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S.B. No. 1758

A BILL TO BE ENTITLED

AN ACT

1
2 relating to requirements for the court in permanency hearings for
3 children in the conservatorship of the Department of Family and
4 Protective Services who are receiving transitional living
5 services.

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

7 SECTION 1. Section 263.306(a-1), Family Code, is amended to
8 read as follows:

9 (a-1) At each permanency hearing before a final order is
10 rendered, 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:

15 (A) locating and requesting service of citation
16 on all persons entitled to service of citation under Section
17 102.009; and

18 (B) obtaining the assistance of a parent in
19 providing information necessary to locate an absent parent, alleged
20 father, or relative of the child;

21 (3) ask all parties present whether the child or the
22 child's family has a Native American heritage and identify any
23 Native American tribe with which the child may be associated;

24 (4) review the extent of the parties' compliance with

1 temporary orders and the service plan and the extent to which
2 progress has been made toward alleviating or mitigating the causes
3 necessitating the placement of the child in foster care;

4 (5) [~~(4)~~] review the permanency progress report to
5 determine:

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

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

13 (C) the appropriateness of the primary and
14 alternative permanency goals for the child developed in accordance
15 with department rule and whether the department has made reasonable
16 efforts to finalize the permanency plan, including the concurrent
17 permanency goals, in effect for the child;

18 (D) whether the child has been provided the
19 opportunity, in a developmentally appropriate manner, to express
20 the child's opinion on any medical care provided;

21 (E) for a child receiving psychotropic
22 medication, whether the child:

23 (i) has been provided appropriate
24 nonpharmacological interventions, therapies, or strategies to meet
25 the child's needs; or

26 (ii) has been seen by the prescribing
27 physician, physician assistant, or advanced practice nurse at least

1 once every 90 days;

2 (F) whether an education decision-maker for the
3 child has been identified, the child's education needs and goals
4 have been identified and addressed, and there have been major
5 changes in the child's school performance or there have been
6 serious disciplinary events;

7 (G) for a child 14 years of age or older, whether
8 services that are needed to assist the child in transitioning from
9 substitute care to independent living are available in the child's
10 community; and

11 (H) for a child whose permanency goal is another
12 planned permanent living arrangement:

13 (i) the desired permanency outcome for the
14 child, by asking the child; ~~and~~

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

19 (a) return home;

20 (b) be placed for adoption;

21 (c) be placed with a legal guardian;

22 or

23 (d) be placed with a fit and willing
24 relative;

25 (iii) whether the department has conducted
26 an independent living skills assessment under Section
27 264.121(a-3);

1 (iv) whether the department has addressed
2 the goals identified in the child's permanency plan, including the
3 child's housing plan, and the results of the independent living
4 skills assessment;

5 (v) if the youth is 16 years of age or
6 older, whether there is evidence that the department has provided
7 the youth with the documents and information listed in Section
8 264.121(e); and

9 (vi) if the youth is 18 years of age or
10 older or has had the disabilities of minority removed, whether
11 there is evidence that the department has provided the youth with
12 the documents and information listed in Section 264.121(e-1);

13 (6) [~~5~~] determine whether to return the child to the
14 child's parents if the child's parents are willing and able to
15 provide the child with a safe environment and the return of the
16 child is in the child's best interest;

17 (7) [~~6~~] estimate a likely date by which the child may
18 be returned to and safely maintained in the child's home, placed for
19 adoption, or placed in permanent managing conservatorship; and

20 (8) [~~7~~] announce in open court the dismissal date
21 and the date of any upcoming hearings.

22 SECTION 2. Subchapter E, Chapter 263, Family Code, is
23 amended by adding Section 263.4041 to read as follows:

24 Sec. 263.4041. VERIFICATION OF TRANSITION PLAN.
25 Notwithstanding Section 263.401, for a suit involving a child who
26 is 14 years of age or older and whose permanency goal is another
27 planned permanent living arrangement, the court shall verify that:

1 (1) the department has conducted an independent living
2 skills assessment for the child as provided under Section
3 264.121(a-3);

4 (2) the department has addressed the goals identified
5 in the child's permanency plan, including the child's housing plan,
6 and the results of the independent living skills assessment;

7 (3) if the youth is 16 years of age or older, there is
8 evidence that the department has provided the youth with the
9 documents and information listed in Section 264.121(e); and

10 (4) if the youth is 18 years of age or older or has had
11 the disabilities of minority removed, there is evidence that the
12 department has provided the youth with the documents and
13 information listed in Section 264.121(e-1).

