

By: Wu, Raymond, Davis of Harris, Rose,
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H.B. No. 7

A BILL TO BE ENTITLED

1 AN ACT
2 relating to child protective services suits, motions, and services
3 by the Department of Family and Protective Services.

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

5 SECTION 1. Section 58.0052, Family Code, is amended by
6 adding Subsection (b-1) to read as follows:

7 (b-1) In addition to the information provided under
8 Subsection (b), the Department of Family and Protective Services
9 and the Texas Juvenile Justice Department shall coordinate and
10 develop protocols for sharing with each other, on request, any
11 other information relating to a multi-system youth necessary to:

12 (1) identify and coordinate the provision of services
13 to the youth and prevent duplication of services;

14 (2) enhance rehabilitation of the youth; and

15 (3) improve and maintain community safety.

16 SECTION 2. Section 102.004, Family Code, is amended by
17 amending Subsection (b) and adding Subsection (b-1) to read as
18 follows:

19 (b) An original suit requesting possessory conservatorship
20 may not be filed by a grandparent or other person. However, the
21 court may grant a grandparent or other person, subject to the
22 requirements of Subsection (b-1) if applicable, deemed by the court
23 to have had substantial past contact with the child leave to
24 intervene in a pending suit filed by a person authorized to do so

1 under this chapter [~~subchapter~~] if there is satisfactory proof to
2 the court that appointment of a parent as a sole managing
3 conservator or both parents as joint managing conservators would
4 significantly impair the child's physical health or emotional
5 development.

6 (b-1) A foster parent may only be granted leave to intervene
7 under Subsection (b) if the foster parent would have standing to
8 file an original suit as provided by Section 102.003(a)(12).

9 SECTION 3. Section 105.002, Family Code, is amended by
10 adding Subsection (d) to read as follows:

11 (d) The Department of Family and Protective Services in
12 collaboration with interested parties, including the Permanent
13 Judicial Commission for Children, Youth and Families, shall review
14 the form of jury submissions in this state and make recommendations
15 to the legislature not later than December 31, 2017, regarding
16 whether broad-form or specific jury questions should be required in
17 suits affecting the parent-child relationship filed by the
18 department. This subsection expires September 1, 2019.

19 SECTION 4. Sections 107.002(b) and (c), Family Code, are
20 amended to read as follows:

21 (b) A guardian ad litem appointed for the child under this
22 chapter shall:

23 (1) within a reasonable time after the appointment,
24 interview:

25 (A) the child in a developmentally appropriate
26 manner, if the child is four years of age or older;

27 (B) each person who has significant knowledge of

1 the child's history and condition, including educators, child
2 welfare service providers, and any foster parent of the child; and

3 (C) the parties to the suit;

4 (2) seek to elicit in a developmentally appropriate
5 manner the child's expressed objectives;

6 (3) consider the child's expressed objectives without
7 being bound by those objectives;

8 (4) encourage settlement and the use of alternative
9 forms of dispute resolution; and

10 (5) perform any specific task directed by the court.

11 (c) A guardian ad litem appointed for the child under this
12 chapter is entitled to:

13 (1) receive a copy of each pleading or other paper
14 filed with the court in the case in which the guardian ad litem is
15 appointed;

16 (2) receive notice of each hearing in the case;

17 (3) participate in case staffings by the Department of
18 Family and Protective Services concerning the child;

19 (4) attend all legal proceedings in the case but may
20 not call or question a witness or otherwise provide legal services
21 unless the guardian ad litem is a licensed attorney who has been
22 appointed in the dual role;

23 (5) review and sign, or decline to sign, an agreed
24 order affecting the child; ~~and~~

25 (6) explain the basis for the guardian ad litem's
26 opposition to the agreed order if the guardian ad litem does not
27 agree to the terms of a proposed order;

1 (7) have access to the child in the child's placement;

2 (8) be consulted and provide comments on decisions
3 regarding placement, including kinship, foster care, and adoptive
4 placements;

5 (9) receive notification regarding and an invitation
6 to attend meetings related to the child's service plan and a copy of
7 the plan; and

8 (10) attend court-ordered mediation regarding the
9 child's case.

10 SECTION 5. Section 107.004, Family Code, is amended by
11 adding Subsection (d-3) to read as follows:

12 (d-3) An attorney ad litem appointed to represent a child in
13 the managing conservatorship of the Department of Family and
14 Protective Services shall periodically continue to review the
15 child's safety and well-being, including any effects of trauma to
16 the child, and take appropriate action, including requesting a
17 review hearing when necessary to address an issue of concern.

18 SECTION 6. Section 107.016, Family Code, is amended to read
19 as follows:

20 Sec. 107.016. CONTINUED REPRESENTATION; DURATION OF
21 APPOINTMENT. In a suit filed by a governmental entity in which
22 termination of the parent-child relationship or appointment of the
23 entity as conservator of the child is requested:

24 (1) an order appointing the Department of Family and
25 Protective Services as the child's managing conservator may provide
26 for the continuation of the appointment of the guardian ad litem [~~or~~
27 ~~attorney ad litem~~] for the child for any period during the time the

1 child remains in the conservatorship of the department, as set by
2 the court; ~~and]~~

3 (2) subject to Section 263.4042, an order appointing
4 the Department of Family and Protective Services as the child's
5 managing conservator shall provide for the continuation of the
6 appointment of the attorney ad litem for the child as long as the
7 child remains in the conservatorship of the department; and

8 (3) an attorney appointed under this subchapter to
9 serve as an attorney ad litem for a parent or an alleged father
10 continues to serve in that capacity until the earliest of:

11 (A) the date the suit affecting the parent-child
12 relationship is dismissed;

13 (B) the date all appeals in relation to any final
14 order terminating parental rights are exhausted or waived; or

15 (C) the date the attorney is relieved of the
16 attorney's duties or replaced by another attorney after a finding
17 of good cause is rendered by the court on the record.

18 SECTION 7. Section 154.001(b), Family Code, is amended to
19 read as follows:

20 (b) Unless a court has determined a parent is indigent, the
21 ~~[The]~~ court may order either or both parents to make periodic
22 payments for the support of a child in a proceeding in which the
23 Department of Family and Protective ~~[and Regulatory]~~ Services is
24 named ~~[temporary]~~ managing conservator. ~~[In a proceeding in which~~
25 ~~the Department of Protective and Regulatory Services is named~~
26 ~~permanent managing conservator of a child whose parents' rights~~
27 ~~have not been terminated, the court shall order each parent that is~~

1 ~~financially able to make periodic payments for the support of the~~
2 ~~child.]~~

3 SECTION 8. Section 155.201, Family Code, is amended by
4 adding Subsection (d) to read as follows:

5 (d) On receiving notice that a court exercising
6 jurisdiction under Chapter 262 has ordered the transfer of a suit
7 under Section 262.203(a)(2), the court of continuing, exclusive
8 jurisdiction shall, pursuant to the requirements of Section
9 155.204(i), transfer the proceedings to the court in which the suit
10 under Chapter 262 is pending.

11 SECTION 9. Section 155.204(i), Family Code, is amended to
12 read as follows:

13 (i) If a transfer order has been signed by a court
14 exercising jurisdiction under Chapter 262, the Department of Family
15 and Protective Services shall [a party may] file the transfer order
16 with the clerk of the court of continuing, exclusive jurisdiction.
17 On receipt and without a hearing or further order from the court of
18 continuing, exclusive jurisdiction, the clerk of the court of
19 continuing, exclusive jurisdiction shall transfer the files as
20 provided by this subchapter.

