECORDS~~].

6-15 SECTION 14. Section 162.007, Family Code, is amended by
6-16 adding Subsection (f) to read as follows:

6-17 (f) Notwithstanding the other provisions of this section,
6-18 the Department of Family and Protective Services may, in accordance
6-19 with department rule, modify the form and contents of the health,
6-20 social, educational, and genetic history report for a child as the
6-21 department determines appropriate based on:

6-22 (1) the relationship between the prospective adoptive
6-23 parents and the child or the child's birth family;

6-24 (2) the provision of the child's case record to the
6-25 prospective adoptive parents; or

6-26 (3) any other factor specified by department rule.

6-27 SECTION 15. (a) Subsections (a), as amended by S.B. 219,
6-28 Acts of the 84th Legislature, Regular Session, 2015, and (a-1),
6-29 Section 162.006, Family Code, are redesignated as Section 162.0062,
6-30 Family Code, and amended to read as follows:

6-31 Sec. 162.0062. ACCESS TO INFORMATION. (a) Except as
6-32 provided by Subsection (c), the prospective adoptive parents of a
6-33 child are entitled to examine the records and other information
6-34 relating to the history of the child. The Department of Family and
6-35 Protective Services, licensed child-placing agency, or other
6-36 person placing a child for adoption shall inform the prospective
6-37 adoptive parents of their right to examine the records and other
6-38 information relating to the history of the child. The department,
6-39 licensed child-placing agency, or other person placing the child
6-40 for adoption shall edit the records and information to protect the
6-41 identity of the biological parents and any other person whose
6-42 identity is confidential.

6-43 (b) [~~(a-1)~~] The records described by Subsection (a) must
6-44 include any records relating to an investigation of abuse in which
6-45 the child was an alleged or confirmed victim of sexual abuse while
6-46 residing in a foster home or other residential child-care facility.
6-47 If the licensed child-placing agency or other person placing the
6-48 child for adoption does not have the information required by this
6-49 subsection, the department, at the request of the licensed
6-50 child-placing agency or other person placing the child for
6-51 adoption, shall provide the information to the prospective adoptive
6-52 parents of the child.

6-53 (c) If the prospective adoptive parents of a child have
6-54 reviewed the health, social, educational, and genetic history
6-55 report for the child and indicated that they want to proceed with
6-56 the adoption, the department may, but is not required to, allow the
6-57 prospective adoptive parents of the child to examine the records
6-58 and other information relating to the history of the child, unless
6-59 the prospective adoptive parents request the child's case record.
6-60 The department shall provide the child's case record to the
6-61 prospective adoptive parents on the request of the prospective
6-62 adoptive parents.

6-63 (b) Section 162.018, Family Code, as amended by S.B. 219,
6-64 Acts of the 84th Legislature, Regular Session, 2015, is transferred
6-65 to Section 162.0062, Family Code, as added by this section,
6-66 redesignated as Sections 162.0062(d), (e), and (f), Family Code,
6-67 and amended to read as follows:

6-68 (d) [~~Sec. 162.018. ACCESS TO INFORMATION.~~] (a) ~~The~~
6-69 ~~adoptive parents are entitled to receive copies of the records and~~

7-1 ~~other information relating to the history of the child maintained~~
 7-2 ~~by the Department of Family and Protective Services, licensed~~
 7-3 ~~child-placing agency, person, or entity placing the child for~~
 7-4 ~~adoption.~~

7-5 [(b)] The adoptive parents and the adopted child, after the
 7-6 child is an adult, are entitled to receive copies of the records
 7-7 that have been edited to protect the identity of the biological
 7-8 parents and any other person whose identity is confidential and
 7-9 other information relating to the history of the child maintained
 7-10 by the department, licensed child-placing agency, person, or entity
 7-11 placing the child for adoption.

7-12 (e) [(e)] It is the duty of the person or entity placing the
 7-13 child for adoption to edit the records and information to protect
 7-14 the identity of the biological parents and any other person whose
 7-15 identity is confidential.

7-16 (f) [(d)] At the time an adoption order is rendered, the
 7-17 court shall provide to the parents of an adopted child information
 7-18 provided by the vital statistics unit that describes the functions
 7-19 of the voluntary adoption registry under Subchapter E. The
 7-20 licensed child-placing agency shall provide to each of the child's
 7-21 biological parents known to the agency, the information when the
 7-22 parent signs an affidavit of relinquishment of parental rights or
 7-23 affidavit of waiver of interest in a child. The information shall
 7-24 include the right of the child or biological parent to refuse to
 7-25 participate in the registry. If the adopted child is 14 years old
 7-26 or older the court shall provide the information to the child.

7-27 SECTION 16. Section 162.304, Family Code, is amended by
 7-28 amending Subsections (a) and (b-1) and adding Subsection (j) to
 7-29 read as follows:

7-30 (a) The department shall administer a program to provide
 7-31 adoption assistance for eligible children and enter into adoption
 7-32 assistance agreements with the adoptive parents of a child as
 7-33 authorized by Part E of Title IV of the federal Social Security Act,
 7-34 as amended (42 U.S.C. Section 673).

7-35 (b-1) Subject to the availability of funds, the [The]
 7-36 department shall pay a \$150 subsidy each month for the premiums for
 7-37 health benefits coverage for a child with respect to whom a court
 7-38 has entered a final order of adoption if the child:

7-39 (1) was in the conservatorship of the department at
 7-40 the time of the child's adoptive placement;

7-41 (2) after the adoption, is not eligible for medical
 7-42 assistance under Chapter 32, Human Resources Code; and

7-43 (3) is younger than 18 years of age.

7-44 (j) The department shall keep records necessary to evaluate
 7-45 the adoption assistance program's effectiveness in encouraging and
 7-46 promoting the adoption of children.

7-47 SECTION 17. Section 162.3041(d), Family Code, is amended to
 7-48 read as follows:

7-49 (d) The department is not required to provide adoption
 7-50 assistance benefits under Subsection (a) or (a-1) unless funds are
 7-51 appropriated to the department specifically for purposes of those
 7-52 subsections. If the legislature does not appropriate sufficient
 7-53 money to provide adoption assistance to the adoptive parents of all
 7-54 children described by Subsection (a), the department shall provide
 7-55 adoption assistance only to the adoptive parents of children
 7-56 described by Subsection (a)(1). ~~[The department is not required to~~
 7-57 ~~provide adoption assistance benefits under Subsection (a-1) unless~~
 7-58 ~~the department is specifically appropriated funds for purposes of~~
 7-59 ~~that subsection.]~~

7-60 SECTION 18. Subchapter D, Chapter 162, Family Code, is
 7-61 amended by adding Section 162.3085 to read as follows:

7-62 Sec. 162.3085. ADOPTIVE PLACEMENT IN COMPLIANCE WITH
 7-63 FEDERAL LAW REQUIRED. The department or a licensed child-placing
 7-64 agency making an adoptive placement shall comply with the
 7-65 Multiethnic Placement Act of 1994 (42 U.S.C. Section 1996b).

7-66 SECTION 19. Section 261.302, Family Code, is amended by
 7-67 amending Subsection (e) and adding Subsection (e-1) to read as
 7-68 follows:

7-69 (e) An interview with a child in which the allegations of

8-1 the current investigation are discussed and that is conducted by
 8-2 the department during the investigation stage shall be audiotaped
 8-3 or videotaped unless:

8-4 (1) the recording equipment malfunctions and the
 8-5 malfunction is not the result of a failure to maintain the equipment
 8-6 or bring adequate supplies for the equipment;

8-7 (2) the child is unwilling to allow the interview to be
 8-8 recorded after the department makes a reasonable effort consistent
 8-9 with the child's age and development and the circumstances of the
 8-10 case to convince the child to allow the recording; or

8-11 (3) due to circumstances that could not have been
 8-12 reasonably foreseen or prevented by the department, the department
 8-13 does not have the necessary recording equipment because the
 8-14 department employee conducting the interview does not ordinarily
 8-15 conduct interviews.

8-16 (e-1) An interview with a child alleged to be a victim of
 8-17 physical abuse or sexual abuse conducted by an investigating agency
 8-18 other than the department shall be audiotaped or videotaped unless
 8-19 the investigating agency determines that good cause exists for not
 8-20 audiotaping or videotaping the interview in accordance with rules
 8-21 of the agency. Good cause may include, but is not limited to, such
 8-22 considerations as the age of the child and the nature and
 8-23 seriousness of the allegations under investigation. Nothing in
 8-24 this subsection shall be construed as prohibiting the investigating
 8-25 agency from audiotaping or videotaping an interview of a child on
 8-26 any case for which such audiotaping or videotaping is not required
 8-27 under this subsection. The fact that the investigating agency
 8-28 failed to audiotape or videotape an interview is admissible at the
 8-29 trial of the offense that is the subject of the interview.

8-30 SECTION 20. Section 261.3021, Family Code, is amended to
 8-31 read as follows:

8-32 Sec. 261.3021. CASEWORK DOCUMENTATION AND MANAGEMENT.
 8-33 Subject to the appropriation of money [~~for these purposes~~], the
 8-34 department shall[+]

8-35 [~~(1)~~] identify critical investigation actions that
 8-36 impact child safety and require department caseworkers to document
 8-37 those actions in a child's case file not later than the day after
 8-38 the action occurs[+]

8-39 [~~(2) identify and develop a comprehensive set of~~
 8-40 ~~casework quality indicators that must be reported in real time to~~
 8-41 ~~support timely management oversight;~~

8-42 [~~(3) provide department supervisors with access to~~
 8-43 ~~casework quality indicators and train department supervisors on the~~
 8-44 ~~use of that information in the daily supervision of caseworkers;~~

8-45 [~~(4) develop a case tracking system that notifies~~
 8-46 ~~department supervisors and management when a case is not~~
 8-47 ~~progressing in a timely manner;~~

8-48 [~~(5) use current data reporting systems to provide~~
 8-49 ~~department supervisors and management with easier access to~~
 8-50 ~~information; and~~

8-51 [~~(6) train department supervisors and management on~~
 8-52 ~~the use of data to monitor cases and make decisions].~~

8-53 SECTION 21. Section 261.309(d), Family Code, is amended to
 8-54 read as follows:

8-55 (d) The [~~Unless a civil or criminal court proceeding or an~~
 8-56 ~~ongoing criminal investigation relating to the alleged abuse or~~
 8-57 ~~neglect investigated by the department is pending, the] department
 8-58 employee shall conduct the review prescribed by Subsection (c) as
 8-59 soon as possible but not later than the 45th day after the date the
 8-60 department receives the request, unless the department has good
 8-61 cause for extending the deadline. If a civil or criminal court
 8-62 proceeding or an ongoing criminal investigation relating to the
 8-63 alleged abuse or neglect investigated by the department is pending,
 8-64 the department may postpone the review until the court proceeding
 8-65 is completed.~~

8-66 SECTION 22. Section 261.406(b), Family Code, is amended to
 8-67 read as follows:

8-68 (b) The department shall send a copy of the completed report
 8-69 of the department's investigation to the Texas Education Agency.

9-1 On request, the department shall provide a copy of the completed
 9-2 report of the department's investigation to~~[,]~~ the State Board for
 9-3 Educator Certification, the local school board or the school's
 9-4 governing body, the superintendent of the school district, and the
 9-5 school principal or director, unless the principal or director is
 9-6 alleged to have committed the abuse or neglect, for appropriate
 9-7 action. On request, the department shall provide a copy of the
 9-8 report of investigation to the parent, managing conservator, or
 9-9 legal guardian of a child who is the subject of the investigation
 9-10 and to the person alleged to have committed the abuse or neglect.
 9-11 The report of investigation shall be edited to protect the identity
 9-12 of the persons who made the report of abuse or neglect. Other than
 9-13 the persons authorized by the section to receive a copy of the
 9-14 report, Section 261.201(b) applies to the release of the report
 9-15 relating to the investigation of abuse or neglect under this
 9-16 section and to the identity of the person who made the report of
 9-17 abuse or neglect.

9-18 SECTION 23. Section 262.1095(a), Family Code, is amended to
 9-19 read as follows:

9-20 (a) When the Department of Family and Protective Services or
 9-21 another agency takes possession of a child under this chapter, the
 9-22 department:

9-23 (1) shall provide information as prescribed by this
 9-24 section to each adult the department is able to identify and locate
 9-25 who is:

9-26 (A) ~~[is]~~ related to the child within the third
 9-27 degree by consanguinity as determined under Chapter 573, Government
 9-28 Code;

9-29 (B) ~~[, or is]~~ an adult relative of the alleged
 9-30 father of the child if ~~[who]~~ the department has a reasonable basis
 9-31 to believe the alleged father is ~~[determines is most likely to be]~~
 9-32 the child's biological father; or ~~[and]~~

9-33 (C) ~~[(B) is]~~ identified as a potential relative
 9-34 or designated caregiver, as defined by Section 264.751, on the
 9-35 proposed child placement resources form provided under Section
 9-36 261.307; and

9-37 (2) may provide information as prescribed by this
 9-38 section to each adult the department is able to identify and locate
 9-39 who has a long-standing and significant relationship with the
 9-40 child.

