

1-1 By: Price, et al. (Senate Sponsor - Birdwell) H.B. No. 1542  
 1-2 (In the Senate - Received from the House May 8, 2017;  
 1-3 May 15, 2017, read first time and referred to Committee on Health &  
 1-4 Human Services; May 19, 2017, reported favorably by the following  
 1-5 vote: Yeas 7, Nays 1; May 19, 2017, sent to printer.)

1-6 COMMITTEE VOTE

|      | Yea | Nay | Absent | PNV |
|------|-----|-----|--------|-----|
| 1-7  |     |     |        |     |
| 1-8  | X   |     |        |     |
| 1-9  | X   |     |        |     |
| 1-10 | X   |     |        |     |
| 1-11 | X   |     |        |     |
| 1-12 | X   |     |        |     |
| 1-13 | X   |     |        |     |
| 1-14 |     |     | X      |     |
| 1-15 | X   |     |        |     |
| 1-16 |     | X   |        |     |

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the definition of the least restrictive environment for  
 1-20 the placement of children in foster care.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 263.001(a), Family Code, is amended by  
 1-23 amending Subdivision (3-a) and adding Subdivision (3-b) to read as  
 1-24 follows:

1-25 (3-a) "Least restrictive setting" means a placement  
 1-26 for a child that, in comparison to all other available placements,  
 1-27 is the most family-like setting.

1-28 (3-b) "Physician assistant" has the meaning assigned  
 1-29 by Section 157.051, Occupations Code.

1-30 SECTION 2. Section 263.001, Family Code, is amended by  
 1-31 adding Subsections (c) and (d) to read as follows:

1-32 (c) With respect to a child who is older than six years of  
 1-33 age and who is removed from the child's home, if a suitable relative  
 1-34 or other designated caregiver is not available as a placement for  
 1-35 the child, placing the child in a foster home or a general  
 1-36 residential operation operating as a cottage home is considered the  
 1-37 least restrictive setting.

1-38 (d) With respect to a child who is six years of age or  
 1-39 younger and who is removed from the child's home, if a suitable  
 1-40 relative or other designated caregiver is not available as a  
 1-41 placement for the child, the least restrictive setting for the  
 1-42 child is placement in:

- 1-43 (1) a foster home; or
- 1-44 (2) a general residential operation operating as a  
 1-45 cottage home, only if the department determines it is in the best  
 1-46 interest of the child.

1-47 SECTION 3. Section 264.001, Family Code, is amended by  
 1-48 adding Subdivision (3-a) to read as follows:

1-49 (3-a) "Least restrictive setting" means a placement  
 1-50 for a child that, in comparison to all other available placements,  
 1-51 is the most family-like setting.

1-52 SECTION 4. Section 264.107, Family Code, is amended by  
 1-53 adding Subsection (c) to read as follows:

1-54 (c) In selecting a placement for a child, the department  
 1-55 shall consider whether the placement is in the child's best  
 1-56 interest. In determining whether a placement is in a child's best  
 1-57 interest, the department shall consider whether the placement:

- 1-58 (1) is the least restrictive setting for the child;
- 1-59 (2) is the closest in geographic proximity to the  
 1-60 child's home;
- 1-61 (3) is the most able to meet the identified needs of

2-1 the child; and  
2-2 (4) satisfies any expressed interests of the child  
2-3 relating to placement, when developmentally appropriate.

2-4 SECTION 5. (a) If the Department of Family and Protective  
2-5 Services receives a formal determination from the United States  
2-6 Department of Health and Human Services stating that implementing  
2-7 the changes in law made by this Act will result in a reduction in  
2-8 federal funding under either Title IV-E, Social Security Act (42  
2-9 U.S.C. Section 670 et seq.) or a related source of federal funds,  
2-10 the Department of Family and Protective Services may not implement  
2-11 this Act.

2-12 (b) For the purpose of Subsection (a) of this section,  
2-13 "formal determination" means a written opinion or penalty  
2-14 assessment contained in a Child and Family Services Review  
2-15 conducted by the Administration for Children and Families in the  
2-16 United States Department of Health and Human Services regarding the  
2-17 federal funding implications of the implementation of this Act.

2-18 SECTION 6. This Act takes effect September 1, 2017.

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