21 SECTION 10. (a) Section 161.001, Family Code, is amended by
22 adding Subsections (c), (d), and (e) to read as follows:

23 (c) A court may not make a finding under Subsection (b) and
24 order termination of the parent-child relationship based on
25 evidence that the parent:

- 26 (1) homeschooled the child;
27 (2) is economically disadvantaged;

1 (3) engaged in reasonable discipline of the child; or

2 (4) has been charged with a nonviolent misdemeanor
3 offense other than:

4 (A) an offense under Title 5, Penal Code;

5 (B) an offense under Title 6, Penal Code; or

6 (C) an offense that involves family violence, as
7 defined by Section 71.004 of this code;

8 (5) provided or administered:

9 (A) medical cannabis to a child for whom the
10 medical cannabis was recommended under Chapter 169, Occupations
11 Code; or

12 (B) a product that contains THC to a child, if the
13 parent believes that the provision or administration of the product
14 is in the best interest of the child, and the child meets the
15 requirements of Sections 169.003(1) and (2), Occupations Code; or

16 (6) declined immunization for the child for reasons of
17 conscience, including a religious belief.

18 (d) A court may not order termination under Subsection
19 (b)(1)(O) based on the failure by the parent to comply with a
20 specific provision of a court order if a parent proves by a
21 preponderance of evidence that:

22 (1) the parent was unable to comply with specific
23 provisions of the court order; and

24 (2) the parent made a good faith effort to comply with
25 the order and the failure to comply with the order is not
26 attributable to any fault of the parent.

27 (e) This section does not prohibit the Department of Family

1 and Protective Services from offering evidence described by
2 Subsection (c) as part of an action to terminate the parent-child
3 relationship under this subchapter.

4 (b) This section takes effect only if H.B. No. 2107, Acts of
5 the 85th Legislature, Regular Session, 2017, or similar legislation
6 authorizing the use of medical cannabis is enacted and becomes law.
7 If H.B. No. 2107, Acts of the 85th Legislature, Regular Session,
8 2017, or similar legislation authorizing the use of medical
9 cannabis is not enacted or does not become law, this section has no
10 effect.

11 SECTION 11. (a) Section 161.001, Family Code, is amended by
12 adding Subsections (c), (d), and (e) to read as follows:

13 (c) A court may not make a finding under Subsection (b) and
14 order termination of the parent-child relationship based on
15 evidence that the parent:

- 16 (1) homeschooled the child;
17 (2) is economically disadvantaged;
18 (3) engaged in reasonable discipline of the child;
19 (4) has been charged with a nonviolent misdemeanor
20 offense other than:

- 21 (A) an offense under Title 5, Penal Code;
22 (B) an offense under Title 6, Penal Code; or
23 (C) an offense that involves family violence, as
24 defined by Section 71.004 of this code;

- 25 (5) provided or administered low-THC cannabis to a
26 child for whom the low-THC cannabis was prescribed under Chapter
27 169, Occupations Code; or

1 (6) declined immunization for the child for reasons of
2 conscience, including a religious belief.

3 (d) A court may not order termination under Subsection
4 (b)(1)(O) based on the failure by the parent to comply with a
5 specific provision of a court order if a parent proves by a
6 preponderance of evidence that:

7 (1) the parent was unable to comply with specific
8 provisions of the court order; and

9 (2) the parent made a good faith effort to comply with
10 the order and the failure to comply with the order is not
11 attributable to any fault of the parent.

12 (e) This section does not prohibit the Department of Family
13 and Protective Services from offering evidence described by
14 Subsection (c) as part of an action to terminate the parent-child
15 relationship under this subchapter.

16 (b) This section takes effect only if H.B. No. 2107, Acts of
17 the 85th Legislature, Regular Session, 2017, or similar legislation
18 authorizing the use of medical cannabis is not enacted or does not
19 become law. If H.B. No. 2107, Acts of the 85th Legislature, Regular
20 Session, 2017, or similar legislation authorizing the use of
21 medical cannabis is enacted and becomes law, this section has no
22 effect.

23 SECTION 12. Section [161.206](#), Family Code, is amended by
24 adding Subsection (a-1) to read as follows:

25 (a-1) In a suit filed by the Department of Family and
26 Protective Services seeking termination of the parent-child
27 relationship for more than one parent of the child, the court may

1 order termination of the parent-child relationship for a parent
2 only if the court finds by clear and convincing evidence grounds for
3 the termination of the parent-child relationship for that parent.

4 SECTION 13. Chapter 261, Family Code, is amended by adding
5 Subchapter F to read as follows:

6 SUBCHAPTER F. PROTECTIVE ORDER IN CERTAIN CASES OF ABUSE OR NEGLECT

7 Sec. 261.501. FILING APPLICATION FOR PROTECTIVE ORDER IN
8 CERTAIN CASES OF ABUSE OR NEGLECT. The department may file an
9 application for a protective order for a child's protection under
10 this subchapter on the department's own initiative or jointly with
11 a parent, relative, or caregiver of the child who requests the
12 filing of the application if the department:

13 (1) has temporary managing conservatorship of the
14 child;

15 (2) determines that:

16 (A) the child:

17 (i) is a victim of abuse or neglect; or

18 (ii) has a history of being abused or
19 neglected; and

20 (B) there is a threat of:

21 (i) immediate or continued abuse or neglect
22 to the child;

23 (ii) someone illegally taking the child
24 from the home in which the child is placed;

25 (iii) behavior that poses a threat to the
26 caregiver with whom the child is placed; or

27 (iv) someone committing an act of violence

1 against the child or the child's caregiver; and

2 (3) is not otherwise authorized to apply for a
3 protective order for the child's protection under Chapter 82.

4 Sec. 261.502. CERTIFICATION OF FINDINGS. (a) In making the
5 application under this subchapter, the department must certify
6 that:

7 (1) the department has diligently searched for and:

8 (A) was unable to locate the child's parent,
9 legal guardian, or custodian, other than the respondent to the
10 application; or

11 (B) located and provided notice of the proposed
12 application to the child's parent, legal guardian, or custodian,
13 other than the respondent to the application; and

14 (2) if applicable, the relative or caregiver who is
15 jointly filing the petition, or with whom the child would reside
16 following an entry of the protective order, has not abused or
17 neglected the child and does not have a history of abuse or neglect.

18 (b) An application for a temporary ex parte order under
19 Section 261.503 may be filed without making the findings required
20 by Subsection (a) if the department certifies that the department
21 believes that there is an immediate danger of abuse or neglect to
22 the child.

23 Sec. 261.503. TEMPORARY EX PARTE ORDER. If the court finds
24 from the information contained in an application for a protective
25 order that there is an immediate danger of abuse or neglect to the
26 child, the court, without further notice to the respondent and
27 without a hearing, may enter a temporary ex parte order for the

1 protection of the child.

2 Sec. 261.504. REQUIRED FINDINGS; ISSUANCE OF PROTECTIVE
3 ORDER. (a) At the close of a hearing on an application for a
4 protective order under this subchapter, the court shall find
5 whether there are reasonable grounds to believe that:

6 (1) the child:

7 (A) is a victim of abuse or neglect; or

8 (B) has a history of being abused or neglected;

9 and

10 (2) there is a threat of:

11 (A) immediate or continued abuse or neglect to
12 the child;

13 (B) someone illegally taking the child from the
14 home in which the child is placed;

15 (C) behavior that poses a threat to the caregiver
16 with whom the child is placed; or

17 (D) someone committing an act of violence against
18 the child or the child's caregiver.