9-41 SECTION 24. Section 262.114(b), Family Code, is amended to
 9-42 read as follows:

9-43 (b) The department may place a child with a relative or
 9-44 other designated caregiver ~~[individual]~~ identified on the proposed
 9-45 child placement resources form if the department determines that
 9-46 the placement is in the best interest of the child. The department
 9-47 must complete the background and criminal history check and conduct
 9-48 a preliminary evaluation of the relative or other designated
 9-49 caregiver's home before the child is placed with the relative or
 9-50 other designated caregiver. The department may place the child
 9-51 with the relative or designated caregiver ~~[individual]~~ before
 9-52 conducting the ~~[background and criminal history check or]~~ home
 9-53 study required under Subsection (a). Not later than 48 hours after
 9-54 the time that the child is placed with the relative or other
 9-55 designated caregiver, the department shall begin the home study of
 9-56 the relative or other designated caregiver. The department shall
 9-57 complete the home study as soon as possible unless otherwise
 9-58 ordered by a court. The department shall provide a copy of an
 9-59 informational manual required under Section 261.3071 to the
 9-60 relative or other designated caregiver at the time of the child's
 9-61 placement.

9-62 SECTION 25. Section 262.115(c), Family Code, is amended to
 9-63 read as follows:

9-64 (c) The department shall ensure that a parent who is
 9-65 otherwise entitled to possession of the child has an opportunity to
 9-66 visit the child not later than the fifth ~~[third]~~ day after the date
 9-67 the department is named temporary managing conservator of the child
 9-68 unless:

9-69 (1) the department determines that visitation is not

10-1 in the child's best interest; or

10-2 (2) visitation with the parent would conflict with a
10-3 court order relating to possession of or access to the child.

10-4 SECTION 26. Section 262.2015(b), Family Code, as amended by
10-5 S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is
10-6 amended to read as follows:

10-7 (b) The court may find under Subsection (a) that a parent
10-8 has subjected the child to aggravated circumstances if:

10-9 (1) the parent abandoned the child without
10-10 identification or a means for identifying the child;

10-11 (2) the child or another child of the parent is a
10-12 victim of serious bodily injury or sexual abuse inflicted by the
10-13 parent or by another person with the parent's consent;

10-14 (3) the parent has engaged in conduct against the
10-15 child or another child of the parent that would constitute an
10-16 offense under the following provisions of the Penal Code:

10-17 (A) Section 19.02 (murder);

10-18 (B) Section 19.03 (capital murder);

10-19 (C) Section 19.04 (manslaughter);

10-20 (D) Section 21.11 (indecent with a child);

10-21 (E) Section 22.011 (sexual assault);

10-22 (F) Section 22.02 (aggravated assault);

10-23 (G) Section 22.021 (aggravated sexual assault);

10-24 (H) Section 22.04 (injury to a child, elderly
10-25 individual, or disabled individual);

10-26 (I) Section 22.041 (abandoning or endangering
10-27 child);

10-28 (J) Section 25.02 (prohibited sexual conduct);

10-29 (K) Section 43.25 (sexual performance by a
10-30 child);

10-31 (L) Section 43.26 (possession or promotion of
10-32 child pornography);

10-33 (M) Section 21.02 (continuous sexual abuse of
10-34 young child or children);

10-35 (N) Section 43.05(a)(2) (compelling
10-36 prostitution); or

10-37 (O) Section 20A.02(a)(7) or (8) (trafficking of
10-38 persons);

10-39 (4) the parent voluntarily left the child alone or in
10-40 the possession of another person not the parent of the child for at
10-41 least six months without expressing an intent to return and without
10-42 providing adequate support for the child;

10-43 (5) the parent's parental rights with regard to
10-44 another child have been involuntarily terminated based on a finding
10-45 that the parent's conduct violated Section 161.001(b)(1)(D) or (E)
10-46 or a substantially equivalent provision of another state's law;

10-47 (6) the parent has been convicted for:

10-48 (A) the murder of another child of the parent and
10-49 the offense would have been an offense under 18 U.S.C. Section
10-50 1111(a) if the offense had occurred in the special maritime or
10-51 territorial jurisdiction of the United States;

10-52 (B) the voluntary manslaughter of another child
10-53 of the parent and the offense would have been an offense under 18
10-54 U.S.C. Section 1112(a) if the offense had occurred in the special
10-55 maritime or territorial jurisdiction of the United States;

10-56 (C) aiding or abetting, attempting, conspiring,
10-57 or soliciting an offense under Paragraph (A) or (B); or

10-58 (D) the felony assault of the child or another
10-59 child of the parent that resulted in serious bodily injury to the
10-60 child or another child of the parent; ~~or~~

10-61 (7) the parent's parental rights with regard to
10-62 another child of the parent ~~[two other children]~~ have been
10-63 involuntarily terminated; or

10-64 (8) the parent is required under any state or federal
10-65 law to register with a sex offender registry.

10-66 SECTION 27. Section 263.301, Family Code, as amended by
10-67 S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is
10-68 transferred to Subchapter A, Chapter 263, Family Code, redesignated
10-69 as Section 263.0021, Family Code, and amended to read as follows:

11-1 Sec. 263.0021 [~~263.301~~]. NOTICE OF HEARING; PRESENTATION
11-2 OF EVIDENCE. (a) Notice of a [~~permanency~~] hearing under this
11-3 chapter shall be given [as provided by Rule 21a, Texas Rules of
11-4 Civil Procedure,] to all persons entitled to notice of the hearing.

11-5 (b) The following persons are entitled to at least 10 days'
11-6 notice of a [~~permanency~~] hearing under this chapter and are
11-7 entitled to present evidence and be heard at the hearing:

11-8 (1) the department;

11-9 (2) the foster parent, preadoptive parent, relative of
11-10 the child providing care, or director or director's designee of the
11-11 group home or general residential operation [~~institution~~] where the
11-12 child is residing;

11-13 (3) each parent of the child;

11-14 (4) the managing conservator or guardian of the child;

11-15 (5) an attorney ad litem appointed for the child under
11-16 Chapter 107, if the appointment was not dismissed in the final
11-17 order;

11-18 (6) a guardian ad litem appointed for the child under
11-19 Chapter 107, if the appointment was not dismissed in the final
11-20 order;

11-21 (7) a volunteer advocate appointed for the child under
11-22 Chapter 107, if the appointment was not dismissed in the final
11-23 order;

11-24 (8) [~~(7)~~] the child if:

11-25 (A) the child is 10 years of age or older; or

11-26 (B) the court determines it is appropriate for
11-27 the child to receive notice; and

11-28 (9) [~~(8)~~] any other person or agency named by the
11-29 court to have an interest in the child's welfare.

11-30 (c) Notice of a hearing under this chapter may be given:

11-31 (1) as provided by Rule 21a, Texas Rules of Civil
11-32 Procedure;

11-33 (2) in a temporary order following a full adversary
11-34 hearing;

11-35 (3) in an order following a hearing under this
11-36 chapter;

11-37 (4) in open court; or

11-38 (5) in any manner that would provide actual notice to a
11-39 person entitled to notice.

11-40 (d) The licensed administrator of the child-placing agency
11-41 responsible for placing the child or the licensed administrator's
11-42 designee is entitled to at least 10 days' notice of a permanency
11-43 hearing after final order [If a person entitled to notice under
11-44 Chapter 102 or this section has not been served, the court shall
11-45 review the department's efforts at attempting to locate all
11-46 necessary persons and requesting service of citation and the
11-47 assistance of a parent in providing information necessary to locate
11-48 an absent parent].

11-49 SECTION 28. Section 263.004, Family Code, is amended to
11-50 read as follows:

11-51 Sec. 263.004. NOTICE TO COURT REGARDING EDUCATION
11-52 DECISION-MAKING. (a) Unless the rights and duties of the
11-53 department under Section 153.371(10) to make decisions regarding
11-54 the child's education have been limited by court order, the
11-55 department shall file with the court [~~a report identifying~~] the
11-56 name and contact information for each person who has been:

11-57 (1) designated by the department to make educational
11-58 decisions on behalf of the child; and

11-59 (2) assigned to serve as the child's surrogate parent
11-60 in accordance with 20 U.S.C. Section 1415(b) and Section
11-61 29.001(10), Education Code, for purposes of decision-making
11-62 regarding special education services, if applicable.

11-63 (b) Not later than the fifth day after the date an adversary
11-64 hearing under Section 262.201 or [~~Section~~] 262.205 is concluded,
11-65 the information [~~report~~] required by Subsection (a) shall be filed
11-66 with the court and a copy shall be provided to [~~+~~

11-67 [~~(1) each person entitled to notice of a permanency~~
11-68 hearing under Section 263.301, and

11-69 [~~(2)~~] the school the child attends.

12-1 (c) If a person other than a person identified under [in the
12-2 report required by] Subsection (a) is designated to make
12-3 educational decisions or assigned to serve as a surrogate parent,
12-4 the department shall include the updated information in a
12-5 permanency progress report filed under Section 263.303 or 263.502
12-6 [file with the court an updated report that includes the
12-7 information required by Subsection (a) for the designated or
12-8 assigned person]. The updated information [~~report~~] must be
12-9 provided to the school the child attends [~~filed~~] not later than the
12-10 fifth day after the date of designation or assignment.

12-11 SECTION 29. Sections 263.009(a) and (b), Family Code, are
12-12 amended to read as follows:

12-13 (a) The department shall hold a permanency planning meeting
12-14 for each child for whom the department is appointed temporary
12-15 managing conservator in accordance with a schedule adopted by the
12-16 executive commissioner of the Health and Human Services Commission
12-17 by rule that is designed to allow the child to exit the managing
12-18 conservatorship of the department safely and as soon as possible
12-19 and be placed with an appropriate adult caregiver who will
12-20 permanently assume legal responsibility for the child [~~+~~

12-21 ~~[(1) not later than the 45th day after the date the~~
12-22 ~~department is named temporary managing conservator of the child,~~
12-23 ~~and~~

12-24 ~~[(2) not later than five months after the date the~~
12-25 ~~department is named temporary managing conservator of the child].~~

12-26 (b) At each ~~[the five-month]~~ permanency planning meeting
12-27 ~~[described by Subsection (a)(2)],~~ the department shall:

12-28 (1) identify any barriers to achieving a timely
12-29 permanent placement for the child; ~~[and]~~

12-30 (2) develop strategies and determine actions that will
12-31 increase the probability of achieving a timely permanent placement
12-32 for the child; and

12-33 (3) use the family group decision-making model
12-34 whenever possible.

12-35 SECTION 30. Subchapter A, Chapter 263, Family Code, is
12-36 amended by adding Sections 263.010 and 263.011 to read as follows:

12-37 Sec. 263.010. TESTIMONY IN CERTAIN HEARINGS. Sections
12-38 104.002, 104.003, 104.004, 104.005, and 104.006 do not apply to
12-39 testimony given in a hearing conducted under this chapter if the
12-40 testimony is not used as evidence.

12-41 Sec. 263.011. CHILD'S RIGHT TO ATTEND AND PARTICIPATE IN
12-42 HEARINGS. A child, regardless of age, must be allowed to attend or
12-43 participate in a hearing conducted under this chapter in which the
12-44 child is the subject of the hearing.

12-45 SECTION 31. Section 263.101, Family Code, as amended by
12-46 S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is
12-47 amended to read as follows:

12-48 Sec. 263.101. DEPARTMENT TO FILE SERVICE PLAN. Except as
12-49 provided by Section 262.2015, not [~~Not~~] later than the 45th day
12-50 after the date the court renders a temporary order appointing the
12-51 department as temporary managing conservator of a child under
12-52 Chapter 262, the department shall file a service plan.

12-53 SECTION 32. Section 263.102(a), Family Code, as amended by
12-54 S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is
12-55 amended to read as follows:

12-56 (a) The service plan must:

12-57 (1) be specific;

12-58 (2) be in writing in a language that the parents
12-59 understand, or made otherwise available;

12-60 (3) be prepared by the department in conference with
12-61 the child's parents;

12-62 (4) state appropriate deadlines;

12-63 (5) specify the primary permanency goal and at least
12-64 one alternative permanency goal [~~state whether the goal of the plan~~
12-65 ~~is:~~

12-66 [~~(A) return of the child to the child's parents,~~

12-67 [~~(B) termination of parental rights and~~
12-68 ~~placement of the child for adoption, or~~

12-69 [~~(C) because of the child's special needs or~~

13-1 ~~exceptional circumstances, continuation of the child's care out of~~
13-2 ~~the child's home];~~

13-3 (6) state steps that are necessary to:

13-4 (A) return the child to the child's home if the
13-5 placement is in foster care;

13-6 (B) enable the child to remain in the child's
13-7 home with the assistance of a service plan if the placement is in
13-8 the home under the department's supervision; or

13-9 (C) otherwise provide a permanent safe placement
13-10 for the child;

13-11 (7) state the actions and responsibilities that are
13-12 necessary for the child's parents to take to achieve the plan goal
13-13 during the period of the service plan and the assistance to be
13-14 provided to the parents by the department or other agency toward
13-15 meeting that goal;

13-16 (8) state any specific skills or knowledge that the
13-17 child's parents must acquire or learn, as well as any behavioral
13-18 changes the parents must exhibit, to achieve the plan goal;

13-19 (9) state the actions and responsibilities that are
13-20 necessary for the child's parents to take to ensure that the child
13-21 attends school and maintains or improves the child's academic
13-22 compliance;

13-23 (10) state the name of the person with the department
13-24 whom the child's parents may contact for information relating to
13-25 the child if other than the person preparing the plan; and

13-26 (11) prescribe any other term or condition that the
13-27 department determines to be necessary to the service plan's
13-28 success.

