

By: Bernal

H.B. No. 1968

A BILL TO BE ENTITLED

AN ACT

relating to certain determinations at permanency hearings.

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

SECTION 1. Section [263.5031](#), Family Code is amended by adding Subsection (L) to read as follows:

Sec. 263.5031. PERMANENCY HEARINGS FOLLOWING FINAL ORDER.

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

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

(2) review the efforts of the department or other agency in notifying persons entitled to notice under Section [263.0021](#); and

(3) review the permanency progress report to determine:

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

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

(C) if the child is placed in institutional care, whether efforts have been made to ensure that the child is placed in

1 the least restrictive environment consistent with the child's best
2 interest and special needs;

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

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

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

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

17 (i) the desired permanency outcome for the
18 child, by asking the child; and

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

23 (a) return home;

24 (b) be placed for adoption;

25 (c) be placed with a legal guardian;

26 or

27 (d) be placed with a fit and willing

1 relative;

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

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

10 (H) for a child receiving psychotropic
11 medication, whether the child:

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

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

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

23 (J) for a child for whom the department has been
24 named managing conservator in a final order that does not include
25 termination of parental rights, whether to order the department to
26 provide services to a parent for not more than six months after the
27 date of the permanency hearing if:

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

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

6 (a) in the best interest of the child;
7 and

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

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

13 (L) whether the department has provided a child,
14 who has attained the age of sixteen, or the child's authorized
15 representative with a copy and a certified copy of the following
16 documents or with the original document, as applicable:

17 (i) the child's birth certificate;

18 (ii) a Social Security card or replacement
19 Social Security card;

20 (iii) a personal identification
21 certificate under Chapter 521, Transportation Code;

22 (iv) the information contained in the
23 youth's health passport, including the youth's immunization
24 records;

25 (v) proof of enrollment in Medicaid, if
26 appropriate; and

27 (vi) written information advising the child

1 of postsecondary education benefits and opportunities available to
2 the child.

3 SECTION 2. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2017.