19 (b) If the court makes an affirmative finding under
20 Subsection (a), the court shall issue a protective order that
21 includes a statement of that finding.

22 Sec. 261.505. APPLICATION OF OTHER LAW. To the extent
23 applicable, except as otherwise provided by this subchapter, Title
24 4 applies to a protective order issued under this subchapter.

25 SECTION 14. Subchapter A, Chapter 262, Family Code, is
26 amended by adding Section 262.0022 to read as follows:

27 Sec. 262.0022. REVIEW OF PLACEMENT; FINDINGS. At each

1 hearing under this chapter, the court shall review the placement of
2 each child in the temporary or permanent managing conservatorship
3 of the Department of Family and Protective Services who is not
4 placed with a relative caregiver or designated caregiver as defined
5 by Section 264.751. The court shall include in its findings a
6 statement on whether the department has the option of placing the
7 child with a relative or other designated caregiver.

8 SECTION 15. Subchapter A, Chapter 262, Family Code, is
9 amended by adding Sections 262.013 and 262.014 to read as follows:

10 Sec. 262.013. VOLUNTARY TEMPORARY MANAGING
11 CONSERVATORSHIP. In a suit affecting the parent-child relationship
12 filed by the Department of Family and Protective Services, the
13 existence of a parent's voluntary agreement to temporarily place
14 the parent's child in the managing conservatorship of the
15 Department of Family and Protective Services is not an admission by
16 the parent that the parent engaged in conduct that endangered the
17 child.

18 Sec. 262.014. DISCLOSURE OF CERTAIN EVIDENCE. On the
19 request of the attorney for a parent who is a party in a suit
20 affecting the parent-child relationship filed under this chapter,
21 or the attorney ad litem for the parent's child, the Department of
22 Family and Protective Services shall, before the full adversary
23 hearing, provide:

24 (1) the name of any person, excluding a department
25 employee, who the department will call as a witness to any of the
26 allegations contained in the petition filed by the department;

27 (2) a copy of any offense report relating to the

1 allegations contained in the petition filed by the department that
2 will be used in court to refresh a witness's memory; and

3 (3) a copy of any photograph, video, or recording that
4 will be presented as evidence.

5 SECTION 16. Section 262.113, Family Code, is amended to
6 read as follows:

7 Sec. 262.113. FILING SUIT WITHOUT TAKING POSSESSION OF
8 CHILD. An original suit filed by a governmental entity that
9 requests to take possession of a child after notice and a hearing
10 must be supported by an affidavit sworn to by a person with personal
11 knowledge and stating facts sufficient to satisfy a person of
12 ordinary prudence and caution that:

13 (1) there is a continuing danger to the physical
14 health or safety of the child caused by an act or failure to act of
15 the person entitled to possession of the child and that allowing the
16 child to remain in the home would be contrary to the child's
17 welfare; and

18 (2) reasonable efforts, consistent with the
19 circumstances and providing for the safety of the child, have been
20 made to prevent or eliminate the need to remove the child from the
21 child's home [~~, and~~

22 [~~(2) allowing the child to remain in the home would be~~
23 ~~contrary to the child's welfare]~~.

24 SECTION 17. (a) Subchapter B, Chapter 262, Family Code, is
25 amended by adding Section 262.116 to read as follows:

26 Sec. 262.116. LIMITS ON REMOVAL. (a) The Department of
27 Family and Protective Services may not take possession of a child

1 under this subchapter based on evidence that the parent:

2 (1) homeschooled the child;

3 (2) is economically disadvantaged;

4 (3) engaged in reasonable discipline of the child;

5 (4) has been charged with a nonviolent misdemeanor

6 offense other than:

7 (A) an offense under Title 5, Penal Code;

8 (B) an offense under Title 6, Penal Code; or

9 (C) an offense that involves family violence, as

10 defined by Section 71.004 of this code;

11 (5) provided or administered:

12 (A) medical cannabis to a child for whom the

13 medical cannabis was recommended under Chapter 169, Occupations

14 Code; or

15 (B) a product that contains THC to a child, if the

16 parent believes that the provision or administration of the product

17 is in the best interest of the child, and the child meets the

18 requirements of Sections 169.003(1) and (2), Occupations Code; or

19 (6) declined immunization for the child for reasons of

20 conscience, including a religious belief.

21 (b) The department shall train child protective services

22 caseworkers regarding the prohibitions on removal provided under

23 Subsection (a).

24 (c) The executive commissioner of the Health and Human

25 Services Commission may adopt rules to implement this section.

26 (d) This section does not prohibit the department from

27 offering evidence described by Subsection (a) as part of an action

1 to take possession of a child under this subchapter.

2 (b) This section takes effect only if H.B. No. 2107, Acts of
3 the 85th Legislature, Regular Session, 2017, or similar legislation
4 authorizing the use of medical cannabis is enacted and becomes law.
5 If H.B. No. 2107, Acts of the 85th Legislature, Regular Session,
6 2017, or similar legislation authorizing the use of medical
7 cannabis is not enacted or does not become law, this section has no
8 effect.

9 SECTION 18. (a) Subchapter B, Chapter 262, Family Code, is
10 amended by adding Section 262.116 to read as follows:

11 Sec. 262.116. LIMITS ON REMOVAL. (a) The Department of
12 Family and Protective Services may not take possession of a child
13 under this subchapter based on evidence that the parent:

- 14 (1) homeschooled the child;
15 (2) is economically disadvantaged;
16 (3) engaged in reasonable discipline of the child;
17 (4) has been charged with a nonviolent misdemeanor
18 offense other than:

- 19 (A) an offense under Title 5, Penal Code;
20 (B) an offense under Title 6, Penal Code; or
21 (C) an offense that involves family violence, as
22 defined by Section 71.004 of this code;

23 (5) provided or administered low-THC cannabis to a
24 child for whom the low-THC cannabis was prescribed under Chapter
25 169, Occupations Code; or

26 (6) declined immunization for the child for reasons of
27 conscience, including a religious belief.

1 (b) The department shall train child protective services
2 caseworkers regarding the prohibitions on removal provided under
3 Subsection (a).

4 (c) The executive commissioner of the Health and Human
5 Services Commission may adopt rules to implement this section.

6 (d) This section does not prohibit the department from
7 offering evidence described by Subsection (a) as part of an action
8 to take possession of a child under this subchapter.

9 (b) This section takes effect only if H.B. No. 2107, Acts of
10 the 85th Legislature, Regular Session, 2017, or similar legislation
11 authorizing the use of medical cannabis is not enacted or does not
12 become law. If H.B. No. 2107, Acts of the 85th Legislature, Regular
13 Session, 2017, or similar legislation authorizing the use of
14 medical cannabis is enacted and becomes law, this section has no
15 effect.

16 SECTION 19. Section 262.201, Family Code, is amended by
17 adding Subsection (a-5) to read as follows:

18 (a-5) If a parent who is not indigent appears in opposition
19 to the suit, the court may, for good cause shown, postpone the full
20 adversary hearing for not more than seven days from the date of the
21 parent's appearance to allow the parent to hire an attorney or to
22 provide the parent's attorney time to respond to the petition and
23 prepare for the hearing. A postponement under this subsection is
24 subject to the limits and requirements prescribed by Subsection
25 (a-3).