13-29 SECTION 33. Section 263.3025(a), Family Code, is amended to
13-30 read as follows:

13-31 (a) The department shall prepare a permanency plan for a
13-32 child for whom the department has been appointed temporary managing
13-33 conservator. The department shall give a copy of the plan to each
13-34 person entitled to notice under Section 263.0021(b) [~~263.301(b)~~]
13-35 not later than the 10th day before the date of the child's first
13-36 permanency hearing.

13-37 SECTION 34. Section 263.303, Family Code, as amended by
13-38 S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is
13-39 amended to read as follows:

13-40 Sec. 263.303. PERMANENCY PROGRESS REPORT BEFORE FINAL
13-41 ORDER. (a) Not later than the 10th day before the date set for
13-42 each permanency hearing before a final order is rendered [~~other~~
13-43 ~~than the first permanency hearing~~], the department shall file with
13-44 the court and provide to each party, the child's attorney ad litem,
13-45 the child's guardian ad litem, and the child's volunteer advocate a
13-46 permanency progress report unless the court orders a different
13-47 period for providing the report.

13-48 (b) The permanency progress report must contain:

13-49 (1) information necessary for the court to conduct the
13-50 permanency hearing and make its findings and determinations under
13-51 Section 263.306 [~~recommend that the suit be dismissed~~]; [~~or~~]

13-52 (2) information on significant events, as defined by
13-53 Section 264.018; and

13-54 (3) any additional information the department
13-55 determines is appropriate or that is requested by the court and
13-56 relevant to the court's findings and determinations under Section
13-57 263.306 [~~recommend that the suit continue, and:~~

13-58 [~~(A) identify the date for dismissal of the suit~~
13-59 ~~under this chapter,~~

13-60 [~~(B) provide:~~

13-61 [~~(i) the name of any person entitled to~~
13-62 ~~notice under Chapter 102 who has not been served,~~

13-63 [~~(ii) a description of the efforts by the~~
13-64 ~~department to locate and request service of citation, and~~

13-65 [~~(iii) a description of each parent's~~
13-66 ~~assistance in providing information necessary to locate an unserved~~
13-67 ~~party,~~

13-68 [~~(C) evaluate the parties' compliance with~~
13-69 ~~temporary orders and with the service plan,~~

14-1 ~~[(D) evaluate whether the child's placement in~~
 14-2 ~~substitute care meets the child's needs and recommend other plans~~
 14-3 ~~or services to meet the child's special needs or circumstances;~~
 14-4 ~~[(E) describe the permanency plan for the child~~
 14-5 ~~and recommend actions necessary to ensure that a final order~~
 14-6 ~~consistent with that permanency plan, including the concurrent~~
 14-7 ~~permanency goals contained in that plan, is rendered before the~~
 14-8 ~~date for dismissal of the suit under this chapter;~~
 14-9 ~~[(F) with respect to a child 16 years of age or~~
 14-10 ~~older, identify the services needed to assist the child in the~~
 14-11 ~~transition to adult life; and~~
 14-12 ~~[(C) with respect to a child committed to the~~
 14-13 ~~Texas Juvenile Justice Department or released under supervision by~~
 14-14 ~~the Texas Juvenile Justice Department:~~
 14-15 ~~[(i) evaluate whether the child's needs for~~
 14-16 ~~treatment and education are being met;~~
 14-17 ~~[(ii) describe, using information provided~~
 14-18 ~~by the Texas Juvenile Justice Department, the child's progress in~~
 14-19 ~~any rehabilitation program administered by the Texas Juvenile~~
 14-20 ~~Justice Department; and~~
 14-21 ~~[(iii) recommend other plans or services to~~
 14-22 ~~meet the child's needs].~~
 14-23 (c) A parent whose parental rights are the subject of a suit
 14-24 affecting the parent-child relationship, the attorney for that
 14-25 parent, or the child's attorney ad litem or guardian ad litem may
 14-26 file a response to the department's report filed under this section
 14-27 [~~Subsection (b)~~]. A response must be filed not later than the third
 14-28 day before the date of the hearing.
 14-29 SECTION 35. The heading to Section 263.306, Family Code, is
 14-30 amended to read as follows:
 14-31 Sec. 263.306. PERMANENCY HEARINGS BEFORE FINAL ORDER[+
 14-32 PROCEDURE].
 14-33 SECTION 36. Section 263.306, Family Code, is amended by
 14-34 adding Subsection (a-1) to read as follows:
 14-35 (a-1) At each permanency hearing before a final order is
 14-36 rendered, the court shall:
 14-37 (1) identify all persons and parties present at the
 14-38 hearing;
 14-39 (2) review the efforts of the department or other
 14-40 agency in:
 14-41 (A) locating and requesting service of citation
 14-42 on all persons entitled to service of citation under Section
 14-43 102.009; and
 14-44 (B) obtaining the assistance of a parent in
 14-45 providing information necessary to locate an absent parent, alleged
 14-46 father, or relative of the child;
 14-47 (3) review the extent of the parties' compliance with
 14-48 temporary orders and the service plan and the extent to which
 14-49 progress has been made toward alleviating or mitigating the causes
 14-50 necessitating the placement of the child in foster care;
 14-51 (4) review the permanency progress report to
 14-52 determine:
 14-53 (A) the safety and well-being of the child and
 14-54 whether the child's needs, including any medical or special needs,
 14-55 are being adequately addressed;
 14-56 (B) the continuing necessity and appropriateness
 14-57 of the placement of the child, including with respect to a child who
 14-58 has been placed outside of this state, whether the placement
 14-59 continues to be in the best interest of the child;
 14-60 (C) the appropriateness of the primary and
 14-61 alternative permanency goals for the child developed in accordance
 14-62 with department rule and whether the department has made reasonable
 14-63 efforts to finalize the permanency plan, including the concurrent
 14-64 permanency goals, in effect for the child;
 14-65 (D) whether the child has been provided the
 14-66 opportunity, in a developmentally appropriate manner, to express
 14-67 the child's opinion on any medical care provided;
 14-68 (E) for a child receiving psychotropic
 14-69 medication, whether the child:

15-1 (i) has been provided appropriate
15-2 nonpharmacological interventions, therapies, or strategies to meet
15-3 the child's needs; or
15-4 (ii) has been seen by the prescribing
15-5 physician, physician assistant, or advanced practice nurse at least
15-6 once every 90 days;
15-7 (F) whether an education decision-maker for the
15-8 child has been identified, the child's education needs and goals
15-9 have been identified and addressed, and there have been major
15-10 changes in the child's school performance or there have been
15-11 serious disciplinary events;
15-12 (G) for a child 14 years of age or older, whether
15-13 services that are needed to assist the child in transitioning from
15-14 substitute care to independent living are available in the child's
15-15 community; and
15-16 (H) for a child whose permanency goal is another
15-17 planned permanent living arrangement:
15-18 (i) the desired permanency outcome for the
15-19 child, by asking the child; and
15-20 (ii) whether, as of the date of the hearing,
15-21 another planned permanent living arrangement is the best permanency
15-22 plan for the child and, if so, provide compelling reasons why it
15-23 continues to not be in the best interest of the child to:
15-24 (a) return home;
15-25 (b) be placed for adoption;
15-26 (c) be placed with a legal guardian;
15-27 or
15-28 (d) be placed with a fit and willing
15-29 relative;
15-30 (5) determine whether to return the child to the
15-31 child's parents if the child's parents are willing and able to
15-32 provide the child with a safe environment and the return of the
15-33 child is in the child's best interest;
15-34 (6) estimate a likely date by which the child may be
15-35 returned to and safely maintained in the child's home, placed for
15-36 adoption, or placed in permanent managing conservatorship; and
15-37 (7) announce in open court the dismissal date and the
15-38 date of any upcoming hearings.
15-39 SECTION 37. The heading to Section 263.401, Family Code, is
15-40 amended to read as follows:
15-41 Sec. 263.401. DISMISSAL AFTER ONE YEAR; NEW TRIALS;
15-42 EXTENSION.
15-43 SECTION 38. Section 263.401, Family Code, is amended by
15-44 amending Subsections (a) and (c) and adding Subsection (b-1) to
15-45 read as follows:
15-46 (a) Unless the court has commenced the trial on the merits
15-47 or granted an extension under Subsection (b) or (b-1), on the first
15-48 Monday after the first anniversary of the date the court rendered a
15-49 temporary order appointing the department as temporary managing
15-50 conservator, the court shall dismiss the suit affecting the
15-51 parent-child relationship filed by the department that requests
15-52 termination of the parent-child relationship or requests that the
15-53 department be named conservator of the child.
15-54 (b-1) If, after commencement of the initial trial on the
15-55 merits within the time required by Subsection (a) or (b), the court
15-56 grants a motion for a new trial or mistrial, or the case is remanded
15-57 to the court by an appellate court following an appeal of the
15-58 court's final order, the court shall retain the suit on the court's
15-59 docket and render an order in which the court:
15-60 (1) schedules a new date on which the suit will be
15-61 dismissed if the new trial has not commenced, which must be a date
15-62 not later than the 180th day after the date on which:
15-63 (A) the motion for a new trial or mistrial is
15-64 granted; or
15-65 (B) the appellate court remanded the case;
15-66 (2) makes further temporary orders for the safety and
15-67 welfare of the child as necessary to avoid further delay in
15-68 resolving the suit; and
15-69 (3) sets the new trial on the merits for a date not

16-1 later than the date specified under Subdivision (1).

16-2 (c) If the court grants an extension under Subsection (b) or
 16-3 (b-1) but does not commence the trial on the merits before the
 16-4 dismissal [required] date [for dismissal under Subsection (b)], the
 16-5 court shall dismiss the suit. The court may not grant an
 16-6 additional extension that extends the suit beyond the required date
 16-7 for dismissal under Subsection (b) or (b-1), as applicable.

16-8 SECTION 39. Section 263.404(b), Family Code, is amended to
 16-9 read as follows:

16-10 (b) In determining whether the department should be
 16-11 appointed as managing conservator of the child without terminating
 16-12 the rights of a parent of the child, the court shall take the
 16-13 following factors into consideration:

16-14 (1) that the child will reach 18 years of age in not
 16-15 less than three years;

16-16 (2) that the child is 12 years of age or older and has
 16-17 expressed a strong desire against termination or has continuously
 16-18 expressed a strong desire against being adopted; and

16-19 (3) ~~[that the child has special medical or behavioral~~
 16-20 ~~needs that make adoption of the child unlikely; and~~
 16-21 ~~[(4)] the needs and desires of the child.~~

16-22 SECTION 40. The heading to Subchapter F, Chapter 263,
 16-23 Family Code, is amended to read as follows:

16-24 SUBCHAPTER F. PERMANENCY [PLACEMENT REVIEW] HEARINGS AFTER
 16-25 FINAL ORDER

16-26 SECTION 41. The heading to Section 263.501, Family Code, is
 16-27 amended to read as follows:

16-28 Sec. 263.501. PERMANENCY HEARING [PLACEMENT REVIEW] AFTER
 16-29 FINAL ORDER.

16-30 SECTION 42. Sections 263.501(a), (b), (c), (f), and (g),
 16-31 Family Code, are amended to read as follows:

16-32 (a) If the department has been named as a child's managing
 16-33 conservator in a final order that does not include termination of
 16-34 parental rights, the court shall conduct a permanency [placement
 16-35 review] hearing after the final order is rendered at least once
 16-36 every six months until the department is no longer the child's
 16-37 managing conservator [child becomes an adult].

16-38 (b) If the department has been named as a child's managing
 16-39 conservator in a final order that terminates a parent's parental
 16-40 rights, the court shall conduct a permanency [placement review]
 16-41 hearing not later than the 90th day after the date the court renders
 16-42 the final order. The court shall conduct additional permanency
 16-43 [placement review] hearings at least once every six months until
 16-44 the department is no longer the child's managing conservator [date
 16-45 the child is adopted or the child becomes an adult].

16-46 (c) Notice of each permanency [a placement review] hearing
 16-47 shall be given as provided by Section 263.0021 [Rule 21a, Texas
 16-48 Rules of Civil Procedure,] to each person entitled to notice of the
 16-49 hearing.

16-50 (f) The child shall attend each permanency [placement
 16-51 review] hearing in accordance with Section 263.302 [unless the
 16-52 court specifically excuses the child's attendance. A child
 16-53 committed to the Texas Youth Commission may attend a placement
 16-54 review hearing in person, by telephone, or by videoconference. The
 16-55 court shall consult with the child in a developmentally appropriate
 16-56 manner regarding the child's permanency or transition plan, if the
 16-57 child is four years of age or older. Failure by the child to attend
 16-58 a hearing does not affect the validity of an order rendered at the
 16-59 hearing].

