

By: Wu

H.B. No. 701

A BILL TO BE ENTITLED

AN ACT

relating to certain service plans for children in the care of the Department of Family and Protective Services.

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

SECTION 1. Section 262.201, Family Code, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c) If the court finds sufficient evidence to satisfy a person of ordinary prudence and caution that there is a continuing danger to the physical health or safety of the child and for the child to remain in the home is contrary to the welfare of the child, the court shall:

(1) issue an appropriate temporary order under Chapter 105;

(2) [~~The court shall~~] require each parent, alleged father, or relative of the child before the court to:

(A) complete the proposed child placement resources form provided under Section 261.307;

(B) [~~and~~] file the form with the court, if the form has not been previously filed with the court; ~~and~~

(C) provide the Department of Family and Protective Services with information necessary to locate any other absent parent, alleged father, or relative of the child;

(3) [~~The court shall~~] inform each parent, alleged

1 father, or relative of the child before the court that the person's  
2 failure to submit the proposed child placement resources form will  
3 not delay any court proceedings relating to the child;

4 (4) [~~The court shall~~] inform each parent in open  
5 court that parental and custodial rights and duties may be subject  
6 to restriction or to termination unless the parent or parents are  
7 willing and able to provide the child with a safe environment; and

8 (5) after reviewing the basic service plan required  
9 under Section 262.206 and making any change or modification the  
10 court considers necessary, incorporate the plan into the order of  
11 the court and render any additional appropriate order to implement  
12 or require compliance with the plan.

13 (c-1) If the court finds that the child requires protection  
14 from family violence by a member of the child's family or household,  
15 the court shall render a protective order under Title 4 for the  
16 child. In this subsection, "family violence" has the meaning  
17 assigned by Section 71.004.

18 SECTION 2. Subchapter C, Chapter 262, Family Code, is  
19 amended by adding Section 262.206 to read as follows:

20 Sec. 262.206. BASIC SERVICE PLAN. (a) The Department of  
21 Family and Protective Services shall develop a uniform basic family  
22 service plan to be filed with the court at each full adversary  
23 hearing held under Section 262.201.

24 (b) The basic service plan must:

25 (1) be in writing;

26 (2) specify the primary permanency goal for the child;

27 (3) state the steps necessary to:

1                   (A) return the child to the child's home if the  
2 child is placed in foster care;

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

6                   (C) otherwise provide a safe placement for the  
7 child;

8                   (4) state the basic actions the child's parents must  
9 take to achieve the plan goal during the period of the service plan  
10 and the assistance to be provided to the parents by the department  
11 or other agency toward meeting that goal;

12                   (5) state any basic skill or knowledge that the child's  
13 parents must acquire or learn and any basic behavioral change the  
14 parents must exhibit to achieve the plan goal;

15                   (6) state the initial actions the child's parents must  
16 take to ensure that the child attends school and maintains or  
17 improves the child's academic compliance; and

18                   (7) prescribe any other basic condition that the  
19 department determines necessary for the success of the service  
20 plan.

21                   (c) The basic service plan must include the following  
22 statement:

23                   TO THE PARENT: THIS IS A VERY IMPORTANT DOCUMENT. THE PURPOSE  
24 OF THIS PLAN IS TO HELP YOU PROVIDE YOUR CHILD WITH A SAFE  
25 ENVIRONMENT WITHIN THE REASONABLE PERIOD SPECIFIED IN THE PLAN. IF  
26 YOU ARE UNWILLING OR UNABLE TO PROVIDE YOUR CHILD WITH A SAFE  
27 ENVIRONMENT, YOUR PARENTAL AND CUSTODIAL DUTIES AND RIGHTS MAY BE

1 RESTRICTED OR TERMINATED OR YOUR CHILD MAY NOT BE RETURNED TO YOU.  
2 THERE WILL BE A COURT STATUS HEARING AT WHICH A JUDGE WILL REVIEW  
3 THIS BASIC SERVICE PLAN.

4 (d) Not later than the fifth business day after the date the  
5 full adversary hearing is held under Section 262.201, the  
6 department shall:

7 (1) make all referrals necessary for the parents to  
8 comply with the parents' responsibilities under the basic service  
9 plan; and

10 (2) provide to the parents an accurate list of  
11 approved providers who provide those services in the department  
12 region in which the parent resides.

13 SECTION 3. The heading to Subchapter B, Chapter 263, Family  
14 Code, is amended to read as follows:

15 SUBCHAPTER B. INDIVIDUALIZED SERVICE PLAN AND VISITATION PLAN

16 SECTION 4. Sections 263.101, 263.102, and 263.103, Family  
17 Code, are amended to read as follows:

18 Sec. 263.101. DEPARTMENT TO FILE INDIVIDUALIZED SERVICE  
19 PLAN. Except as provided by Section 262.2015, not later than the  
20 60th [~~45th~~] day after the date the court renders a temporary order  
21 appointing the department as temporary managing conservator of a  
22 child under Chapter 262, the department shall file an  
23 individualized [a] service plan.