26 SECTION 20. Section 262.203(a), Family Code, is amended to
27 read as follows:

1 (a) On the motion of a party or the court's own motion, if
2 applicable, the court that rendered the temporary order shall in
3 accordance with procedures provided by Chapter 155:

4 (1) transfer the suit to the court of continuing,
5 exclusive jurisdiction, if any, if the court finds that the
6 transfer is:

7 (A) necessary for the convenience of the parties;
8 and

9 (B) in the best interest of the child;

10 (2) [~~if grounds exist for mandatory transfer from the~~
11 ~~court of continuing, exclusive jurisdiction under Section~~
12 ~~155.201,~~] order transfer of the suit from the [~~that~~] court of of
13 continuing, exclusive jurisdiction; or

14 (3) if grounds exist for transfer based on improper
15 venue, order transfer of the suit to the court having venue of the
16 suit under Chapter 103.

17 SECTION 21. Subchapter C, Chapter 262, Family Code, is
18 amended by adding Section 262.206 to read as follows:

19 Sec. 262.206. EX PARTE HEARINGS PROHIBITED. Unless
20 otherwise authorized by this chapter or other law, a hearing held by
21 a court in a suit under this chapter may not be ex parte.

22 SECTION 22. Section 263.002, Family Code, is amended to
23 read as follows:

24 Sec. 263.002. REVIEW OF PLACEMENTS BY COURT; FINDINGS. (a)
25 In a suit affecting the parent-child relationship in which the
26 department has been appointed by the court or designated in an
27 affidavit of relinquishment of parental rights as the temporary or

1 permanent managing conservator of a child, the court shall hold a
2 hearing to review:

3 (1) the conservatorship appointment and substitute
4 care; and

5 (2) for a child committed to the Texas Juvenile
6 Justice Department, the child's commitment in the Texas Juvenile
7 Justice Department or release under supervision by the Texas
8 Juvenile Justice Department.

9 (b) At each hearing under this chapter, the court shall
10 review the placement of each child in the temporary or permanent
11 managing conservatorship of the department who is not placed with a
12 relative caregiver or designated caregiver as defined by Section
13 264.751. The court shall include in its findings a statement
14 whether the department placed the child with a relative or other
15 designated caregiver.

16 (c) At the permanency hearing before a final order under
17 this chapter, the court shall review the placement of each child in
18 the temporary or permanent managing conservatorship of the
19 department who has not been returned to the child's home. The court
20 shall make a finding as to any continuing danger to the physical
21 health or safety of the child in the home, whether the return is in
22 the best interest of the child, and whether it is contrary to the
23 welfare of the child for the child to return home.

24 SECTION 23. Section 263.0021, Family Code, is amended by
25 adding Subsections (e) and (f) to read as follows:

26 (e) Notice of a hearing under this chapter provided to an
27 individual listed under Subsection (b)(2) must state that the

1 individual may, but is not required to, attend the hearing and may
2 request to be heard at the hearing.

3 (f) In a hearing under this chapter, the court shall call an
4 individual listed under Subsection (b)(2) and the individual, at
5 the individual's discretion, may appear at the hearing and present
6 evidence and be heard regardless of whether either party calls the
7 individual to testify. If the individual testifies at the hearing,
8 the individual may be cross-examined by either party.

9 SECTION 24. Section 263.102, Family Code, is amended by
10 amending Subsection (b) and adding Subsections (c) and (c-1) to
11 read as follows:

12 (b) The service plan must [~~shall~~] include the following
13 statement:

14 TO THE PARENT: THIS IS A VERY IMPORTANT DOCUMENT. THE [~~ITS~~]
15 PURPOSE OF THIS PLAN IS TO HELP YOU PROVIDE YOUR CHILD WITH A SAFE
16 ENVIRONMENT WITHIN THE REASONABLE PERIOD SPECIFIED IN THE PLAN. IF
17 YOU ARE UNWILLING OR UNABLE TO PROVIDE YOUR CHILD WITH A SAFE
18 ENVIRONMENT, YOUR PARENTAL AND CUSTODIAL DUTIES AND RIGHTS MAY BE
19 RESTRICTED OR TERMINATED OR YOUR CHILD MAY NOT BE RETURNED TO YOU.
20 AT [~~THERE WILL BE~~] A COURT HEARING, [~~AT WHICH~~] A JUDGE WILL REVIEW
21 THIS SERVICE PLAN, MODIFY THE PLAN IF NECESSARY, AND REQUIRE
22 COMPLIANCE WITH THE PLAN. A SUBSEQUENT HEARING MAY BE SCHEDULED AT
23 WHICH A JUDGE MAY REVIEW THE PLAN.

24 (c) A service plan may not include an allegation of abuse or
25 neglect of the child or a restatement of the facts of the case. An
26 allegation of abuse or neglect or a restatement of the facts of the
27 case in a service plan is inadmissible in the court as evidence.

1 (c-1) Not later than the fifth business day after a hearing
2 held under Section 262.201, the department shall:

3 (1) make all referrals necessary for each parent to
4 comply with a judge's order for services; and

5 (2) provide to the parents any information available
6 to the department on providers approved by the department to
7 provide services in the service area in which the parent resides.

8 SECTION 25. (a) Section 263.306(a-1), Family Code, is
9 amended to conform to the amendment of Section 263.306(a), Family
10 Code, by Chapter 697 (H.B. 825), Acts of the 84th Legislature,
11 Regular Session, 2015, to read as follows:

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

14 (1) identify all persons and parties present at the
15 hearing, determine whether the child's caregiver is present, and
16 allow the caregiver to testify if the caregiver wishes to provide
17 information about the child;

18 (2) review the efforts of the department or other
19 agency in:

20 (A) locating and requesting service of citation
21 on all persons entitled to service of citation under Section
22 102.009; and

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

26 (3) ask all parties present whether the child or the
27 child's family has a Native American heritage and identify any

1 Native American tribe with which the child may be associated;

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

6 (5) [~~(4)~~] review the permanency progress report to
7 determine:

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

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

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

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

23 (E) for a child receiving psychotropic
24 medication, whether the child:

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

1 (ii) has been seen by the prescribing
2 physician, physician assistant, or advanced practice nurse at least
3 once every 90 days;

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

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

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

15 (i) the desired permanency outcome for the
16 child, by asking the child; and

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

21 (a) return home;

22 (b) be placed for adoption;

23 (c) be placed with a legal guardian;

24 or

25 (d) be placed with a fit and willing
26 relative;

27 (6) [~~5~~] determine whether to return the child to the

1 child's parents if the child's parents are willing and able to
2 provide the child with a safe environment and the return of the
3 child is in the child's best interest;

4 (7) [~~(6)~~] estimate a likely date by which the child
5 may be returned to and safely maintained in the child's home, placed
6 for adoption, or placed in permanent managing conservatorship; and

7 (8) [~~(7)~~] announce in open court the dismissal date
8 and the date of any upcoming hearings.

9 (b) Section 263.306(c), Family Code, is amended to conform
10 to the amendment of Section 263.306, Family Code, by Chapter 944
11 (S.B. 206), Acts of the 84th Legislature, Regular Session, 2015, to
12 read as follows:

13 (c) In addition to the requirements of Subsection (a-1)
14 [~~(a)~~], at each permanency hearing the court shall review the
15 department's efforts to ensure that the child has regular, ongoing
16 opportunities to engage in age-appropriate normalcy activities,
17 including activities not listed in the child's service plan.