16-60 (g) A court required to conduct permanency [placement
 16-61 review] hearings for a child for whom the department has been
 16-62 appointed permanent managing conservator may not dismiss a suit
 16-63 affecting the parent-child relationship filed by the department
 16-64 regarding the child while the child is committed to the Texas
 16-65 Juvenile Justice Department [Youth Commission] or released under
 16-66 the supervision of the Texas Juvenile Justice Department [Youth
 16-67 Commission], unless the child is adopted or permanent managing
 16-68 conservatorship of the child is awarded to an individual other than
 16-69 the department.

17-1 SECTION 43. The heading to Section 263.502, Family Code, is
 17-2 amended to read as follows:

17-3 Sec. 263.502. PERMANENCY PROGRESS [~~PLACEMENT REVIEW~~]
 17-4 REPORT AFTER FINAL ORDER.

17-5 SECTION 44. Section 263.502, Family Code, is amended by
 17-6 amending Subsection (a), as amended by S.B. 219, Acts of the 84th
 17-7 Legislature, Regular Session, 2015, and adding Subsections (a-1)
 17-8 and (a-2) to read as follows:

17-9 (a) Not later than the 10th day before the date set for a
 17-10 permanency [~~placement review~~] hearing after a final order is
 17-11 rendered, the department shall file a permanency progress
 17-12 [~~placement review~~] report with the court and provide a copy to each
 17-13 person entitled to notice under Section 263.0021 [~~263.501(d)~~].

17-14 (a-1) The permanency progress report must contain:

17-15 (1) information necessary for the court to conduct the
 17-16 permanency hearing and make its findings and determinations under
 17-17 Section 263.5031;

17-18 (2) information on significant events, as defined by
 17-19 Section 264.018; and

17-20 (3) any additional information the department
 17-21 determines is appropriate or that is requested by the court and
 17-22 relevant to the court's findings and determinations under Section
 17-23 263.5031.

17-24 (a-2) For good cause shown, the court may:

17-25 (1) order a different deadline for filing the
 17-26 permanency progress report; or

17-27 (2) waive the reporting requirement for a specific
 17-28 hearing.

17-29 SECTION 45. Subchapter F, Chapter 263, Family Code, is
 17-30 amended by adding Section 263.5031 to read as follows:

17-31 Sec. 263.5031. PERMANENCY HEARINGS FOLLOWING FINAL ORDER.
 17-32 At each permanency hearing after the court renders a final order,
 17-33 the court shall:

17-34 (1) identify all persons and parties present at the
 17-35 hearing;

17-36 (2) review the efforts of the department or other
 17-37 agency in notifying persons entitled to notice under Section
 17-38 263.0021; and

17-39 (3) review the permanency progress report to
 17-40 determine:

17-41 (A) the safety and well-being of the child and
 17-42 whether the child's needs, including any medical or special needs,
 17-43 are being adequately addressed;

17-44 (B) the continuing necessity and appropriateness
 17-45 of the placement of the child, including with respect to a child who
 17-46 has been placed outside of this state, whether the placement
 17-47 continues to be in the best interest of the child;

17-48 (C) if the child is placed in institutional care,
 17-49 whether efforts have been made to ensure that the child is placed in
 17-50 the least restrictive environment consistent with the child's best
 17-51 interest and special needs;

17-52 (D) the appropriateness of the primary and
 17-53 alternative permanency goals for the child, whether the department
 17-54 has made reasonable efforts to finalize the permanency plan,
 17-55 including the concurrent permanency goals, in effect for the child,
 17-56 and whether:

17-57 (i) the department has exercised due
 17-58 diligence in attempting to place the child for adoption if parental
 17-59 rights to the child have been terminated and the child is eligible
 17-60 for adoption; or

17-61 (ii) another permanent placement,
 17-62 including appointing a relative as permanent managing conservator
 17-63 or returning the child to a parent, is appropriate for the child;

17-64 (E) for a child whose permanency goal is another
 17-65 planned permanent living arrangement:

17-66 (i) the desired permanency outcome for the
 17-67 child, by asking the child; and

17-68 (ii) whether, as of the date of the hearing,
 17-69 another planned permanent living arrangement is the best permanency

18-1 plan for the child and, if so, provide compelling reasons why it
18-2 continues to not be in the best interest of the child to:
18-3 (a) return home;
18-4 (b) be placed for adoption;
18-5 (c) be placed with a legal guardian;
18-6 or
18-7 (d) be placed with a fit and willing
18-8 relative;
18-9 (F) if the child is 14 years of age or older,
18-10 whether services that are needed to assist the child in
18-11 transitioning from substitute care to independent living are
18-12 available in the child's community;
18-13 (G) whether the child is receiving appropriate
18-14 medical care and has been provided the opportunity, in a
18-15 developmentally appropriate manner, to express the child's opinion
18-16 on any medical care provided;
18-17 (H) for a child receiving psychotropic
18-18 medication, whether the child:
18-19 (i) has been provided appropriate
18-20 nonpharmacological interventions, therapies, or strategies to meet
18-21 the child's needs; or
18-22 (ii) has been seen by the prescribing
18-23 physician, physician assistant, or advanced practice nurse at least
18-24 once every 90 days;
18-25 (I) whether an education decision-maker for the
18-26 child has been identified, the child's education needs and goals
18-27 have been identified and addressed, and there are major changes in
18-28 the child's school performance or there have been serious
18-29 disciplinary events;
18-30 (J) for a child for whom the department has been
18-31 named managing conservator in a final order that does not include
18-32 termination of parental rights, whether to order the department to
18-33 provide services to a parent for not more than six months after the
18-34 date of the permanency hearing if:
18-35 (i) the child has not been placed with a
18-36 relative or other individual, including a foster parent, who is
18-37 seeking permanent managing conservatorship of the child; and
18-38 (ii) the court determines that further
18-39 efforts at reunification with a parent are:
18-40 (a) in the best interest of the child;
18-41 and
18-42 (b) likely to result in the child's
18-43 safe return to the child's parent; and
18-44 (K) whether the department has identified a
18-45 family or other caring adult who has made a permanent commitment to
18-46 the child.

18-47 SECTION 46. The heading to Section 264.002, Family Code, is
18-48 amended to read as follows:
18-49 Sec. 264.002. SPECIFIC APPROPRIATION REQUIRED [~~DUTIES OF~~
18-50 ~~DEPARTMENT~~].

18-51 SECTION 47. Section 264.002(e), Family Code, is amended to
18-52 read as follows:
18-53 (e) The department may not spend state funds to accomplish
18-54 the purposes of this subtitle [~~chapter~~] unless the funds have been
18-55 specifically appropriated for those purposes.

18-56 SECTION 48. Subchapter A, Chapter 264, Family Code, is
18-57 amended by adding Sections 264.017 and 264.018 to read as follows:
18-58 Sec. 264.017. REQUIRED REPORTING. (a) The department
18-59 shall prepare and disseminate a report of statistics by county
18-60 relating to key performance measures and data elements for child
18-61 protection.
18-62 (b) The department shall provide the report required by
18-63 Subsection (a) to the legislature and shall publish the report and
18-64 make the report available electronically to the public not later
18-65 than February 1 of each year. The report must include, with respect
18-66 to the preceding year:
18-67 (1) information on the number and disposition of
18-68 reports of child abuse and neglect received by the department;
18-69 (2) information on the number of clients for whom the

19-1 department took protective action, including investigations,
19-2 alternative responses, and court-ordered removals;
19-3 (3) information on the number of clients for whom the
19-4 department provided services in each program administered by the
19-5 child protective services division, including investigations,
19-6 alternative responses, family-based safety services,
19-7 conservatorship, post-adoption services, and transitional living
19-8 services;
19-9 (4) the number of children in this state who died as a
19-10 result of child abuse or neglect;
19-11 (5) the number of children described by Subdivision
19-12 (4) for whom the department was the children's managing conservator
19-13 at the time of death;
19-14 (6) information on the timeliness of the department's
19-15 initial contact in an investigation or alternative response;
19-16 (7) information on the response time by the department
19-17 in commencing services to families and children for whom an
19-18 allegation of child abuse or neglect has been made;
19-19 (8) information regarding child protection staffing
19-20 and caseloads by program area;
19-21 (9) information on the permanency goals in place and
19-22 achieved for children in the managing conservatorship of the
19-23 department, including information on the timeliness of achieving
19-24 the goals; and
19-25 (10) the number of children who suffer from a severe
19-26 emotional disturbance and for whom the department is appointed
19-27 managing conservator, including statistics on appointments as
19-28 joint managing conservator, due to an individual voluntarily
19-29 relinquishing custody of a child solely to obtain mental health
19-30 services for the child.
19-31 (c) Not later than September 1 of each year, the department
19-32 shall seek public input regarding the usefulness of, and any
19-33 proposed modifications to, existing reporting requirements and
19-34 proposed additional reporting requirements. The department shall
19-35 evaluate the public input provided under this subsection and seek
19-36 to facilitate reporting to the maximum extent feasible within
19-37 existing resources and in a manner that is most likely to assist
19-38 public understanding of department functions.
19-39 (d) In addition to the information required under
19-40 Subsections (a) and (b), the department shall annually publish
19-41 information on the number of children who died during the preceding
19-42 year whom the department determined had been abused or neglected
19-43 but whose death was not the result of the abuse or neglect. The
19-44 department may publish the information described by this subsection
19-45 in the same report required by Subsection (a) or in another annual
19-46 report published by the department.
19-47 Sec. 264.018. REQUIRED NOTIFICATIONS. (a) In this
19-48 section:
19-49 (1) "Child-placing agency" has the meaning assigned by
19-50 Section 42.002, Human Resources Code.
19-51 (2) "Residential child-care facility" has the meaning
19-52 assigned by Section 42.002, Human Resources Code.
19-53 (3) "Psychotropic medication" has the meaning
19-54 assigned by Section 266.001.
19-55 (4) "Significant change in medical condition" means
19-56 the occurrence of an injury or the onset of an illness that is
19-57 life-threatening or may have serious long-term health
19-58 consequences. The term includes the occurrence or onset of an
19-59 injury or illness that requires hospitalization for surgery or
19-60 another procedure that is not minor emergency care.
19-61 (5) "Significant event" means:
19-62 (A) a placement change, including failure by the
19-63 department to locate an appropriate placement for at least one
19-64 night;
19-65 (B) a significant change in medical condition;
19-66 (C) an initial prescription of a psychotropic
19-67 medication or a change in dosage of a psychotropic medication;
19-68 (D) a major change in school performance or a
19-69 serious disciplinary event at school; or

20-1 (E) any event determined to be significant under
20-2 department rule.
20-3 (b) The notification requirements of this section are in
20-4 addition to other notice requirements provided by law, including
20-5 Sections 263.0021, 264.107(g), and 264.123.
20-6 (c) The department must provide notice under this section in
20-7 a manner that would provide actual notice to a person entitled to
20-8 the notice, including the use of electronic notice whenever
20-9 possible.
20-10 (d) Not later than 24 hours after an event described by this
20-11 subsection, the department shall make a reasonable effort to notify
20-12 a parent of a child in the managing conservatorship of the
20-13 department of:
20-14 (1) a significant change in medical condition of the
20-15 child;
20-16 (2) the enrollment or participation of the child in a
20-17 drug research program under Section 266.0041; and
20-18 (3) an initial prescription of a psychotropic
20-19 medication.
20-20 (e) Not later than 48 hours before the department changes
20-21 the residential child-care facility of a child in the managing
20-22 conservatorship of the department, the department shall provide
20-23 notice of the change to:
20-24 (1) the child's parent or the parent's attorney, if
20-25 applicable;
20-26 (2) an attorney ad litem appointed for the child under
20-27 Chapter 107;
20-28 (3) a guardian ad litem appointed for the child under
20-29 Chapter 107;
20-30 (4) a volunteer advocate appointed for the child under
20-31 Chapter 107; and
20-32 (5) the licensed administrator of the child-placing
20-33 agency responsible for placing the child or the licensed
20-34 administrator's designee.
20-35 (f) As soon as possible but not later than the 10th day after
20-36 the date the department becomes aware of a significant event
20-37 affecting a child in the conservatorship of the department, the
20-38 department shall provide notice of the significant event to:
20-39 (1) the child's parent or the parent's attorney, if
20-40 applicable;
20-41 (2) an attorney ad litem appointed for the child under
20-42 Chapter 107;
20-43 (3) a guardian ad litem appointed for the child under
20-44 Chapter 107;
20-45 (4) a volunteer advocate appointed for the child under
20-46 Chapter 107;
20-47 (5) the licensed administrator of the child-placing
20-48 agency responsible for placing the child or the licensed
20-49 administrator's designee;
20-50 (6) a foster parent, prospective adoptive parent,
20-51 relative of the child providing care to the child, or director of
20-52 the group home or general residential operation where the child is
20-53 residing; and
20-54 (7) any other person determined by a court to have an
20-55 interest in the child's welfare.
20-56 (g) For purposes of Subsection (f), if a hearing for the
20-57 child is conducted during the 10-day notice period described by
20-58 that subsection, the department shall provide notice of the
20-59 significant event at the hearing.
20-60 (h) The department is not required to provide notice under
20-61 this section to a parent of a child in the managing conservatorship
20-62 of the department if:
20-63 (1) the department cannot locate the parent;
20-64 (2) a court has restricted the parent's access to the
20-65 information;
20-66 (3) the child is in the permanent managing
20-67 conservatorship of the department and the parent has not
20-68 participated in the child's case for at least six months despite the
20-69 department's efforts to involve the parent;

21-1 (4) the parent's rights have been terminated; or
 21-2 (5) the department has documented in the child's case
 21-3 file that it is not in the best interest of the child to involve the
 21-4 parent in case planning.