24 Sec. 263.102. INDIVIDUALIZED SERVICE PLAN; CONTENTS.

25 (a) The individualized service plan must:

26 (1) be specific;

27 (2) be in writing in a language that the parents

1 understand, or made otherwise available;

2 (3) be prepared by the department in conference with  
3 the child's parents;

4 (4) state appropriate deadlines;

5 (5) specify the primary permanency goal and at least  
6 one alternative permanency goal;

7 (6) state steps that are necessary to:

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

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

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

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

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

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

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

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

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

6 (b) The individualized service plan must [~~shall~~] include  
7 the following statement:

8 TO THE PARENT: THIS IS A VERY IMPORTANT DOCUMENT. THE [~~ITS~~]  
9 PURPOSE OF THIS PLAN IS TO HELP YOU PROVIDE YOUR CHILD WITH A SAFE  
10 ENVIRONMENT WITHIN THE REASONABLE PERIOD SPECIFIED IN THE PLAN. IF  
11 YOU ARE UNWILLING OR UNABLE TO PROVIDE YOUR CHILD WITH A SAFE  
12 ENVIRONMENT, YOUR PARENTAL AND CUSTODIAL DUTIES AND RIGHTS MAY BE  
13 RESTRICTED OR TERMINATED OR YOUR CHILD MAY NOT BE RETURNED TO YOU.  
14 THERE WILL BE A COURT HEARING AT WHICH A JUDGE WILL REVIEW THIS  
15 INDIVIDUALIZED SERVICE PLAN.

16 (c) The department shall provide with the individualized  
17 service plan a list of approved providers in the department service  
18 area in which the parent resides of the services necessary for the  
19 parents to comply with the plan. The department shall maintain the  
20 accuracy of the provider list.

21 (d) The department or other authorized entity must write the  
22 individualized service plan in a manner that is clear and  
23 understandable to the parent in order to facilitate the parent's  
24 ability to follow the requirements of the service plan.

25 (e) Regardless of whether the goal stated in a child's  
26 individualized service plan as required under Subsection (a)(5) is  
27 to return the child to the child's parents or to terminate parental

1 rights and place the child for adoption, the department shall  
2 concurrently provide to the child and the child's family, as  
3 applicable:

4 (1) time-limited family reunification services as  
5 defined by 42 U.S.C. Section 629a for a period not to exceed the  
6 period within which the court must render a final order in or  
7 dismiss the suit affecting the parent-child relationship with  
8 respect to the child as provided by Subchapter E; and

9 (2) adoption promotion and support services as defined  
10 by 42 U.S.C. Section 629a.

11 (f) The department shall consult with relevant  
12 professionals to determine the skills or knowledge that the parents  
13 of a child under two years of age should learn or acquire to provide  
14 a safe placement for the child. The department shall incorporate  
15 those skills and abilities into the department's individualized  
16 service plans, as appropriate.

17 Sec. 263.103. INDIVIDUALIZED [~~ORIGINAL~~] SERVICE  
18 PLAN: SIGNING AND TAKING EFFECT. (a) The individualized  
19 [~~original~~] service plan shall be developed jointly by the child's  
20 parents and a representative of the department. The department  
21 representative shall inform [~~, including informing~~] the parents of  
22 their rights in connection with the service plan process. If a  
23 parent is not able or willing to participate in the development of  
24 the service plan, it should be so noted in the plan.

25 (a-1) Before the individualized [~~original~~] service plan is  
26 signed, the child's parents and the representative of the  
27 department shall discuss each term and condition of the plan.

1 (b) The child's parents and the person preparing the  
2 individualized [~~original~~] service plan shall sign the plan, and the  
3 department shall give each parent a copy of the service plan.

4 (c) If the department determines that the child's parents  
5 are unable or unwilling to participate in the development of the  
6 individualized [~~original~~] service plan or sign the plan, the  
7 department may file the plan without the parents' signatures.

8 (d) The individualized [~~original~~] service plan takes effect  
9 when:

10 (1) the child's parents and the appropriate  
11 representative of the department sign the plan; or

12 (2) the court issues an order giving effect to the plan  
13 without the parents' signatures.

14 (e) The individualized [~~original~~] service plan is in effect  
15 until amended by the court or as provided under Section [263.104](#).

16 SECTION 5. Section [263.105](#)(c), Family Code, is amended to  
17 read as follows:

18 (c) The court may modify an individualized [~~original~~] or  
19 amended service plan at any time.

20 SECTION 6. Section [263.106](#), Family Code, is amended to read  
21 as follows:

22 Sec. 263.106. COURT IMPLEMENTATION OF SERVICE PLAN. After  
23 reviewing the individualized [~~original~~] or any amended service plan  
24 and making any changes or modifications it deems necessary, the  
25 court shall incorporate the individualized [~~original~~] and any  
26 amended service plan into the orders of the court and may render  
27 additional appropriate orders to implement or require compliance



1 with the [~~an original or amended service~~] plan.

2           SECTION 7. (a) The Department of Family and Protective  
3 Services shall develop the uniform basic service plan as required  
4 by Section 262.206, Family Code, as added by this Act, not later  
5 than December 1, 2017.

6           (b) The changes in law made by this Act apply only to a  
7 service plan filed for a full adversary hearing held under Chapter  
8 262.201, Family Code, or a status hearing held under Chapter 263,  
9 Family Code, on or after January 1, 2018. A hearing held before  
10 that date is governed by the law in effect immediately before the  
11 effective date of this Act, and that law is continued in effect for  
12 that purpose.

13           SECTION 8. This Act takes effect September 1, 2017.