18 (c) Section 263.306(a), Family Code, is repealed to conform
19 to the repeal of Section 263.306(a), Family Code, by Chapter 944
20 (S.B. 206), Acts of the 84th Legislature, Regular Session, 2015.

21 SECTION 26. Section 263.401, Family Code, is amended to
22 read as follows:

23 Sec. 263.401. DISMISSAL AFTER ONE YEAR; NEW TRIALS;
24 EXTENSION. (a) Unless the court has commenced the trial on the
25 merits or granted an extension under Subsection (b) or (b-1), on the
26 first Monday after the first anniversary of the date the court
27 rendered a temporary order appointing the department as temporary

1 managing conservator, the court's jurisdiction over [~~court shall~~
2 ~~dismiss~~] the suit affecting the parent-child relationship filed by
3 the department that requests termination of the parent-child
4 relationship or requests that the department be named conservator
5 of the child is terminated and the suit is automatically dismissed
6 without a court order.

7 (b) Unless the court has commenced the trial on the merits,
8 the court may not retain the suit on the court's docket after the
9 time described by Subsection (a) unless the court finds that
10 extraordinary circumstances necessitate the child remaining in the
11 temporary managing conservatorship of the department and that
12 continuing the appointment of the department as temporary managing
13 conservator is in the best interest of the child. If the court
14 makes those findings, the court may retain the suit on the court's
15 docket for a period not to exceed 180 days after the time described
16 by Subsection (a). If the court retains the suit on the court's
17 docket, the court shall render an order in which the court:

18 (1) schedules the new date on which the suit will be
19 automatically dismissed if the trial on the merits has not
20 commenced, which date must be not later than the 180th day after the
21 time described by Subsection (a);

22 (2) makes further temporary orders for the safety and
23 welfare of the child as necessary to avoid further delay in
24 resolving the suit; and

25 (3) sets the trial on the merits on a date not later
26 than the date specified under Subdivision (1).

27 (b-1) If, after commencement of the initial trial on the

1 merits within the time required by Subsection (a) or (b), the court
2 grants a motion for a new trial or mistrial, or the case is remanded
3 to the court by an appellate court following an appeal of the
4 court's final order, the court shall retain the suit on the court's
5 docket and render an order in which the court:

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

9 (A) the motion for a new trial or mistrial is
10 granted; or

11 (B) the appellate court remanded the case;

12 (2) makes further temporary orders for the safety and
13 welfare of the child as necessary to avoid further delay in
14 resolving the suit; and

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

17 (c) If the court grants an extension under Subsection (b) or
18 (b-1) but does not commence the trial on the merits before the
19 dismissal date, the court's jurisdiction over ~~[court shall dismiss]~~
20 the suit is terminated and the suit is automatically dismissed
21 without a court order. The court may not grant an additional
22 extension that extends the suit beyond the required date for
23 dismissal under Subsection (b) or (b-1), as applicable.

24 SECTION 27. Section 263.402, Family Code, is amended to
25 read as follows:

26 Sec. 263.402. LIMIT ON EXTENSION~~[, WAIVER]~~. ~~[(a)]~~ The
27 parties to a suit under this chapter may not extend the deadlines

1 set by the court under this subchapter by agreement or otherwise.

2 ~~[(b) A party to a suit under this chapter who fails to make a~~
3 ~~timely motion to dismiss the suit under this subchapter waives the~~
4 ~~right to object to the court's failure to dismiss the suit. A~~
5 ~~motion to dismiss under this subsection is timely if the motion is~~
6 ~~made before the trial on the merits commences.]~~

7 SECTION 28. Section 263.403, Family Code, is amended by
8 amending Subsections (a) and (c) and adding Subsection (a-1) to
9 read as follows:

10 (a) Notwithstanding Section 263.401, the court may retain
11 jurisdiction and not dismiss the suit or render a final order as
12 required by that section if the court renders a temporary order
13 that:

14 (1) finds that retaining jurisdiction under this
15 section is in the best interest of the child;

16 (2) orders the department to:

17 (A) return the child to the child's parent; or

18 (B) transition the child, according to a schedule
19 determined by the department or court, from substitute care to the
20 parent while the parent completes the remaining requirements
21 imposed under a service plan and specified in the temporary order
22 that are necessary for the child's return;

23 (3) orders the department to continue to serve as
24 temporary managing conservator of the child; and

25 (4) orders the department to monitor the child's
26 placement to ensure that the child is in a safe environment.

27 (a-1) The department or the parent may request the court to

1 retain jurisdiction for an additional six months as necessary for a
2 parent to complete the remaining requirements in a service plan and
3 specified in the temporary order that are mandatory for the child's
4 return.

5 (c) If before the dismissal of the suit or the commencement
6 of the trial on the merits a child placed with a parent under this
7 section must be moved from that home by the department or the court
8 renders a temporary order terminating the transition order issued
9 under Subsection (a)(2)(B) [~~before the dismissal of the suit or the~~
10 commencement of the trial on the merits], the court shall, at the
11 time of the move or order, schedule a new date for dismissal of the
12 suit [~~unless a trial on the merits has commenced~~]. The new
13 dismissal date may not be later than the original dismissal date
14 established under Section 263.401 or the 180th day after the date
15 the child is moved or the order is rendered under this subsection,
16 whichever date is later.

17 SECTION 29. Subchapter E, Chapter 263, Family Code, is
18 amended by adding Section 263.4042 to read as follows:

19 Sec. 263.4042. CONTINUED APPOINTMENT OF ATTORNEY AD LITEM
20 AFTER FINAL ORDER. (a) On the entry of a final order terminating
21 the parent-child relationship and naming the Department of Family
22 and Protective Services as the child's managing conservator, the
23 court may discharge the attorney ad litem appointed for the child if
24 the court finds that:

25 (1) the child has a representative authorized by the
26 court to represent the legal interests of the child and discharge of
27 the attorney ad litem is in the child's best interest; or

1 (2) the child:

2 (A) resides in the home identified in the child's
3 permanency plan as the child's permanent home;

4 (B) has an attorney ad litem or guardian ad litem
5 who does not object to the child's permanency plan; and

6 (C) has resided in the home described by
7 Paragraph (A) for at least three months.

8 (b) If a court renders an order discharging a child's
9 attorney ad litem under Subsection (a), at each permanency hearing
10 following the final order held under Section 263.501, the court
11 shall make the findings required by Section 263.5031.

12 SECTION 30. Subchapter E, Chapter 263, Family Code, is
13 amended by adding Section 263.4055 to read as follows:

14 Sec. 263.4055. SUPREME COURT RULES. The supreme court by
15 rule shall establish civil and appellate procedures to address:

16 (1) conflicts between the filing of a motion for new
17 trial and the filing of an appeal of a final order rendered under
18 this chapter; and

19 (2) the period, including an extension of at least 20
20 days, for a court reporter to submit the reporter's record of a
21 trial to an appellate court following a final order rendered under
22 this chapter.