21-5 (i) The department is not required to provide notice of a
 21-6 significant event under this section to the child-placing agency
 21-7 responsible for the placement of a child in the managing
 21-8 conservatorship of the department, a foster parent, a prospective
 21-9 adoptive parent, a relative of the child providing care to the
 21-10 child, or the director of the group home or general residential
 21-11 operation where the child resides if that agency or individual is
 21-12 required under a contract or other agreement to provide notice of
 21-13 the significant event to the department.

21-14 (j) A person entitled to notice from the department under
 21-15 this section shall provide the department with current contact
 21-16 information, including the person's e-mail address and the
 21-17 telephone number at which the person may most easily be reached.
 21-18 The person shall update the person's contact information as soon as
 21-19 possible after a change to the information. The department is not
 21-20 required to provide notice under this section to a person who fails
 21-21 to provide contact information to the department. The department
 21-22 may rely on the most recently provided contact information in
 21-23 providing notice under this section.

21-24 (k) To facilitate timely notification under this section, a
 21-25 residential child-care facility contracting with the department
 21-26 for 24-hour care shall notify the department, in the time provided
 21-27 by the facility's contract, of a significant event for a child who
 21-28 is in the conservatorship of the department and residing in the
 21-29 facility.

21-30 (l) The executive commissioner of the Health and Human
 21-31 Services Commission shall adopt rules necessary to implement this
 21-32 section using a negotiated rulemaking process under Chapter 2008,
 21-33 Government Code.

21-34 SECTION 49. Section 264.101(a), Family Code, is amended to
 21-35 read as follows:

21-36 (a) The department may pay the cost of foster care for a
 21-37 child only if:

21-38 (1) ~~the child [for whom the department has initiated a~~
 21-39 ~~suit and has been named managing conservator under an order~~
 21-40 ~~rendered under this title, who is a resident of the state, and who]~~
 21-41 has been placed by the department in a foster home or other
 21-42 residential child-care facility [institution], as defined by
 21-43 Chapter 42, Human Resources Code, or in a comparable residential
 21-44 facility in another state; and ~~or]~~

21-45 (2) the department:

21-46 (A) has initiated suit and been named conservator
 21-47 of the child; or

21-48 (B) has the duty of care, control, and custody
 21-49 after taking possession of the child in an emergency without a prior
 21-50 court order as authorized by this subtitle ~~[who is under the~~
 21-51 ~~placement and care of a state agency or political subdivision with~~
 21-52 ~~which the department has entered into an agreement to reimburse the~~
 21-53 ~~cost of care and supervision of the child].~~

21-54 SECTION 50. Section 264.107, Family Code, is amended by
 21-55 amending Subsection (b), as amended by S.B. 219, Acts of the 84th
 21-56 Legislature, Regular Session, 2015, and adding Subsection (b-1) to
 21-57 read as follows:

21-58 (b) The department shall use an ~~[the standard]~~ application
 21-59 or assessment developed by the department in coordination with
 21-60 interested parties ~~[provided by the Health and Human Services~~
 21-61 ~~Commission]~~ for the placement of children in contract residential
 21-62 care.

21-63 (b-1) Notwithstanding Subsection (b), the department shall
 21-64 use the standard application for the placement of children in
 21-65 contract residential care as adopted and maintained by the Health
 21-66 and Human Services Commission until the department develops an
 21-67 application or assessment under Subsection (b). Subject to the
 21-68 availability of funds, the department shall develop the application
 21-69 or assessment not later than December 1, 2016. This subsection

22-1 expires September 1, 2017.

22-2 SECTION 51. Section 264.1075(b), Family Code, as amended by
22-3 S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is
22-4 amended to read as follows:

22-5 (b) As soon as possible after a child begins receiving
22-6 foster care under this subchapter, the department shall assess
22-7 whether the child has a developmental or intellectual disability.
22-8 ~~[The commission shall establish the procedures that the department~~
22-9 ~~must use in making an assessment under this subsection. The~~
22-10 ~~procedures may include screening or participation by:~~

22-11 ~~[(1) a person who has experience in childhood~~
22-12 ~~developmental or intellectual disabilities,~~

22-13 ~~[(2) a local intellectual and developmental~~
22-14 ~~disability authority, or~~

22-15 ~~[(3) a provider in a county with a local child welfare~~
22-16 ~~board.]~~

22-17 SECTION 52. Subchapter B, Chapter 264, Family Code, is
22-18 amended by adding Section 264.1085 to read as follows:

22-19 Sec. 264.1085. FOSTER CARE PLACEMENT IN COMPLIANCE WITH
22-20 FEDERAL LAW REQUIRED. The department or a licensed child-placing
22-21 agency making a foster care placement shall comply with the
22-22 Multiethnic Placement Act of 1994 (42 U.S.C. Section 1996b).

22-23 SECTION 53. The heading to Section 264.110, Family Code, is
22-24 amended to read as follows:

22-25 Sec. 264.110. PROSPECTIVE FOSTER OR ADOPTIVE PARENT
22-26 STATEMENT [REGISTRY].

22-27 SECTION 54. Section 264.110(d), Family Code, is amended to
22-28 read as follows:

22-29 (d) Before a child may be placed with a foster or adoptive
22-30 parent [person under this section], the prospective foster or
22-31 adoptive parent [person] must sign a written statement in which the
22-32 prospective foster or adoptive parent [person] agrees to the
22-33 immediate removal of the child by the department under
22-34 circumstances determined by the department.

22-35 SECTION 55. Section 264.121, Family Code, is amended by
22-36 amending Subsection (e) and adding Subsection (e-2) to read as
22-37 follows:

22-38 (e) The department shall ensure that each youth acquires a
22-39 copy or a certified copy, according to the youth's preference, of
22-40 the youth's birth certificate, a social security card or
22-41 replacement social security card, as appropriate, and a personal
22-42 identification certificate under Chapter 521, Transportation Code,
22-43 on or before the date on which the youth turns 16 years of age. The
22-44 department shall designate one or more employees in the Preparation
22-45 for Adult Living Program as the contact person to assist a youth who
22-46 has not been able to obtain the documents described by this
22-47 subsection in a timely manner from the youth's primary caseworker.
22-48 The department shall ensure that:

22-49 (1) all youth who are age 16 or older are provided with
22-50 the contact information for the designated employees; and

22-51 (2) a youth who misplaces a document provided under
22-52 this subsection receives assistance in obtaining a replacement
22-53 document or information on how to obtain a duplicate copy, as
22-54 appropriate.

22-55 (e-2) When providing a youth with a document required by
22-56 Subsection (e-1), the department shall provide the youth with a
22-57 copy or a certified copy of the document or with the original
22-58 document, as applicable, according to the youth's preference.

22-59 SECTION 56. Section 264.014, Family Code, is transferred to
22-60 Section 264.121, Family Code, redesignated as Section
22-61 264.121(e-1), Family Code, and amended to read as follows:

22-62 (e-1) ~~[Sec. 264.014. PROVISION OF COPIES OF CERTAIN~~
22-63 ~~RECORDS.]~~ If, at the time a youth [child] is discharged from foster
22-64 care, the youth [child] is at least 18 years of age or has had the
22-65 disabilities of minority removed, the department shall provide to
22-66 the youth [child], not later than the 30th day before the date the
22-67 youth [child] is discharged from foster care, the following
22-68 information and documents unless the youth already has the
22-69 information or document [a copy of]:

- 23-1 (1) the youth's [~~child's~~] birth certificate;
- 23-2 (2) the youth's [~~child's~~] immunization records;
- 23-3 (3) the information contained in the youth's [~~child's~~]
- 23-4 health passport;
- 23-5 (4) a personal identification certificate under
- 23-6 Chapter 521, Transportation Code;
- 23-7 (5) a social security card or a replacement social
- 23-8 security card, if appropriate; and
- 23-9 (6) proof of enrollment in Medicaid, if appropriate.

23-10 SECTION 57. Subchapter B, Chapter 264, Family Code, is

23-11 amended by adding Section 264.126 to read as follows:
23-12 Sec. 264.126. REDESIGN IMPLEMENTATION PLAN. (a) The

23-13 department shall develop and maintain a plan for implementing the

23-14 foster care redesign required by Chapter 598 (S.B. 218), Acts of the

23-15 82nd Legislature, Regular Session, 2011. The plan must:

23-16 (1) describe the department's expectations, goals, and

23-17 approach to implementing foster care redesign;

23-18 (2) include a timeline for implementing the foster

23-19 care redesign throughout this state and any limitations related to

23-20 the implementation;

23-21 (3) delineate and define the case management roles and

23-22 responsibilities of the department and the department's

23-23 contractors;

23-24 (4) identify any training needs and include long-range

23-25 and continuous plans for training and cross-training staff;

23-26 (5) include a plan for evaluating the costs and tasks

23-27 associated with each contract procurement;

23-28 (6) include the department's contract monitoring

23-29 approach and a plan for evaluating the performance of each

23-30 contractor and the foster care redesign system as a whole; and

23-31 (7) include a report on transition issues resulting

23-32 from implementation of the foster care redesign.

23-33 (b) The department shall annually:

23-34 (1) update the implementation plan developed under

23-35 this section and post the updated plan on the department's Internet

23-36 website; and

23-37 (2) post on the department's Internet website the

23-38 progress the department has made toward its goals for implementing

23-39 the foster care redesign.

23-40 SECTION 58. The heading to Section 264.207, Family Code, is

23-41 amended to read as follows:

23-42 Sec. 264.207. HOME STUDY REQUIRED BEFORE ADOPTION

23-43 [~~DEPARTMENT PLANNING AND ACCOUNTABILITY~~].

23-44 SECTION 59. Section 264.207(a), Family Code, is amended to

23-45 read as follows:

23-46 (a) The department must complete [~~shall adopt policies that~~

23-47 ~~provide for the improvement of the department's services for~~

23-48 ~~children and families, including policies that provide for~~

23-49 ~~conducting] a home study before [~~within four months after~~]~~

23-50 ~~the date an applicant is approved for an adoption [and documenting the~~

23-51 ~~results of the home study within 30 days after the date the study is~~

23-52 ~~completed. The policies adopted under this section must:~~

23-53 ~~[(1) be designed to increase the accountability of the~~

23-54 ~~department to individuals who receive services and to the public;~~

23-55 ~~and~~

23-56 ~~[(2) assure consistency of services provided by the~~

23-57 ~~department in the different regions of the state].~~

23-58 SECTION 60. Section 264.302(e), Family Code, is amended to

23-59 read as follows:

23-60 (e) The department shall provide services for a child and

23-61 the child's family if a contract to provide services under this

23-62 section is available in the county and the child is referred to the

23-63 department as an at-risk child by:

23-64 (1) [~~a court under Section 264.304,~~

23-65 ~~[(2)] a juvenile court or probation department as part~~

23-66 ~~of a progressive sanctions program under Chapter 59;~~

23-67 (2) [~~(3)] a law enforcement officer or agency under~~

23-68 Section 52.03; or

23-69 (3) [~~(4)] a justice or municipal court under Article~~

24-1 45.057, Code of Criminal Procedure.

24-2 SECTION 61. Chapter 265, Family Code, is amended by
24-3 designating Sections 265.001 through 265.004 as Subchapter A and
24-4 adding a subchapter heading to read as follows:

24-5 SUBCHAPTER A. PREVENTION AND EARLY INTERVENTION SERVICES

24-6 SECTION 62. Subchapter A, Chapter 265, Family Code, as
24-7 added by this Act, is amended by adding Section 265.005 to read as
24-8 follows:

24-9 Sec. 265.005. STRATEGIC PLAN. (a) The department shall
24-10 develop and implement a five-year strategic plan for prevention and
24-11 early intervention services. Not later than September 1 of the last
24-12 fiscal year in each five-year period, the department shall issue a
24-13 new strategic plan for the next five fiscal years beginning with the
24-14 following fiscal year.

24-15 (b) A strategic plan required under this section must:

24-16 (1) identify methods to leverage other sources of
24-17 funding or provide support for existing community-based prevention
24-18 efforts;

24-19 (2) include a needs assessment that identifies
24-20 programs to best target the needs of the highest risk populations
24-21 and geographic areas;

24-22 (3) identify the goals and priorities for the
24-23 department's overall prevention efforts;

24-24 (4) report the results of previous prevention efforts
24-25 using available information in the plan;

24-26 (5) identify additional methods of measuring program
24-27 effectiveness and results or outcomes;

24-28 (6) identify methods to collaborate with other state
24-29 agencies on prevention efforts; and

24-30 (7) identify specific strategies to implement the plan
24-31 and to develop measures for reporting on the overall progress
24-32 toward the plan's goals.

