

BILL ANALYSIS

C.S.H.B. 1968
By: Bernal
Juvenile Justice & Family Issues
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note the importance of possessing a personal identification certificate and certain other identification documents for a child leaving foster care, as such documents can help protect against homelessness. The parties contend that while such documents should be compiled for foster children, many youth age out of the foster system without having received the documents. C.S.H.B. 1968 seeks to provide a safeguard to ensure a foster child receives the necessary documents.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1968 amends the Family Code to include among the determinations a court is required to make at each permanency hearing for a child who is 16 years of age or older and under the care of the Department of Family and Protective Services (DFPS) after the court renders a final order appointing DFPS as the child's managing conservator a determination of whether DFPS has provided the child with the following: the child's birth certificate, a social security card or a replacement social security card, a driver's license or personal identification certificate issued by the Department of Public Safety, the information contained in the child's health passport, proof of Medicaid enrollment of the child, if appropriate, and written information advising the child of postsecondary education benefits and opportunities available to the child.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1968 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

HOUSE COMMITTEE SUBSTITUTE

85R 24299

17.108.329

Substitute Document Number: 85R 16992

SECTION 1. Section 263.5031, Family Code is amended by adding Subsection (L) to read as follows:

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

- (1) identify all persons and parties present at the hearing;
- (2) review the efforts of the department or other agency in notifying persons entitled to notice under Section 263.0021; and
- (3) review the permanency progress report to determine:
 - (A) the safety and well-being of the child and whether the child's needs, including any medical or special needs, are being adequately addressed;
 - (B) the continuing necessity and appropriateness of the placement of the child, including with respect to a child who has been placed outside of this state, whether the placement continues to be in the best interest of the child;
 - (C) if the child is placed in institutional care, whether efforts have been made to ensure that the child is placed in the least restrictive environment consistent with the child's best interest and special needs;
 - (D) the appropriateness of the primary and alternative permanency goals for the child, whether the department has made reasonable efforts to finalize the permanency plan, including the concurrent permanency goals, in effect for the child, and whether:
 - (i) the department has exercised due diligence in attempting to place the child for adoption if parental rights to the child have been terminated and the child is eligible for adoption; or
 - (ii) another permanent placement, including appointing a relative as permanent managing conservator or returning the child to a parent, is appropriate for the child;
 - (E) for a child whose permanency goal is another planned permanent living arrangement:
 - (i) the desired permanency outcome for the child, by asking the child; and
 - (ii) whether, as of the date of the hearing, another planned permanent living arrangement is the best permanency plan for the child and, if so, provide compelling

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- (1) identify all persons and parties present at the hearing;
- (2) review the efforts of the department or other agency in notifying persons entitled to notice under Section 263.0021; [~~and~~]
- (3) review the permanency progress report to determine:
 - (A) the safety and well-being of the child and whether the child's needs, including any medical or special needs, are being adequately addressed;
 - (B) the continuing necessity and appropriateness of the placement of the child, including with respect to a child who has been placed outside of this state, whether the placement continues to be in the best interest of the child;
 - (C) if the child is placed in institutional care, whether efforts have been made to ensure that the child is placed in the least restrictive environment consistent with the child's best interest and special needs;
 - (D) the appropriateness of the primary and alternative permanency goals for the child, whether the department has made reasonable efforts to finalize the permanency plan, including the concurrent permanency goals, in effect for the child, and whether:
 - (i) the department has exercised due diligence in attempting to place the child for adoption if parental rights to the child have been terminated and the child is eligible for adoption; or
 - (ii) another permanent placement, including appointing a relative as permanent managing conservator or returning the child to a parent, is appropriate for the child;
 - (E) for a child whose permanency goal is another planned permanent living arrangement:
 - (i) the desired permanency outcome for the child, by asking the child; and
 - (ii) whether, as of the date of the hearing, another planned permanent living arrangement is the best permanency plan for the child and, if so, provide compelling

reasons why it continues to not be in the best interest of the child to:

- (a) return home;
- (b) be placed for adoption;
- (c) be placed with a legal guardian; or
- (d) be placed with a fit and willing relative;
- (F) if the child is 14 years of age or older, whether services that are needed to assist the child in transitioning from substitute care to independent living are available in the child's community;
- (G) whether the child is receiving appropriate medical care and has been provided the opportunity, in a developmentally appropriate manner, to express the child's opinion on any medical care provided;
- (H) for a child receiving psychotropic medication, whether the child:
 - (i) has been provided appropriate nonpharmacological interventions, therapies, or strategies to meet the child's needs; or
 - (ii) has been seen by the prescribing physician, physician assistant, or advanced practice nurse at least once every 90 days;
- (I) whether an education decision-maker for the child has been identified, the child's education needs and goals have been identified and addressed, and there are major changes in the child's school performance or there have been serious disciplinary events;
- (J) for a child for whom the department has been named managing conservator in a final order that does not include termination of parental rights, whether to order the department to provide services to a parent for not more than six months after the date of the permanency hearing if:
 - (i) the child has not been placed with a relative or other individual, including a foster parent, who is seeking permanent managing conservatorship of the child; and
 - (ii) the court determines that further efforts at reunification with a parent are:
 - (a) in the best interest of the child; and
 - (b) likely to result in the child's safe return to the child's parent; and
- (K) whether the department has identified a family or other caring adult who has made a permanent commitment to the child; and
- (L) whether the department has provided a child, who has attained the age of sixteen, or the child's authorized representative with a

reasons why it continues to not be in the best interest of the child to:

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- (b) be placed for adoption;
- (c) be placed with a legal guardian; or
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- (J) for a child for whom the department has been named managing conservator in a final order that does not include termination of parental rights, whether to order the department to provide services to a parent for not more than six months after the date of the permanency hearing if:
 - (i) the child has not been placed with a relative or other individual, including a foster parent, who is seeking permanent managing conservatorship of the child; and
 - (ii) the court determines that further efforts at reunification with a parent are:
 - (a) in the best interest of the child; and
 - (b) likely to result in the child's safe return to the child's parent; and
- (K) whether the department has identified a family or other caring adult who has made a permanent commitment to the child; and
- (4) if the child is 16 years of age or older, determine whether the department has provided the child with the following:

copy and a certified copy of the following documents or with the original document, as applicable:

- (i) the child's birth certificate;
- (ii) a Social Security card or replacement Social Security card;
- (iii) a personal identification certificate under Chapter 521, Transportation Code;
- (iv) the information contained in the youth's health passport, including the youth's immunization records;
- (v) proof of enrollment in Medicaid, if appropriate; and
- (vi) written information advising the child of postsecondary education benefits and opportunities available to the child.

No equivalent provision.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

- (A) the child's birth certificate;
- (B) a social security card or a replacement social security card;
- (C) a driver's license or personal identification certificate under Chapter 521, Transportation Code;
- (D) the information contained in the child's health passport, including the child's immunization records, as required under Section 266.006;
- (E) proof of enrollment of the child in Medicaid, if appropriate; and
- (F) written information advising the child of postsecondary education benefits and opportunities available to the child, including the tuition exemption for former foster children under Section 54.366, Education Code.

SECTION 2. The change in law made by this Act applies to a suit affecting the parent-child relationship that is pending on or filed on or after the effective date of this Act.

SECTION 3. This Act takes effect September 1, 2017.