23 SECTION 31. Section 263.5031, Family Code, is amended to
24 read as follows:

25 Sec. 263.5031. PERMANENCY HEARINGS FOLLOWING FINAL ORDER.

26 (a) At each permanency hearing after the court renders a final
27 order, the court shall:

1 (1) identify all persons and parties present at the
2 hearing, determine whether the child's caregiver is present, and
3 allow the caregiver to testify if the caregiver wishes to provide
4 information about the child;

5 (2) review the efforts of the department or other
6 agency in notifying persons entitled to notice under Section
7 263.0021; ~~and~~

8 (3) review the permanency progress report to
9 determine:

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

13 (B) whether the department placed the child with
14 a relative or other designated caregiver and the continuing
15 necessity and appropriateness of the placement of the child,
16 including with respect to a child who has been placed outside of
17 this state, whether the placement continues to be in the best
18 interest of the child;

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

23 (D) the appropriateness of the primary and
24 alternative permanency goals for the child, whether the department
25 has made reasonable efforts to finalize the permanency plan,
26 including the concurrent permanency goals, in effect for the child,
27 and whether:

1 (i) the department has exercised due
2 diligence in attempting to place the child for adoption if parental
3 rights to the child have been terminated and the child is eligible
4 for adoption; or

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

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

10 (i) the desired permanency outcome for the
11 child, by asking the child; and

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

16 (a) return home;

17 (b) be placed for adoption;

18 (c) be placed with a legal guardian;

19 or

20 (d) be placed with a fit and willing
21 relative;

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

26 (G) whether the child is receiving appropriate
27 medical care and has been provided the opportunity, in a

1 developmentally appropriate manner, to express the child's opinion
2 on any medical care provided;

3 (H) for a child receiving psychotropic
4 medication, whether the child:

5 (i) has been provided appropriate
6 nonpharmacological interventions, therapies, or strategies to meet
7 the child's needs; or

8 (ii) has been seen by the prescribing
9 physician, physician assistant, or advanced practice nurse at least
10 once every 90 days;

11 (I) whether an education decision-maker for the
12 child has been identified, the child's education needs and goals
13 have been identified and addressed, and there are major changes in
14 the child's school performance or there have been serious
15 disciplinary events;

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

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

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

26 (a) in the best interest of the child;

27 and

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

3 (K) whether the department has identified a
4 family or other caring adult who has made a permanent commitment to
5 the child; and

6 (4) if the child is 16 years of age or older, determine
7 whether the department has provided the child with the following:

8 (A) the child's birth certificate;

9 (B) a social security card or a replacement
10 social security card;

11 (C) a driver's license or personal
12 identification certificate under Chapter 521, Transportation Code;

13 (D) the information contained in the child's
14 health passport, including the child's immunization records, as
15 required under Section 266.006;

16 (E) proof of enrollment of the child in Medicaid,
17 if appropriate; and

18 (F) written information advising the child of
19 postsecondary education benefits and opportunities available to
20 the child, including the tuition exemption for former foster
21 children under Section 54.366, Education Code.

22 (b) At each permanency hearing after the court renders a
23 final order, the court:

24 (1) for a child who is not represented by an attorney
25 ad litem shall:

26 (A) determine whether the child requires
27 representation by an attorney ad litem under Section 107.016; and

1 (B) if the court declines to appoint an attorney
2 ad litem for the child, state the reason for declining to appoint an
3 attorney ad litem; and

4 (2) for a child who is represented by an attorney ad
5 litem:

6 (A) shall consider the need for continued
7 appointment of the attorney ad litem for the child; and

8 (B) may discharge the attorney ad litem appointed
9 for the child if the court finds that:

10 (i) the child is eligible for adoption and
11 living in the home identified in the permanency plan as the child's
12 permanent home;

13 (ii) the child's attorney ad litem or
14 guardian ad litem does not object to the child's permanency plan;
15 and

16 (iii) the child has resided in the home
17 described by Subparagraph (i) for at least three months.

18 SECTION 32. Section 264.018, Family Code, is amended by
19 amending Subsection (f) and adding Subsections (f-1), (f-2), and
20 (f-3) to read as follows:

21 (f) Except as provided by Subsection (f-1) or (f-2), as [As]
22 soon as possible but not later than the 10th day after the date the
23 department becomes aware of a significant event affecting a child
24 in the conservatorship of the department, the department shall
25 provide notice of the significant event to:

26 (1) the child's parent;

27 (2) an attorney ad litem appointed for the child under

1 Chapter 107;

2 (3) a guardian ad litem appointed for the child under
3 Chapter 107;

4 (4) a volunteer advocate appointed for the child under
5 Chapter 107;

6 (5) the licensed administrator of the child-placing
7 agency responsible for placing the child or the licensed
8 administrator's designee;

9 (6) a foster parent, prospective adoptive parent,
10 relative of the child providing care to the child, or director of
11 the group home or general residential operation where the child is
12 residing; and

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

15 (f-1) As soon as possible after the department becomes aware
16 of a change in placement of a child in the conservatorship of the
17 department, the department shall give notice of the placement
18 change to the managed care organization that contracts with the
19 commission to provide health care services to the child under the
20 STAR Health program. The managed care organization, in
21 coordination with the department, shall give notice of the
22 placement change to the primary care physician listed in the
23 child's health passport.

24 (f-2) As soon as possible but not later than the fifth day
25 after the date a child-placing agency notifies the department of
26 the agency's intent to change the placement of a child in the
27 conservatorship of the department, the department shall give notice

1 of the impending placement change and the reason given for the
2 placement change to:

3 (1) the child's parent;

4 (2) an attorney ad litem appointed for the child under
5 Chapter 107;

6 (3) a guardian ad litem appointed for the child under
7 Chapter 107;

8 (4) a volunteer advocate appointed for the child under
9 Chapter 107;

10 (5) a foster parent, prospective adoptive parent,
11 relative of the child providing care to the child, or director of
12 the group home or general residential operation where the child is
13 residing; and

14 (6) any other person determined by a court to have an
15 interest in the child's welfare.

16 (f-3) As soon as possible but not later than the fifth day
17 after the date a foster parent requests the removal of a child in
18 the conservatorship of the department from the foster home, the
19 department shall give notice of the impending placement change to:

20 (1) the child's parent;

21 (2) an attorney ad litem appointed for the child under
22 Chapter 107;

23 (3) a guardian ad litem appointed for the child under
24 Chapter 107;

25 (4) a volunteer advocate appointed for the child under
26 Chapter 107;

27 (5) the licensed administrator of the child-placing

1 agency responsible for placing the child or the licensed
2 administrator's designee; and

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

5 SECTION 33. Section 264.121, Family Code, is amended by
6 adding Subsections (a-3), (a-4), and (a-5) to read as follows:

7 (a-3) The department shall conduct an independent living
8 skills assessment for all youth in the department's permanent
9 managing conservatorship who are 16 years of age or older. The
10 department may conduct a skills assessment for all youth in the
11 department's permanent managing conservatorship who are at least 14
12 years of age and older based on funding, prioritizing youth who have
13 the greatest needs. The department shall annually update the
14 assessment for each youth in the department's conservatorship to
15 determine the independent living skills the youth learned during
16 the preceding year to ensure the department's obligation to prepare
17 the youth for independent living has been met.

18 (a-4) The annual update of the independent living skills
19 assessment required under Subsection (a-3) must be conducted
20 through the child's plan of service in coordination with the child,
21 the caseworker, the Preparation for Adult Living Program staff, and
22 the child's caregiver.