24-33 (c) The department shall coordinate with interested parties
24-34 and communities in developing the strategic plan under this
24-35 section.

24-36 (d) The department shall annually update the strategic plan
24-37 developed under this section.

24-38 (e) The department shall post the strategic plan developed
24-39 under this section and any update to the plan on its Internet
24-40 website.

24-41 SECTION 63. Subchapter D, Chapter 40, Human Resources Code,
24-42 as amended by S.B. 219, Acts of the 84th Legislature, Regular
24-43 Session, 2015, is transferred to Chapter 265, Family Code,
24-44 redesignated as Subchapter B, Chapter 265, Family Code, and amended
24-45 to read as follows:

24-46 SUBCHAPTER B [D]. CHILD ABUSE AND NEGLECT PRIMARY
24-47 PREVENTION PROGRAMS

24-48 Sec. 265.051 [40.101]. DEFINITIONS. In this subchapter:

24-49 (1) "Children's trust fund" means a child abuse and
24-50 neglect primary prevention program.

24-51 (2) "Primary prevention" means services and
24-52 activities available to the community at large or to families to
24-53 prevent child abuse and neglect before it occurs. The term includes
24-54 infant mortality prevention education programs.

24-55 (3) "Operating fund" means the Department of Family
24-56 and Protective Services child abuse and neglect prevention
24-57 operating fund account.

24-58 (4) "State agency" means a board, commission,
24-59 department, office, or other state agency that:

24-60 (A) is in the executive branch of the state
24-61 government;

24-62 (B) was created by the constitution or a statute
24-63 of this state; and

24-64 (C) has statewide jurisdiction.

24-65 (5) "Trust fund" means the child abuse and neglect
24-66 prevention trust fund account.

24-67 Sec. 265.052 [40.102]. CHILD ABUSE AND NEGLECT PRIMARY
24-68 PREVENTION PROGRAMS. (a) The department shall operate the
24-69 children's trust fund to:

- 25-1 (1) set policy, offer resources for community primary
 25-2 prevention programs, and provide information and education on
 25-3 prevention of child abuse and neglect;
- 25-4 (2) develop a state plan for expending funds for child
 25-5 abuse and neglect primary prevention programs that includes an
 25-6 annual schedule of transfers of trust fund money to the operating
 25-7 fund;
- 25-8 (3) develop eligibility criteria for applicants
 25-9 requesting funding for child abuse and neglect primary prevention
 25-10 programs; and
- 25-11 (4) establish funding priorities for child abuse and
 25-12 neglect primary prevention programs.
- 25-13 (b) The children's trust fund shall accommodate the
 25-14 department's existing rules and policies in procuring, awarding,
 25-15 and monitoring contracts and grants.
- 25-16 (c) The department may:
- 25-17 (1) apply for and receive funds made available by the
 25-18 federal government or another public or private source for
 25-19 administering programs under this subchapter and for funding for
 25-20 child abuse and neglect primary prevention programs; and
- 25-21 (2) solicit donations for child abuse and neglect
 25-22 primary prevention programs.
- 25-23 Sec. 265.053 [~~40.104~~]. ADMINISTRATIVE AND OTHER COSTS.
- 25-24 (a) Administrative costs under this subchapter during any fiscal
 25-25 year may not exceed an amount equal to 50 percent of the interest
 25-26 credited to the trust fund during the preceding fiscal year.
- 25-27 (b) Funds expended under a special project grant from a
 25-28 governmental source or a nongovernmental source for public
 25-29 education or public awareness may not be counted as administrative
 25-30 costs for the purposes of this section.
- 25-31 Sec. 265.054 [~~40.105~~]. CHILD ABUSE AND NEGLECT PREVENTION
 25-32 TRUST FUND ACCOUNT. (a) The child abuse and neglect prevention
 25-33 trust fund account is an account in the general revenue fund. Money
 25-34 in the trust fund is dedicated to child abuse and neglect primary
 25-35 prevention programs.
- 25-36 (b) The department may transfer money contained in the trust
 25-37 fund to the operating fund at any time. However, during a fiscal
 25-38 year the department may not transfer more than the amount
 25-39 appropriated for the operating fund for that fiscal year. Money
 25-40 transferred to the operating fund that was originally deposited to
 25-41 the credit of the trust fund under Section 118.022, Local
 25-42 Government Code, may be used only for child abuse and neglect
 25-43 primary prevention programs.
- 25-44 (c) Interest earned on the trust fund shall be credited to
 25-45 the trust fund.
- 25-46 (d) The trust fund is exempt from the application of Section
 25-47 403.095, Government Code.
- 25-48 (e) All marriage license fees and other fees collected for
 25-49 and deposited in the trust fund and interest earned on the trust
 25-50 fund balance shall be appropriated each biennium only to the
 25-51 operating fund for [~~primary~~] child abuse and neglect primary
 25-52 prevention programs.
- 25-53 Sec. 265.055 [~~40.106~~]. DEPARTMENT OPERATING FUND ACCOUNT.
- 25-54 (a) The operating fund is an account in the general revenue fund.
- 25-55 (b) Administrative and other costs allowed in Section
 25-56 265.053 [~~40.104~~] shall be taken from the operating fund. The
 25-57 department may transfer funds contained in the operating fund to
 25-58 the trust fund at any time.
- 25-59 (c) The legislature may appropriate the money in the
 25-60 operating fund to carry out the provisions of this subchapter.
- 25-61 (d) The operating fund is exempt from the application of
 25-62 Section 403.095, Government Code.
- 25-63 Sec. 265.056 [~~40.107~~]. CONTRIBUTIONS. (a) The department
 25-64 may solicit contributions from any appropriate source.
- 25-65 (b) Any other contributions for child abuse and neglect
 25-66 primary prevention or other prevention and early intervention
 25-67 programs shall be deposited into a separate designated fund in the
 25-68 state treasury and shall be used for that designated purpose.
- 25-69 (c) A person may contribute funds to either the trust fund,

26-1 the operating fund, or a fund designated by the department for a
 26-2 specific child abuse and neglect primary prevention or other
 26-3 prevention or early intervention purpose.

26-4 (d) If a person designates that a contribution is intended
 26-5 as a donation to a specific fund, the contribution shall be
 26-6 deposited in the designated fund.

26-7 SECTION 64. Section 40.0561, Human Resources Code, is
 26-8 transferred to Subchapter B, Chapter 265, Family Code, as
 26-9 transferred and redesignated from Subchapter D, Chapter 40, Human
 26-10 Resources Code, by this Act, and redesignated as Section 265.057,
 26-11 Family Code, to read as follows:

26-12 Sec. 265.057 [~~40.0561~~]. COMMUNITY YOUTH DEVELOPMENT
 26-13 GRANTS. (a) Subject to available funding, the department shall
 26-14 award community youth development grants to communities identified
 26-15 by incidence of crime. The department shall give priority in
 26-16 awarding grants under this section to areas of the state in which
 26-17 there is a high incidence of juvenile crime.

26-18 (b) The purpose of a grant under this section is to assist a
 26-19 community in alleviating conditions in the family and community
 26-20 that lead to juvenile crime.

26-21 SECTION 65. Section 266.004, Family Code, is amended by
 26-22 amending Subsections (e) and (f) and adding Subsection (k) to read
 26-23 as follows:

26-24 (e) The department, a person authorized to consent to
 26-25 medical care under Subsection (b), the child's parent if the
 26-26 parent's rights have not been terminated, a guardian ad litem or
 26-27 attorney ad litem if one has been appointed, or the person providing
 26-28 foster care to the child may petition the court for any order
 26-29 related to medical care for a foster child that the department or
 26-30 other person believes is in the best interest of the child. Notice
 26-31 of the petition must be given to each person entitled to notice
 26-32 under Section 263.0021(b) [~~263.301(b)~~].

26-33 (f) If a physician who has examined or treated the foster
 26-34 child has concerns regarding the medical care provided to the
 26-35 foster child, the physician may file a letter with the court stating
 26-36 the reasons for the physician's concerns. The court shall provide a
 26-37 copy of the letter to each person entitled to notice under Section
 26-38 263.0021(b) [~~263.301(b)~~].

26-39 (k) The department may consent to health care services
 26-40 ordered or prescribed by a health care provider authorized to order
 26-41 or prescribe health care services regardless of whether the
 26-42 services are provided under the medical assistance program under
 26-43 Chapter 32, Human Resources Code, if the department otherwise has
 26-44 the authority under this section to consent to health care
 26-45 services.

26-46 SECTION 66. Section 266.0041(d), Family Code, is amended to
 26-47 read as follows:

26-48 (d) An independent medical advocate shall, within a
 26-49 reasonable time after the appointment, interview:

26-50 (1) the foster child in a developmentally appropriate
 26-51 manner, if the child is four years of age or older;

26-52 (2) the foster child's parent, if the parent is
 26-53 entitled to notification under Section 264.018 [~~266.005~~];

26-54 (3) an advocate appointed by an institutional review
 26-55 board in accordance with the Code of Federal Regulations, 45 C.F.R.
 26-56 Section 46.409(b), if an advocate has been appointed;

26-57 (4) the medical team treating the foster child as well
 26-58 as the medical team conducting the drug research program; and

26-59 (5) each individual who has significant knowledge of
 26-60 the foster child's medical history and condition, including any
 26-61 foster parent of the child.

26-62 SECTION 67. Section 266.010(b), Family Code, is amended to
 26-63 read as follows:

26-64 (b) A court with continuing jurisdiction may make the
 26-65 determination regarding the foster child's capacity to consent to
 26-66 medical care during a hearing under Chapter 263 or may hold a
 26-67 hearing to make the determination on its own motion. The court may
 26-68 issue an order authorizing the child to consent to all or some of
 26-69 the medical care as defined by Section 266.001. In addition, a

27-1 foster child who is at least 16 years of age, or the foster child's
 27-2 attorney ad litem, may file a petition with the court for a hearing.
 27-3 If the court determines that the foster child lacks the capacity to
 27-4 consent to medical care, the court may consider whether the foster
 27-5 child has acquired the capacity to consent to medical care at
 27-6 subsequent hearings under Section 263.5031 [~~263.503~~].

27-7 SECTION 68. Subdivisions (3), as amended by S.B. 219, Acts
 27-8 of the 84th Legislature, Regular Session, 2015, and (7), Subsection
 27-9 (a), Section 411.114, Government Code, are amended to read as
 27-10 follows:

27-11 (3) The Department of Family and Protective Services
 27-12 is entitled to obtain from the department criminal history record
 27-13 information maintained by the department that relates to a person
 27-14 with respect to whom the Department of Family and Protective
 27-15 Services determines obtaining a criminal history record is
 27-16 necessary to ensure the safety or welfare of a child, elderly
 27-17 person, or person with a disability [who is:

27-18 [~~(A) a volunteer or applicant volunteer with a~~
 27-19 ~~local affiliate in this state of Big Brothers/Big Sisters of~~
 27-20 ~~America;~~

27-21 [~~(B) a volunteer or applicant volunteer with the~~
 27-22 ~~"I Have a Dream/Houston" program;~~

27-23 [~~(C) a volunteer or applicant volunteer with an~~
 27-24 ~~organization that provides court-appointed special advocates for~~
 27-25 ~~abused or neglected children;~~

27-26 [~~(D) a person providing, at the request of the~~
 27-27 ~~child's parent, in-home care for a child who is the subject of a~~
 27-28 ~~report alleging the child has been abused or neglected;~~

27-29 [~~(E) a volunteer or applicant volunteer with a~~
 27-30 ~~Texas chapter of the Make-a-Wish Foundation of America;~~

27-31 [~~(F) a person providing, at the request of the~~
 27-32 ~~child's parent, in-home care for a child only if the person gives~~
 27-33 ~~written consent to the release and disclosure of the information;~~

27-34 [~~(G) a child who is related to the caretaker, as~~
 27-35 ~~determined under Section 42.002, Human Resources Code, and who~~
 27-36 ~~resides in or is present in a child-care facility or family home,~~
 27-37 ~~other than a child described by Subdivision (2)(C), or any other~~
 27-38 ~~person who has unsupervised access to a child in the care of a~~
 27-39 ~~child-care facility or family home;~~

27-40 [~~(H) an applicant for a position with the~~
 27-41 ~~Department of Family and Protective Services, other than a position~~
 27-42 ~~described by Subdivision (2)(D), regardless of the duties of the~~
 27-43 ~~position;~~

27-44 [~~(I) a volunteer or applicant volunteer with the~~
 27-45 ~~Department of Family and Protective Services, other than a~~
 27-46 ~~registered volunteer, regardless of the duties to be performed;~~

27-47 [~~(J) a person providing or applying to provide~~
 27-48 ~~in-home, adoptive, or foster care for children to the extent~~
 27-49 ~~necessary to comply with Subchapter B, Chapter 162, Family Code;~~

27-50 [~~(K) a Department of Family and Protective~~
 27-51 ~~Services employee, other than an employee described by Subdivision~~
 27-52 ~~(2)(H), regardless of the duties of the employee's position;~~

