

By: Wu

H.B. No. 707

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) unless the court has waived the requirement of a
9 service plan on the court's finding of aggravated circumstances
10 under Section 262.2015, after reviewing the basic service plan
11 required under Section 262.206 and making any change or
12 modification the court considers necessary, incorporate the plan
13 into the order of the court and render any additional appropriate
14 order to implement or require compliance with the plan.

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

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

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

26 (b) The basic service plan must:

27 (1) be in writing;

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

2 (3) state the steps necessary to:

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

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

8 (C) otherwise provide a safe placement for the
9 child;

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

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

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

20 (7) prescribe any other basic condition that the
21 department determines necessary for the success of the service
22 plan; and

23 (8) be printed in English, Spanish, and any other
24 language the department considers appropriate.

25 (c) The basic service plan must include the following
26 statement:

27 TO THE PARENT: THIS IS A VERY IMPORTANT DOCUMENT. THE PURPOSE

1 OF THIS PLAN IS TO HELP YOU PROVIDE YOUR CHILD WITH A SAFE
2 ENVIRONMENT WITHIN THE REASONABLE PERIOD SPECIFIED IN THE PLAN. AT
3 THE INITIAL COURT HEARING, A JUDGE WILL REVIEW THE PLAN, MODIFY THE
4 PLAN IF NECESSARY, AND REQUIRE COMPLIANCE WITH THE PLAN. IF YOU ARE
5 UNWILLING OR UNABLE TO PROVIDE YOUR CHILD WITH A SAFE ENVIRONMENT,
6 YOUR PARENTAL AND CUSTODIAL DUTIES AND RIGHTS MAY BE RESTRICTED OR
7 TERMINATED OR YOUR CHILD MAY NOT BE RETURNED TO YOU. AT THE INITIAL
8 COURT HEARING, A JUDGE WILL REVIEW THIS BASIC SERVICE PLAN.

9 (d) The basic service plan may not include an allegation of
10 abuse or neglect of the child or a restatement of the facts of the
11 case. An allegation of abuse or neglect or a restatement of the
12 facts of the case in a basic service plan is inadmissible in court
13 as evidence.

14 (e) Not later than the fifth business day after the date the
15 full adversary hearing is held under Section 262.201, the
16 department shall:

17 (1) make all referrals necessary for the parents to
18 comply with the parents' responsibilities under the basic service
19 plan; and

20 (2) provide to the parents an accurate list of
21 approved providers who provide those services in the department
22 region in which the parent resides.

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

25 SUBCHAPTER B. INDIVIDUALIZED SERVICE PLAN AND VISITATION PLAN

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

1 Sec. 263.101. DEPARTMENT TO FILE INDIVIDUALIZED SERVICE
2 PLAN. Except as provided by Section 262.2015, [~~not later than the~~
3 ~~45th day~~] after the date the court renders a temporary order
4 appointing the department as temporary managing conservator of a
5 child under Chapter 262 and before the date of the status hearing
6 required under Subchapter C, the department shall file with the
7 court an individualized [a] service plan.

8 Sec. 263.102. INDIVIDUALIZED SERVICE PLAN; CONTENTS. (a)
9 The individualized service plan must:

- 10 (1) be specific;
- 11 (2) be in writing in a language that the parents
12 understand, or made otherwise available;
- 13 (3) be prepared by the department in conference with
14 the child's parents;
- 15 (4) state appropriate deadlines;
- 16 (5) specify the primary permanency goal and at least
17 one alternative permanency goal;
- 18 (6) state steps that are necessary to:
 - 19 (A) return the child to the child's home if the
20 placement is in foster care;
 - 21 (B) enable the child to remain in the child's
22 home with the assistance of a service plan if the placement is in
23 the home under the department's supervision; or
 - 24 (C) otherwise provide a permanent safe placement
25 for the child;
- 26 (7) state the actions and responsibilities that are
27 necessary for the child's parents to take to achieve the plan goal

1 during the period of the service plan and the assistance to be
2 provided to the parents by the department or other agency toward
3 meeting that goal;

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

7 (9) state the actions and responsibilities that are
8 necessary for the child's parents to take to ensure that the child
9 attends school and maintains or improves the child's academic
10 compliance;

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

14 (11) prescribe any other term or condition that the
15 department determines to be necessary to the service plan's
16 success.