23 (a-5) The department, in coordination with stakeholders,
24 shall develop a plan to standardize the curriculum for the
25 Preparation for Adult Living Program that ensures youth 14 years of
26 age or older enrolled in the program receive relevant and
27 age-appropriate information and training. The department shall

1 report the plan to the legislature not later than December 1, 2018.

2 This subsection expires September 1, 2019.

3 SECTION 34. The heading to Chapter 266, Family Code, is
4 amended to read as follows:

5 CHAPTER 266. MEDICAL CARE AND EDUCATIONAL SERVICES FOR CHILDREN IN
6 CONSERVATORSHIP OF DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES

7 [FOSTER CARE]

8 SECTION 35. Chapter 266, Family Code, is amended by adding
9 Section 266.005 to read as follows:

10 Sec. 266.005. CONSULTATION FOR HEALTH CARE. (a) A court
11 may not render an order requiring or prohibiting specific health
12 care services, procedures, or treatments, including mental health
13 care services, procedures, or treatments, for a child in the
14 conservatorship of the department, unless a health care
15 professional, acting within the scope of the health care
16 professional's practice as prescribed by state law, has been
17 consulted as to the proposed care. If the court finds that a health
18 care professional has been consulted and the court declines to
19 follow the recommendation of the health care professional, the
20 court shall make findings in the record supporting the court's
21 order.

22 (b) Subsection (a) does not apply if the court:

23 (1) finds there is an immediate need for medical or
24 behavioral intervention and there is not time consistent with the
25 circumstances and the child's health, safety, or well-being to
26 consult with a health care professional; or

27 (2) directs a child to receive an examination or

1 assessment by an appropriate health care professional.

2 (c) If a court renders an order under circumstances
3 described by Subsection (b)(1), the court shall order consultation
4 with an appropriate health care professional as soon as
5 practicable.

6 (d) Evidence of a health care professional's recommendation
7 for proposed care under Subsection (a) is not inadmissible on the
8 grounds that it is hearsay evidence or that it is not authenticated
9 if the judge considers the evidence to be otherwise reliable.

10 SECTION 36. Chapter 122, Government Code, is amended by
11 adding Sections 122.005 and 122.006 to read as follows:

12 Sec. 122.005. FAMILY DRUG COURT STUDY. (a) Not later than
13 September 1, 2018, the commissioners court of each county that has
14 not established a family drug court program shall, subject to the
15 availability of funds, study the effect the creation of a family
16 drug court would have in the county. The sheriff and, as
17 applicable, the county attorney, district attorney, or criminal
18 district attorney shall assist in conducting the study. The study
19 must analyze the effectiveness of:

20 (1) creating a court that specializes in cases in
21 which a parent or person standing in parental relation suffers from
22 drug addiction; and

23 (2) case management used by a family drug court
24 program, including the involvement of Department of Family and
25 Protective Services caseworkers, court-appointed case managers,
26 and court-appointed special advocates, to rehabilitate a parent or
27 person standing in parental relation who has had a child removed

1 from the parent's or person's care by the department or who is under
2 investigation to determine if a child should be removed from the
3 care of the parent or person standing in parental relation by the
4 department.

5 (b) Each commissioners court in a county conducting the
6 study required by Subsection (a) shall request assistance from:

7 (1) judges located in the county;

8 (2) child protective services caseworkers and
9 supervisors;

10 (3) attorneys ad litem;

11 (4) guardians ad litem;

12 (5) drug treatment providers;

13 (6) family and child therapists;

14 (7) peer recovery coach providers;

15 (8) domestic violence victim advocates;

16 (9) housing partners;

17 (10) drug coordinators;

18 (11) drug court services managers; and

19 (12) drug court case managers.

20 (c) This section expires January 1, 2019.

21 Sec. 122.006. GRANT FUNDING FOR FAMILY DRUG COURTS. (a)

22 The family drug court fund is a dedicated account in the general
23 revenue fund in the state treasury.

24 (b) The family drug court fund consists of:

25 (1) appropriations of money to the fund by the
26 legislature; and

27 (2) gifts, grants, including grants from the federal

1 government, and other donations received for the fund.

2 (c) The Health and Human Services Commission shall
3 administer the family drug court fund. Money in the account may be
4 used only to pay counties to establish and administer a family drug
5 court. To receive money from the family drug court fund a county
6 must submit the study conducted under Section 122.005 on the effect
7 of the creation of a family drug court in the county and a detailed
8 proposal of the establishment of the court.

9 (d) Grants will only be made when funds are available.

10 SECTION 37. Subchapter A, Chapter 533, Government Code, is
11 amended by adding Section 533.0056 to read as follows:

12 Sec. 533.0056. STAR HEALTH PROGRAM: NOTIFICATION OF
13 PLACEMENT CHANGE. A contract between a managed care organization
14 and the commission for the organization to provide health care
15 services to recipients under the STAR Health program must require
16 the organization to ensure continuity of care for a child whose
17 placement has changed by:

18 (1) notifying each specialist treating the child of
19 the placement change; and

20 (2) coordinating the transition of care from the
21 child's previous treating primary care physician and treating
22 specialists to the child's new treating primary care physician and
23 treating specialists, if any.

24 SECTION 38. Section 572.001, Health and Safety Code, is
25 amended by amending Subsection (c) and adding Subsections (c-2),
26 (c-3), and (c-4) to read as follows:

27 (c) A person or agency appointed as the guardian or a

1 managing conservator of a person younger than 18 years of age and
2 acting as an employee or agent of the state or a political
3 subdivision of the state may request admission of the person
4 younger than 18 years of age to an inpatient mental health facility
5 ~~[only with the person's consent. If the person does not consent,~~
6 ~~the person may be admitted for inpatient services]~~ only as provided
7 by Subsection (c-2) or pursuant to an application for court-ordered
8 mental health services or emergency detention or an order for
9 protective custody.

10 (c-2) The Department of Family and Protective Services may
11 request the admission to an inpatient mental health facility of a
12 minor in the managing conservatorship of that department only if a
13 physician states the physician's opinion, and the detailed reasons
14 for that opinion, that the minor is a person:

15 (1) with mental illness or who demonstrates symptoms
16 of a serious emotional disorder; and

17 (2) who presents a risk of serious harm to self if not
18 immediately restrained or hospitalized.

19 (c-3) The admission to an inpatient mental health facility
20 under Subsection (c-2) of a minor in the managing conservatorship
21 of the Department of Family and Protective Services is a
22 significant event for purposes of Section 264.018, Family Code, and
23 the Department of Family and Protective Services shall provide
24 notice of the significant event:

25 (1) in accordance with that section to all parties
26 entitled to notice under that section; and

27 (2) to the court with continuing jurisdiction before

1 the expiration of three business days after the minor's admission.

2 (c-4) The Department of Family and Protective Services
3 periodically shall review the need for continued inpatient
4 treatment of a minor admitted to an inpatient mental health
5 facility under Subsection (c-2). If following the review that
6 department determines there is no longer a need for continued
7 inpatient treatment, that department shall notify the facility
8 administrator designated to detain the minor that the minor may no
9 longer be detained unless an application for court-ordered mental
10 health services is filed.

11 SECTION 39. Subchapter C, Chapter 42, Human Resources Code,
12 is amended by adding Section 42.066 to read as follows:

13 Sec. 42.066. REQUIRED SUBMISSION OF INFORMATION REQUESTED
14 BY COURT. A general residential operation that provides mental
15 health treatment or services to a child in the managing
16 conservatorship of the department shall timely submit to the court
17 in a suit affecting the parent-child relationship under Subtitle E,
18 Title 5, Family Code, all information requested by that court.