27-53 [~~(L) a relative of a child in the care of the~~
 27-54 ~~Department of Family and Protective Services, to the extent~~
 27-55 ~~necessary to comply with Section 162.007, Family Code;~~

27-56 [~~(M) a person, other than an alleged perpetrator~~
 27-57 ~~in a report described in Subdivision (2)(I), living in the~~
 27-58 ~~residence in which the alleged victim of the report resides;~~

27-59 [~~(N) an employee, volunteer, or applicant~~
 27-60 ~~volunteer of a children's advocacy center under Subchapter E,~~
 27-61 ~~Chapter 264, Family Code, including a member of the governing board~~
 27-62 ~~of a center;~~

27-63 [~~(O) an employee of, an applicant for employment~~
 27-64 ~~with, or a volunteer or an applicant volunteer with an entity or~~
 27-65 ~~person that contracts with the Department of Family and Protective~~
 27-66 ~~Services and has access to confidential information in the~~
 27-67 ~~department's records, if the employee, applicant, volunteer, or~~
 27-68 ~~applicant volunteer has or will have access to that confidential~~
 27-69 ~~information;~~

28-1 ~~[(P) an employee of or volunteer at, or an~~
28-2 ~~applicant for employment with or to be a volunteer at, an entity~~
28-3 ~~that provides supervised independent living services to a young~~
28-4 ~~adult receiving extended foster care services from the Department~~
28-5 ~~of Family and Protective Services;~~

28-6 ~~[(Q) a person 14 years of age or older who will be~~
28-7 ~~regularly or frequently working or staying in a host home that is~~
28-8 ~~providing supervised independent living services to a young adult~~
28-9 ~~receiving extended foster care services from the Department of~~
28-10 ~~Family and Protective Services; or~~

28-11 ~~[(R) a person who volunteers to supervise~~
28-12 ~~visitation under Subchapter B, Chapter 263, Family Code].~~

28-13 (7) The Department of Family and Protective Services
28-14 is not prohibited from releasing criminal history record
28-15 information obtained under this subsection to:

28-16 (A) the person who is the subject of the criminal
28-17 history record information;

28-18 (B) a child-care facility, child-placing agency,
28-19 or family home listed in Subdivision (2) that employs or is
28-20 considering employing the person who is the subject of the criminal
28-21 history record information;

28-22 (C) a person or business entity described by
28-23 Subdivision (2)(E) ~~[or (3)]~~ who uses or intends to use the services
28-24 of the volunteer or employs or is considering employing the person
28-25 who is the subject of the criminal history record information;

28-26 (D) a person or business entity who uses or
28-27 intends to use the volunteer services of or who employs or is
28-28 considering employing the person who is the subject of the criminal
28-29 history record if the release of the record is related to the
28-30 purpose for which the record was obtained under Subdivision (3);

28-31 (E) an adult who resides with an alleged victim
28-32 of abuse, neglect, or exploitation of a child, elderly person, or
28-33 person with a disability and who also resides with the alleged
28-34 perpetrator of that abuse, neglect, or exploitation if:

28-35 (i) the alleged perpetrator is the subject
28-36 of the criminal history record information; and

28-37 (ii) the Department of Family and
28-38 Protective Services determines that the release of information to
28-39 the adult is necessary to ensure the safety or welfare of the
28-40 alleged victim or the adult; or

28-41 (F) ~~[(E)]~~ an elderly or disabled person who is an
28-42 alleged victim of abuse, neglect, or exploitation and who resides
28-43 with the alleged perpetrator of that abuse, neglect, or
28-44 exploitation if:

28-45 (i) the alleged perpetrator is the subject
28-46 of the criminal history record information; and

28-47 (ii) the Department of Family and
28-48 Protective Services determines that the release of information to
28-49 the elderly or disabled person or adult is necessary to ensure the
28-50 safety or welfare of the elderly or disabled person.

28-51 SECTION 69. Section 40.030, Human Resources Code, is
28-52 amended to read as follows:

28-53 Sec. 40.030. ADVISORY COMMITTEES. (a) The executive
28-54 commissioner or the executive commissioner's designee may appoint
28-55 advisory committees in accordance with Chapter 2110, Government
28-56 Code.

28-57 (b) The executive commissioner shall adopt rules, in
28-58 compliance with Chapter 2110, Government Code, regarding the
28-59 purpose, structure, and use of advisory committees by the
28-60 department. The rules may include provisions governing:

28-61 (1) an advisory committee's size and quorum
28-62 requirements;

28-63 (2) qualifications for membership of an advisory
28-64 committee, including requirements relating to experience and
28-65 geographic representation;

28-66 (3) appointment procedures for an advisory committee;

28-67 (4) terms for advisory committee members; and

28-68 (5) compliance with Chapter 551, Government Code.

28-69 SECTION 70. Section 40.037(a), Human Resources Code, is

29-1 amended to read as follows:

29-2 (a) The department shall develop and implement a training
 29-3 program that each employee who is newly hired or promoted to a
 29-4 management position in the child protective services division must
 29-5 complete as soon as is practicable, but not later than the 60th day
 29-6 after the date the employee is hired or promoted to [~~before the~~
 29-7 ~~employee begins serving in~~] the management position.

29-8 SECTION 71. Section 40.0524(a), Human Resources Code, is
 29-9 amended to read as follows:

29-10 (a) In a jurisdiction for which a children's advocacy center
 29-11 has not been established under Section 264.402, Family Code, the
 29-12 department shall, to [~~to~~] the extent possible, [the department
 29-13 ~~shall]~~ establish multidisciplinary teams to provide services
 29-14 relating to a report of child abuse or neglect. A multidisciplinary
 29-15 team shall include professionals in parent education and in each
 29-16 professional discipline necessary to provide comprehensive medical
 29-17 and psychological services to a child who is the subject of a report
 29-18 and to members of the child's household.

29-19 SECTION 72. Subchapter C, Chapter 40, Human Resources Code,
 29-20 is amended by adding Section 40.05275 to read as follows:

29-21 Sec. 40.05275. ANNUAL BUSINESS PLAN FOR CHILD PROTECTIVE
 29-22 SERVICES. (a) The department shall develop and implement an
 29-23 annual business plan for the child protective services program to
 29-24 prioritize the department's activities and resources to improve the
 29-25 program.

29-26 (b) The department shall coordinate with the department's
 29-27 regional staff in developing the annual business plan under this
 29-28 section.

29-29 (c) The annual business plan developed under this section
 29-30 must include:

29-31 (1) long-term and short-term performance goals;

29-32 (2) identification of priority projects and ongoing
 29-33 initiatives that are clearly linked to established goals; and

29-34 (3) a statement of staff expectations that includes
 29-35 identification of:

29-36 (A) the person or team responsible for each
 29-37 project;

29-38 (B) the specific tasks and deliverables
 29-39 expected;

29-40 (C) the resources needed to accomplish each
 29-41 project;

29-42 (D) a time frame for the completion of each
 29-43 deliverable and project; and

29-44 (E) the expected outcome for each project and the
 29-45 method and procedure for measuring the outcome to ensure effective
 29-46 evaluation for each project.

29-47 (d) Not later than October 1 of each year, the department
 29-48 shall submit the annual business plan developed under this section
 29-49 to the governor, lieutenant governor, speaker of the house of
 29-50 representatives, and chairs of the standing committees of the
 29-51 senate and house of representatives having primary jurisdiction
 29-52 over child protection issues.

29-53 SECTION 73. The heading to Section 40.0528, Human Resources
 29-54 Code, is amended to read as follows:

29-55 Sec. 40.0528. GOALS FOR ANNUAL BUSINESS [COMPREHENSIVE
 29-56 STAFFING AND WORKLOAD DISTRIBUTION] PLAN FOR CHILD PROTECTIVE
 29-57 SERVICES; REPORTING CASELOAD INFORMATION.

29-58 SECTION 74. Section 40.0528(a), Human Resources Code, is
 29-59 amended to read as follows:

29-60 (a) The department shall consider the following goals in
 29-61 developing the annual business plan required under Section 40.05275
 29-62 [develop and implement a staffing and workload distribution plan]
 29-63 for the child protective services program [~~to~~]:

29-64 (1) reducing [~~reduce~~] caseloads;

29-65 (2) enhancing [~~enhance~~] accountability;

29-66 (3) improving [~~improve~~] the quality of
 29-67 investigations;

29-68 (4) eliminating [~~eliminate~~] delays; and

29-69 (5) ensuring [~~ensure~~] the most efficient and effective

30-1 use of child protective services staff and resources.

30-2 SECTION 75. Chapter 54, Human Resources Code, as amended by
30-3 S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is
30-4 transferred to Subchapter C, Chapter 40, Human Resources Code,
30-5 redesignated as Section 40.075, Human Resources Code, and amended
30-6 to read as follows:

30-7 [~~CHAPTER 54. PROTECTIVE ORDERS SOUGHT BY DEPARTMENT OF FAMILY AND~~
30-8 ~~PROTECTIVE SERVICES~~]

30-9 Sec. 40.075 [~~54.001~~]. PROTECTIVE ORDERS. (a) The
30-10 executive commissioner shall adopt rules to provide procedures for
30-11 the filing of protective orders by the Department of Family and
30-12 Protective Services for the protection of a member of a family or
30-13 household as provided by Title 4, Family Code.

30-14 (b) [~~Sec. 54.002. NOTICE TO NONABUSIVE PARENT OR HOUSEHOLD~~
30-15 ~~MEMBER.~~] The department [~~Department of Family and Protective~~
30-16 ~~Services~~] shall provide prior notice to a nonabusive parent or
30-17 adult member of a household of the department's intent to file an
30-18 application for a protective order for a child or older person and
30-19 shall request the assistance of the person receiving the notice in
30-20 developing a safety plan for household members and the child or
30-21 older person for whom the order is sought. The department shall
30-22 exercise reasonable safety precautions to protect a nonabusive
30-23 parent or other member of a household while providing notice and
30-24 requesting assistance under this section.

30-25 SECTION 76. Section 42.048(f), Human Resources Code, is
30-26 amended to read as follows:

30-27 (f) A license must be issued if the department determines
30-28 that a facility meets all requirements. The evaluation shall be
30-29 based on one or more visits to the facility and a review of required
30-30 forms and records. A license is valid until the license expires, is
30-31 revoked, or is surrendered.

30-32 SECTION 77. Section 42.050, Human Resources Code, as
30-33 amended by S.B. 219, Acts of the 84th Legislature, Regular Session,
30-34 2015, is amended to read as follows:

30-35 Sec. 42.050. LICENSE RENEWAL. (a) A license holder may
30-36 apply for renewal of a [new] license in compliance with the
30-37 requirements of this chapter and department rules.

30-38 (b) The application for renewal of a [new] license must be
30-39 completed and decided on by the department before the expiration of
30-40 the license under which a facility is operating.

30-41 (c) The department shall evaluate the application for
30-42 renewal of a [new] license to determine if all licensing
30-43 requirements are met. The evaluation may include a specified
30-44 number of visits to the facility and must include a review of all
30-45 required forms and records.

30-46 (d) The executive commissioner shall adopt rules governing
30-47 the license renewal process for all licenses issued under this
30-48 chapter. The rules must include:

- 30-49 (1) renewal periods;
30-50 (2) a process for staggered renewals;
30-51 (3) a process for resolving a late application for
30-52 renewal;
30-53 (4) expiration dates; and
30-54 (5) conditions for renewal.

30-55 SECTION 78. Section 42.052, Human Resources Code, is
30-56 amended by amending Subsections (a) and (e) and adding Subsections
30-57 (e-1) and (f-1) to read as follows:

30-58 (a) A state-operated child-care facility or child-placing
30-59 agency must receive certification of approval from the department.
30-60 The certification of approval remains valid until the certification
30-61 expires, is revoked, or is surrendered.

30-62 (e) A registration [~~or listing~~] remains valid until the
30-63 registration expires, is revoked, or is surrendered. The operator
30-64 of a registered home must display the registration in a prominent
30-65 place at the home.

30-66 (e-1) A listing remains valid until the listing is revoked
30-67 or surrendered.

30-68 (f-1) The executive commissioner shall adopt rules
30-69 governing the certification and registration renewal process for

- 31-1 all certifications and registrations issued under this chapter.
 31-2 The rules must include:
 31-3 (1) renewal periods;
 31-4 (2) a process for staggered renewals;
 31-5 (3) a process for resolving a late application for
 31-6 renewal;
 31-7 (4) expiration dates; and
 31-8 (5) conditions for renewal.

31-9 SECTION 79. Section 42.054, Human Resources Code, is
 31-10 amended by amending Subsections (a), (b), (c), (d), and (e) and
 31-11 adding Subsection (h) to read as follows:

31-12 (a) The department shall charge an applicant a
 31-13 nonrefundable application fee [~~of \$35~~] for an initial license to
 31-14 operate a child-care facility or a child-placing agency.

31-15 (b) The department shall charge each child-care facility a
 31-16 fee [~~of \$35~~] for an initial license. The department shall charge
 31-17 each child-placing agency a fee [~~of \$50~~] for an initial license.

31-18 (c) The department shall charge each licensed child-care
 31-19 facility an annual license fee [~~in the amount of \$35 plus \$1 for~~
 31-20 ~~each child the child-care facility is permitted to serve~~]. The fee
 31-21 is due on the date on which the department issues the child-care
 31-22 facility's initial license and on the anniversary of that date.

