

By: Rodriguez of Travis

H.B. No. 4124

A BILL TO BE ENTITLED

AN ACT

relating to a foster children's bill of rights.

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

SECTION 1. Section 263.008(b), Family Code, is amended by
to read as follows:

(b) It is the policy of this state that each child in foster
care be informed of the child's rights provided by state or federal
law or policy that relate to:

(1) abuse, neglect, exploitation, discrimination, and
harassment, which includes discrimination and harassment based on
gender, gender identity, race, ethnicity, religion, national
origin, disability, medical problems or sexual orientation;

(2) food, clothing, shelter, and education;

(3) medical, dental, vision, and mental health
services, including the right of the child to consent to treatment;

(4) emergency behavioral intervention, including what
methods are permitted, the conditions under which it may be used,
and the precautions that must be taken when administering it;

(5) placement with the child's siblings and contact
with members of the child's family;

(6) privacy and searches, including the use of storage
space, mail, and the telephone;

(7) participation in school-related extracurricular
or community activities;

(8) interaction with persons outside the foster care system, including teachers, church members, mentors, and friends;

(9) contact and communication with caseworkers, attorneys ad litem, guardians ad litem, and court-appointed special advocates;

(10) the freedom to choose a religion or attend religious services and activities of the child's choosing, which includes the choice not to practice a religion;

(11) confidentiality of the child's records;

(12) job skills, personal finances, and preparation for adulthood;

(13) participation in a court hearing that involves the child;

(14) participation in the development of service and treatment plans;

(15) if the child has a disability, the advocacy and protection of the rights of a person with that disability; and

(16) any other matter affecting the child's ability to receive care and treatment in the least restrictive environment that is most like a family setting, consistent with the best interests and needs of the child.

SECTION 2. Section 42.042, Human Resources Code, is amended by adding Subsection (s) to read as follows:

(s) The department may not make a rule that:

(1) discriminates based on gender, gender identity, race, ethnicity, religion, national origin, disability, medical problems, or sexual orientation, or

1 (2) limits a foster child's rights to choose a
2 religion, or attend religious services or activities of the child's
3 choosing, which includes the choice not to practice a religion.

4 SECTION 3. Section 263.008(h), Family Code, is repealed.

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