19 SECTION 40. The heading to Section 25.07, Penal Code, is
20 amended to read as follows:

21 Sec. 25.07. VIOLATION OF CERTAIN COURT ORDERS OR CONDITIONS
22 OF BOND IN A FAMILY VIOLENCE, CHILD ABUSE OR NEGLECT, SEXUAL ASSAULT
23 OR ABUSE, STALKING, OR TRAFFICKING CASE.

24 SECTION 41. Section 25.07(a), Penal Code, is amended to
25 read as follows:

26 (a) A person commits an offense if, in violation of a
27 condition of bond set in a family violence, sexual assault or abuse,

1 stalking, or trafficking case and related to the safety of a victim
2 or the safety of the community, an order issued under Chapter 7A,
3 Code of Criminal Procedure, an order issued under Article 17.292,
4 Code of Criminal Procedure, an order issued under Section 6.504,
5 Family Code, Chapter 83, Family Code, if the temporary ex parte
6 order has been served on the person, [~~or~~] Chapter 85, Family Code,
7 or Subchapter F, Chapter 261, Family Code, or an order issued by
8 another jurisdiction as provided by Chapter 88, Family Code, the
9 person knowingly or intentionally:

10 (1) commits family violence or an act in furtherance
11 of an offense under Section 20A.02, 22.011, 22.021, or 42.072;

12 (2) communicates:

13 (A) directly with a protected individual or a
14 member of the family or household in a threatening or harassing
15 manner;

16 (B) a threat through any person to a protected
17 individual or a member of the family or household; or

18 (C) in any manner with the protected individual
19 or a member of the family or household except through the person's
20 attorney or a person appointed by the court, if the violation is of
21 an order described by this subsection and the order prohibits any
22 communication with a protected individual or a member of the family
23 or household;

24 (3) goes to or near any of the following places as
25 specifically described in the order or condition of bond:

26 (A) the residence or place of employment or
27 business of a protected individual or a member of the family or

1 household; or

2 (B) any child care facility, residence, or school
3 where a child protected by the order or condition of bond normally
4 resides or attends;

5 (4) possesses a firearm;

6 (5) harms, threatens, or interferes with the care,
7 custody, or control of a pet, companion animal, or assistance
8 animal that is possessed by a person protected by the order or
9 condition of bond; or

10 (6) removes, attempts to remove, or otherwise tampers
11 with the normal functioning of a global positioning monitoring
12 system.

13 SECTION 42. The heading to Section 25.072, Penal Code, is
14 amended to read as follows:

15 Sec. 25.072. REPEATED VIOLATION OF CERTAIN COURT ORDERS OR
16 CONDITIONS OF BOND IN FAMILY VIOLENCE, CHILD ABUSE OR NEGLECT,
17 SEXUAL ASSAULT OR ABUSE, STALKING, OR TRAFFICKING CASE.

18 SECTION 43. (a) In this section:

19 (1) "Attorney ad litem" has the meaning assigned by
20 Section 107.001, Family Code.

21 (2) "Commission" means the Permanent Judicial
22 Commission for Children, Youth and Families established by the
23 supreme court.

24 (b) The commission shall study the appointment and use of
25 attorneys ad litem in cases involving the Department of Family and
26 Protective Services. The commission shall:

27 (1) examine:

1 (A) the method for appointing attorneys ad litem;

2 (B) the oversight and accountability measures
3 used across the state to monitor attorneys ad litem;

4 (C) the methods by which qualifications for
5 appointment as an attorney ad litem and training requirements for
6 an attorney ad litem are established and enforced;

7 (D) the timing of and duration of appointments;

8 (E) the rate of compensation for appointments and
9 the method for establishing compensation rates across the state;

10 (F) the quality of representation and methods for
11 assessing performance of attorneys ad litem;

12 (G) the pretrial and posttrial client
13 satisfaction with representation by attorneys ad litem
14 representing parents and attorneys ad litem representing children;

15 (H) organizational studies and national
16 standards related to the workload of attorneys ad litem;

17 (I) the best practices for attorneys ad litem;

18 and

19 (J) the estimated and average costs associated
20 with legal representation by an attorney ad litem per child
21 compared with the costs associated with foster care per child;

22 (2) conduct a survey of attorneys ad litem about the
23 attorney's training, including:

24 (A) the attorney's legal education;

25 (B) whether the attorney is certified as a
26 specialist by the Texas Board of Legal Specialization in any area of
27 law; and

1 (C) the professional standards followed by the
2 attorney;

3 (3) perform a statistical analysis of the data and
4 information collected under Subdivisions (1) and (2) of this
5 subsection; and

6 (4) develop policy recommendations for improving the
7 attorney ad litem appointment process.

8 (c) The commission shall prepare a report based on the
9 findings of the study conducted under this section and shall submit
10 the report to each member of the legislature not later than
11 September 1, 2018.

12 SECTION 44. (a) The changes in law made by this Act apply
13 only to a service plan filed for a full adversary hearing held under
14 Section 262.201, Family Code, or a status hearing held under
15 Chapter 263, Family Code, on or after January 1, 2018. A hearing
16 held before that date is governed by the law in effect immediately
17 before the effective date of this Act, and that law is continued in
18 effect for that purpose.

19 (b) The changes made by this Act to Section 263.401, Family
20 Code, apply only to a suit affecting the parent-child relationship
21 pending in a trial court on the effective date of this Act or filed
22 on or after the effective date of this Act. A suit affecting the
23 parent-child relationship in which a final order is rendered before
24 the effective date of this Act is governed by the law in effect on
25 the date the order was rendered, and the former law is continued in
26 effect for that purpose.

27 (c) Except as otherwise provided by this section, the

1 changes in law made by this Act apply only to a suit affecting the
2 parent-child relationship filed on or after the effective date of
3 this Act. A suit affecting the parent-child relationship filed
4 before the effective date of this Act is subject to the law in
5 effect at the time the suit was filed, and the former law is
6 continued in effect for that purpose.

7 (d) Except as otherwise provided by this section, the
8 changes in law made by this Act apply only to a contract for the
9 provision of health care services under the STAR Health program
10 between the Health and Human Services Commission and a managed care
11 organization under Chapter 533, Government Code, that is entered
12 into or renewed on or after the effective date of this Act.

13 (e) If before implementing Section 533.0056, Government
14 Code, as added by this Act, the Health and Human Services Commission
15 determines that a waiver or authorization from a federal agency is
16 necessary for implementation of that provision, the health and
17 human services agency affected by the provision shall request the
18 waiver or authorization and may delay implementing that provision
19 until the waiver or authorization is granted.

20 SECTION 45. The changes in law made by this Act apply to a
21 suit affecting the parent-child relationship filed before, on, or
22 after the effective date of this Act.

23 SECTION 46. The Health and Human Services Commission shall
24 adopt rules establishing the criteria for awarding a grant to
25 counties to establish a family drug court under Section 122.006,
26 Government Code, as added by this Act, not later than January 1,
27 2018.

1 SECTION 47. To the extent of any conflict, this Act prevails
2 over another Act of the 85th Legislature, Regular Session, 2017,
3 relating to nonsubstantive additions to and corrections in enacted
4 codes.

5 SECTION 48. This Act takes effect September 1, 2017.