14 SECTION 3. Section 263.5031, Family Code, is amended to
15 read as follows:

16 Sec. 263.5031. PERMANENCY HEARINGS FOLLOWING FINAL ORDER.
17 At each permanency hearing after the court renders a final order,
18 the court shall:

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

21 (2) review the efforts of the department or other
22 agency in notifying persons entitled to notice under Section
23 263.0021; and

24 (3) review the permanency progress report to
25 determine:

26 (A) the safety and well-being of the child and
27 whether the child's needs, including any medical or special needs,

1 are being adequately addressed;

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

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

10 (D) the appropriateness of the primary and
11 alternative permanency goals for the child, whether the department
12 has made reasonable efforts to finalize the permanency plan,
13 including the concurrent permanency goals, in effect for the child,
14 and whether:

15 (i) the department has exercised due
16 diligence in attempting to place the child for adoption if parental
17 rights to the child have been terminated and the child is eligible
18 for adoption; or

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

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

24 (i) the desired permanency outcome for the
25 child, by asking the child; ~~and~~

26 (ii) whether, as of the date of the hearing,
27 another planned permanent living arrangement is the best permanency

1 plan for the child and, if so, provide compelling reasons why it
2 continues to not be in the best interest of the child to:

- 3 (a) return home;
- 4 (b) be placed for adoption;
- 5 (c) be placed with a legal guardian;
- 6 or
- 7 (d) be placed with a fit and willing
8 relative;

9 (iii) whether the department has conducted
10 an independent living skills assessment under Section
11 264.121(a-3);

12 (iv) whether the department has addressed
13 the goals identified in the child's permanency plan, including the
14 child's housing plan, and the results of the independent living
15 skills assessment;

16 (v) if the youth is 16 years of age or
17 older, whether there is evidence that the department has provided
18 the youth with the documents and information listed in Section
19 264.121(e); and

20 (vi) if the youth is 18 years of age or
21 older or has had the disabilities of minority removed, whether
22 there is evidence that the department has provided the youth with
23 the documents and information listed in Section 264.121(e-1);

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

1 (G) whether the child is receiving appropriate
2 medical care and has been provided the opportunity, in a
3 developmentally appropriate manner, to express the child's opinion
4 on any medical care provided;

5 (H) for a child receiving psychotropic
6 medication, whether the child:

7 (i) has been provided appropriate
8 nonpharmacological interventions, therapies, or strategies to meet
9 the child's needs; or

10 (ii) has been seen by the prescribing
11 physician, physician assistant, or advanced practice nurse at least
12 once every 90 days;

13 (I) whether an education decision-maker for the
14 child has been identified, the child's education needs and goals
15 have been identified and addressed, and there are major changes in
16 the child's school performance or there have been serious
17 disciplinary events;

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

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

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

1 (a) in the best interest of the child;
2 and

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

5 (K) whether the department has identified a
6 family or other caring adult who has made a permanent commitment to
7 the child.

8 SECTION 4. Section 264.121, Family Code, is amended by
9 adding Subsections (a-3) and (a-4) to read as follows:

10 (a-3) The department shall conduct an independent living
11 skills assessment for all youth in the department's permanent
12 managing conservatorship who are at least 14 years of age but
13 younger than 16 years of age and all youth in the department's
14 conservatorship who are 16 years of age or older. The department
15 shall annually update the assessment for each youth assessed under
16 this section to determine the independent living skills the youth
17 learned during the preceding year to ensure that the department's
18 obligation to prepare the youth for independent living has been
19 met. The department shall conduct the annual update through the
20 youth's plan of service in coordination with the youth, the youth's
21 caseworker, the staff of the Preparation for Adult Living Program,
22 and the youth's caregiver.

23 (a-4) The department, in coordination with stakeholders,
24 shall develop a plan to standardize the curriculum for the
25 Preparation for Adult Living Program that ensures that youth 14
26 years of age or older enrolled in the program receive relevant and
27 age-appropriate information and training. The department shall

1 report the plan to the legislature not later than December 1, 2018.

2 SECTION 5. The changes in law made by this Act to Chapter
3 263, Family Code, apply to a suit affecting the parent-child
4 relationship filed before, on, or after the effective date of this
5 Act.

6 SECTION 6. The Department of Family and Protective Services
7 is required to implement this Act only if the legislature
8 appropriates money specifically for that purpose. If the
9 legislature does not appropriate money specifically for that
10 purpose, the agency may, but is not required to, implement this Act
11 using other appropriations available for the purpose.

12 SECTION 7. To the extent of any conflict, this Act prevails
13 over another Act of the 85th Legislature, Regular Session, 2017,
14 relating to nonsubstantive additions to and corrections in enacted
15 codes.

16 SECTION 8. This Act takes effect September 1, 2017.