31-23 (d) The department shall charge each licensed child-placing
 31-24 agency an annual license fee [~~of \$100~~]. The fee is due on the date
 31-25 on which the department issues the child-placing agency's initial
 31-26 license and on the anniversary of that date.

31-27 (e) The department shall charge each family home that is
 31-28 listed or registered with the department an annual fee [~~to cover a~~
 31-29 ~~part of the department's cost in regulating family homes. The~~
 31-30 ~~amount of the fee is \$20 for a listed home or \$35 for a registered~~
 31-31 ~~home~~]. The fee is due on the date on which the department initially
 31-32 lists or registers the home and on the anniversary of that date.

31-33 (h) The executive commissioner by rule shall set fees under
 31-34 this section.

31-35 SECTION 80. Subchapter D, Chapter 42, Human Resources Code,
 31-36 is amended by adding Section 42.0704 to read as follows:

31-37 Sec. 42.0704. ENFORCEMENT POLICY. (a) The executive
 31-38 commissioner by rule shall adopt a general enforcement policy that
 31-39 describes the department's approach to enforcement of this chapter.

31-40 (b) The enforcement policy must:

31-41 (1) summarize the department's general expectations in
 31-42 enforcing this chapter;

31-43 (2) include the methodology required by Subsection
 31-44 (c); and

31-45 (3) describe the department's plan for strengthening
 31-46 its enforcement efforts and for making objective regulatory
 31-47 decisions.

31-48 (c) As part of the enforcement policy, the department shall
 31-49 develop and implement a methodology for determining the appropriate
 31-50 disciplinary action to take against a person who violates this
 31-51 chapter or a department rule. The methodology must provide
 31-52 guidance on when to use each of the available tools of enforcement,
 31-53 including technical assistance, voluntary plans of action,
 31-54 evaluation, probation, suspension or revocation of a license or
 31-55 registration, denial of a license or registration, administrative
 31-56 penalties, and emergency suspension. The methodology must allow
 31-57 the department to consider the circumstances of a particular case,
 31-58 including the nature and seriousness of the violation, history of
 31-59 previous violations, and aggravating and mitigating factors, in
 31-60 determining the appropriate disciplinary action.

31-61 (d) The department shall make the methodology described by
 31-62 Subsection (c) available to the public, including by posting the
 31-63 methodology on the department's Internet website.

31-64 SECTION 81. Section 42.078(a-2), Human Resources Code, is
 31-65 amended to read as follows:

31-66 (a-2) The department may impose an administrative penalty
 31-67 without first imposing a nonmonetary administrative sanction for
 31-68 violating a minimum standard applicable to a facility or family
 31-69 home under this chapter that is determined by the department to be a

32-1 high-risk standard, including background check standards, safety
 32-2 hazard standards, and supervision standards [~~the following~~
 32-3 ~~violations:~~

32-4 [~~(1) failing to timely submit the information required~~
 32-5 ~~to conduct a background and criminal history check under Section~~
 32-6 ~~42.056 and applicable department rules on two or more occasions;~~

32-7 [~~(2) failing to submit the information required to~~
 32-8 ~~conduct a background and criminal history check under Section~~
 32-9 ~~42.056 and applicable department rules before the 30th day after~~
 32-10 ~~the date the facility or family home is notified by the department~~
 32-11 ~~that the information is overdue;~~

32-12 [~~(3) except as provided by Section 42.056(g),~~
 32-13 ~~knowingly allowing a person to be present in a facility or family~~
 32-14 ~~home when the person's background and criminal history check has~~
 32-15 ~~not been received;~~

32-16 [~~(4) knowingly allowing a person to be present in a~~
 32-17 ~~facility or family home when the person's background and criminal~~
 32-18 ~~history check has been received and contains criminal history or~~
 32-19 ~~central registry findings that under department rules preclude the~~
 32-20 ~~person from being present in the facility or family home; or~~

32-21 [~~(5) violating a condition or restriction the~~
 32-22 ~~department places on a person's presence at a facility or family~~
 32-23 ~~home as part of a pending or approved risk evaluation of the~~
 32-24 ~~person's background and criminal history or central registry~~
 32-25 ~~findings].~~

32-26 SECTION 82. Subchapter D, Chapter 42, Human Resources Code,
 32-27 is amended by adding Section 42.079 to read as follows:

32-28 Sec. 42.079. CEASE AND DESIST ORDER. (a) If it appears to
 32-29 the department that a person who is not licensed, certified,
 32-30 registered, or listed under this chapter is operating a child-care
 32-31 facility or family home, the department, after notice and
 32-32 opportunity for a hearing, may issue a cease and desist order
 32-33 prohibiting the person from operating the facility or home.

32-34 (b) A violation of an order under this section constitutes
 32-35 grounds for imposing an administrative penalty under Section
 32-36 42.078.

32-37 SECTION 83. Section 244.0105(a), Human Resources Code, is
 32-38 amended to read as follows:

32-39 (a) Not later than the 10th day before the date of a
 32-40 permanency hearing under Subchapter D, Chapter 263, Family Code, or
 32-41 [~~a placement review hearing under~~] Subchapter F, Chapter 263,
 32-42 Family Code, regarding a child for whom the Department of Family and
 32-43 Protective Services has been appointed managing conservator, a
 32-44 department caseworker shall submit a written report regarding the
 32-45 child's commitment to the department to:

- 32-46 (1) the court;
- 32-47 (2) the Department of Family and Protective Services;
- 32-48 (3) any attorney ad litem or guardian ad litem
- 32-49 appointed for the child; and
- 32-50 (4) any volunteer advocate appointed for the child.

32-51 SECTION 84. Section 244.0106(c), Human Resources Code, is
 32-52 amended to read as follows:

32-53 (c) The rules adopted under this section must require:
 32-54 (1) the Department of Family and Protective Services
 32-55 to:

- 32-56 (A) provide the department with access to
- 32-57 relevant health and education information regarding a child; and
- 32-58 (B) require a child's caseworker to visit the
- 32-59 child in person at least once each month while the child is
- 32-60 committed to the department;

32-61 (2) the department to:
 32-62 (A) provide the Department of Family and
 32-63 Protective Services with relevant health and education information
 32-64 regarding a child;

32-65 (B) permit communication, including in person,
 32-66 by telephone, and by mail, between a child committed to the
 32-67 department and:

- 32-68 (i) the Department of Family and Protective
- 32-69 Services; and

33-1 (ii) the attorney ad litem, the guardian ad
 33-2 litem, and the volunteer advocate for the child; and
 33-3 (C) provide the Department of Family and
 33-4 Protective Services and any attorney ad litem or guardian ad litem
 33-5 for the child with timely notice of the following events relating to
 33-6 the child:
 33-7 (i) a meeting designed to develop or revise
 33-8 the individual case plan for the child;
 33-9 (ii) in accordance with any participation
 33-10 protocols to which the Department of Family and Protective Services
 33-11 and the department agree, a medical appointment at which a person
 33-12 authorized to consent to medical care must participate as required
 33-13 by Section 266.004(i), Family Code;
 33-14 (iii) an education meeting, including
 33-15 admission, review, or dismissal meetings for a child receiving
 33-16 special education;
 33-17 (iv) a grievance or disciplinary hearing
 33-18 for the child;
 33-19 (v) a report of abuse or neglect of the
 33-20 child; and
 33-21 (vi) a significant change in medical
 33-22 condition of the child, as defined by Section 264.018 [~~266.005~~],
 33-23 Family Code; and
 33-24 (3) the Department of Family and Protective Services
 33-25 and the department to participate in transition planning for the
 33-26 child through release from detention, release under supervision,
 33-27 and discharge.

33-28 SECTION 85. The following provisions, including provisions
 33-29 amended by S.B. 219, Acts of the 84th Legislature, Regular Session,
 33-30 2015, are repealed:

33-31 (1) Section 162.302, Family Code;
 33-32 (2) Section 162.303, Family Code;
 33-33 (3) Sections 162.304(c), (d), and (e), Family Code;
 33-34 (4) Section 162.308, Family Code;
 33-35 (5) Section 162.309, Family Code;
 33-36 (6) Section 261.004, Family Code;
 33-37 (7) Section 261.203(d), Family Code;
 33-38 (8) Section 261.3012, Family Code;
 33-39 (9) Sections 261.308(b) and (c), Family Code;
 33-40 (10) Section 261.310(c), Family Code;
 33-41 (11) Section 261.3101, Family Code;
 33-42 (12) Section 262.1041, Family Code;
 33-43 (13) Section 262.105(b), Family Code;
 33-44 (14) Section 263.008(a)(2), Family Code;
 33-45 (15) Sections 263.009(c), (d), (e), and (f), Family
 33-46 Code;
 33-47 (16) Sections 263.102(c) and (g), Family Code;
 33-48 (17) Section 263.306(a), Family Code, as amended by
 33-49 Chapters 191 (S.B. 352), 204 (H.B. 915), and 688 (H.B. 2619), Acts
 33-50 of the 83rd Legislature, Regular Session, 2013;
 33-51 (18) Section 263.306(b), Family Code;
 33-52 (19) Sections 263.501(d) and (e), Family Code;
 33-53 (20) Sections 263.502(b), (c), and (d), Family Code;
 33-54 (21) Section 263.503, Family Code;
 33-55 (22) Sections 264.002(a), (b), (c), and (d), Family
 33-56 Code;
 33-57 (23) Section 264.012, Family Code;
 33-58 (24) Section 264.016, Family Code;
 33-59 (25) Sections 264.107(a), (c), and (d), Family Code;
 33-60 (26) Section 264.1071, Family Code;
 33-61 (27) Section 264.108, Family Code;
 33-62 (28) Sections 264.110(a), (b), (c), (e), (f), (g), and
 33-63 (h), Family Code;
 33-64 (29) Section 264.111, Family Code;
 33-65 (30) Section 264.117, Family Code;
 33-66 (31) Section 264.119, Family Code;
 33-67 (32) Section 264.207(b), Family Code;
 33-68 (33) Section 264.208, Family Code;
 33-69 (34) Section 264.303, Family Code;

- 34-1 (35) Section 264.304, Family Code;
- 34-2 (36) Section 264.305, Family Code;
- 34-3 (37) Section 264.306, Family Code;
- 34-4 (38) Section 264.752(b), Family Code;
- 34-5 (39) Section 264.851(1), Family Code;
- 34-6 (40) Section 266.001(4), Family Code;
- 34-7 (41) Section 266.005, Family Code;
- 34-8 (42) Section 40.001(5), Human Resources Code;
- 34-9 (43) Section 40.0305, Human Resources Code;
- 34-10 (44) Section 40.031, Human Resources Code;
- 34-11 (45) Section 40.0324, Human Resources Code;
- 34-12 (46) Section 40.0327, Human Resources Code;
- 34-13 (47) Section 40.036, Human Resources Code;
- 34-14 (48) Sections 40.037(b) and (c), Human Resources Code;
- 34-15 (49) Section 40.052, Human Resources Code;
- 34-16 (50) Section 40.0523, Human Resources Code;
- 34-17 (51) Section 40.0524(d), Human Resources Code;
- 34-18 (52) Section 40.0525, Human Resources Code;
- 34-19 (53) Sections 40.0528(b) and (c), Human Resources
- 34-20 Code;
- 34-21 (54) Section 40.0566, Human Resources Code;
- 34-22 (55) Section 40.069, Human Resources Code; and
- 34-23 (56) Section 40.073, Human Resources Code.

34-24 SECTION 86. Not later than January 1, 2016, the executive
 34-25 commissioner of the Health and Human Services Commission shall
 34-26 adopt rules necessary to implement the changes in law made by this
 34-27 Act.

34-28 SECTION 87. Not later than January 1, 2016, the Department
 34-29 of Family and Protective Services shall seek public input for the
 34-30 initial report required under Section 264.017, Family Code, as
 34-31 added by this Act.

34-32 SECTION 88. Section 264.114(c), Family Code, as added by
 34-33 this Act, applies only to a cause of action that accrues on or after
 34-34 the effective date of this Act. A cause of action that accrues
 34-35 before the effective date of this Act is governed by the law in
 34-36 effect immediately before that date, and that law is continued in
 34-37 effect for that purpose.

34-38 SECTION 89. Not later than September 1, 2016, the
 34-39 Department of Family and Protective Services shall adopt the
 34-40 initial strategic plan required by Section 265.005, Family Code, as
 34-41 added by this Act.

34-42 SECTION 90. Section 42.078, Human Resources Code, as
 34-43 amended by this Act, applies only to a violation that occurs on or
 34-44 after the effective date of this Act. A violation that occurs
 34-45 before the effective date of this Act is governed by the law in
 34-46 effect at the time the violation occurred, and the former law is
 34-47 continued in effect for that purpose.

34-48 SECTION 91. (a) Except as otherwise provided by this
 34-49 section, this Act takes effect September 1, 2015.

34-50 (b) Sections 42.050(d) and 42.052(f-1), Human Resources
 34-51 Code, as added by this Act, take effect September 1, 2016.

34-52 * * * * *