

By: Price, Frullo, Romero, Jr., Bernal,
Klick, et al.

H.B. No. 1542

Substitute the following for H.B. No. 1542:

By: Keough

C.S.H.B. No. 1542

A BILL TO BE ENTITLED

AN ACT

relating to the definition of the least restrictive environment for
the placement of children in foster care.

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

SECTION 1. Section 263.001(a), Family Code, is amended by
amending Subdivision (3-a) and adding Subdivision (3-b) to read as
follows:

(3-a) "Least restrictive setting" means a placement
for a child that, in comparison to all other available placements,
is the most family-like setting.

(3-b) "Physician assistant" has the meaning assigned
by Section 157.051, Occupations Code.

SECTION 2. Section 263.001, Family Code, is amended by
adding Subsection (c) to read as follows:

(c) With respect to a child who is removed from the child's
home, if a suitable relative or other designated caregiver is not
available, placing the child in a foster home or a general
residential operation operating as a cottage home is considered the
least restrictive setting.

SECTION 3. Section 264.001, Family Code, is amended by
adding Subdivision (3-a) to read as follows:

(3-a) "Least restrictive setting" means a placement
for a child that, in comparison to all other available placements,
is the most family-like setting.

1 SECTION 4. Section 264.107, Family Code, is amended by
2 adding Subsection (c) to read as follows:

3 (c) In selecting a placement for a child, the department
4 shall consider whether the placement is in the child's best
5 interest. In determining whether a placement is in a child's best
6 interest, the department shall consider whether the placement:

7 (1) is the least restrictive setting for the child;

8 (2) is the closest in geographic proximity to the
9 child's home;

10 (3) is the most able to meet the identified needs of
11 the child; and

12 (4) satisfies any expressed interests of the child
13 relating to placement, when developmentally appropriate.

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