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

19 TO THE PARENT: THIS IS A VERY IMPORTANT DOCUMENT. THE [~~ITS~~]
20 PURPOSE OF THIS PLAN IS TO HELP YOU PROVIDE YOUR CHILD WITH A SAFE
21 ENVIRONMENT WITHIN THE REASONABLE PERIOD SPECIFIED IN THE PLAN. IF
22 YOU ARE UNWILLING OR UNABLE TO PROVIDE YOUR CHILD WITH A SAFE
23 ENVIRONMENT, YOUR PARENTAL AND CUSTODIAL DUTIES AND RIGHTS MAY BE
24 RESTRICTED OR TERMINATED OR YOUR CHILD MAY NOT BE RETURNED TO YOU.
25 AT [~~THERE WILL BE~~] A COURT HEARING, [~~AT WHICH~~] A JUDGE WILL REVIEW
26 THIS INDIVIDUALIZED SERVICE PLAN, MODIFY THE PLAN IF NECESSARY,
27 INCORPORATE THE PLAN INTO THE COURT'S ORDER, AND REQUIRE COMPLIANCE

1 WITH THE PLAN.

2 (c) The individualized service plan may not include an
3 allegation of abuse or neglect of the child or a restatement of the
4 facts of the case. An allegation of abuse or neglect or a
5 restatement of the facts of the case in an individualized service
6 plan is inadmissible in the court as evidence.

7 (c-1) The department shall provide with the individualized
8 service plan a list of approved providers in the department service
9 area in which the parent resides of the services necessary for the
10 parents to comply with the plan. The department shall maintain the
11 accuracy of the provider list.

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

16 (e) Regardless of whether the goal stated in a child's
17 individualized service plan as required under Subsection (a)(5) is
18 to return the child to the child's parents or to terminate parental
19 rights and place the child for adoption, the department shall
20 concurrently provide to the child and the child's family, as
21 applicable:

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

27 (2) adoption promotion and support services as defined

1 by 42 U.S.C. Section 629a.

2 (f) The department shall consult with relevant
3 professionals to determine the skills or knowledge that the parents
4 of a child under two years of age should learn or acquire to provide
5 a safe placement for the child. The department shall incorporate
6 those skills and abilities into the department's individualized
7 service plans, as appropriate.

8 Sec. 263.103. INDIVIDUALIZED [~~ORIGINAL~~] SERVICE PLAN:
9 SIGNING AND TAKING EFFECT. (a) The individualized [~~original~~]
10 service plan shall be developed jointly by the child's parents and a
11 representative of the department. The department representative
12 shall inform [~~, including informing~~] the parents of their rights in
13 connection with the service plan process. If a parent is not able
14 or willing to participate in the development of the service plan, it
15 should be so noted in the plan.

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

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

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

26 (d) The individualized [~~original~~] service plan takes effect
27 when:

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

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

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

7 SECTION 5. Section 263.105(c), Family Code, is amended to
8 read as follows:

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

11 SECTION 6. Section 263.106, Family Code, is amended to read
12 as follows:

13 Sec. 263.106. COURT IMPLEMENTATION OF SERVICE PLAN. After
14 reviewing the individualized [~~original~~] or any amended service plan
15 and making any changes or modifications it deems necessary, the
16 court shall incorporate the individualized [~~original~~] and any
17 amended service plan into the orders of the court and may render
18 additional appropriate orders to implement or require compliance
19 with the [~~an original or amended service~~] plan.

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

24 (b) The changes in law made by this Act apply only to a
25 service plan filed for a full adversary hearing held under Section
26 262.201, Family Code, or a status hearing held under Chapter 263,
27 Family Code, on or after January 1, 2018. A hearing held before

1 that date is governed by the law in effect immediately before the
2 effective date of this Act, and that law is continued in effect for
3 that purpose.

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