

By: Bernal

H.B. No. 1968

Substitute the following for H.B. No. 1968:

By: Schofield

C.S.H.B. No. 1968

A BILL TO BE ENTITLED

1

AN ACT

2 relating to procedures for certain hearings in a suit affecting the  
3 parent-child relationship filed by the Department of Family and  
4 Protective Services.

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

6 SECTION 1. Section 263.5031, Family Code, is amended to  
7 read as follows:

8 Sec. 263.5031. PERMANENCY HEARINGS FOLLOWING FINAL ORDER.

9 At each permanency hearing after the court renders a final order,  
10 the court shall:

11 (1) identify all persons and parties present at the  
12 hearing;

13 (2) review the efforts of the department or other  
14 agency in notifying persons entitled to notice under Section  
15 263.0021; ~~and~~

16 (3) review the permanency progress report to  
17 determine:

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

21 (B) the continuing necessity and appropriateness  
22 of the placement of the child, including with respect to a child who  
23 has been placed outside of this state, whether the placement  
24 continues to be in the best interest of the child;

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

5                   (D) the appropriateness of the primary and  
6 alternative permanency goals for the child, whether the department  
7 has made reasonable efforts to finalize the permanency plan,  
8 including the concurrent permanency goals, in effect for the child,  
9 and whether:

10                   (i) the department has exercised due  
11 diligence in attempting to place the child for adoption if parental  
12 rights to the child have been terminated and the child is eligible  
13 for adoption; or

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

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

19                   (i) the desired permanency outcome for the  
20 child, by asking the child; and

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

25                               (a) return home;

26                               (b) be placed for adoption;

27                               (c) be placed with a legal guardian;

1 or

2 (d) be placed with a fit and willing  
3 relative;

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

8 (G) whether the child is receiving appropriate  
9 medical care and has been provided the opportunity, in a  
10 developmentally appropriate manner, to express the child's opinion  
11 on any medical care provided;

12 (H) for a child receiving psychotropic  
13 medication, whether the child:

14 (i) has been provided appropriate  
15 nonpharmacological interventions, therapies, or strategies to meet  
16 the child's needs; or

17 (ii) has been seen by the prescribing  
18 physician, physician assistant, or advanced practice nurse at least  
19 once every 90 days;

20 (I) whether an education decision-maker for the  
21 child has been identified, the child's education needs and goals  
22 have been identified and addressed, and there are major changes in  
23 the child's school performance or there have been serious  
24 disciplinary events;

25 (J) for a child for whom the department has been  
26 named managing conservator in a final order that does not include  
27 termination of parental rights, whether to order the department to

1 provide services to a parent for not more than six months after the  
2 date of the permanency hearing if:

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

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

8 (a) in the best interest of the child;  
9 and

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

12 (K) whether the department has identified a  
13 family or other caring adult who has made a permanent commitment to  
14 the child; and

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

17 (A) the child's birth certificate;

18 (B) a social security card or a replacement  
19 social security card;

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

22 (D) the information contained in the child's  
23 health passport, including the child's immunization records, as  
24 required under Section 266.006;

25 (E) proof of enrollment of the child in Medicaid,  
26 if appropriate; and

27 (F) written information advising the child of

1 postsecondary education benefits and opportunities available to  
2 the child, including the tuition exemption for former foster  
3 children under Section 54.366, Education Code.

4 SECTION 2. The change in law made by this Act applies to a  
5 suit affecting the parent-child relationship that is pending on or  
6 filed on or after the effective date of this Act.

7 SECTION 3. This Act takes effect September 1, 2017.