

AN ACT

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

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

SECTION 1. Section 107.002(b-1), Family Code, is amended to read as follows:

(b-1) In addition to the duties required by Subsection (b), a guardian ad litem appointed for a child in a proceeding under Chapter 262 or 263 shall:

(1) review the medical care provided to the child;

~~and~~

(2) in a developmentally appropriate manner, seek to elicit the child's opinion on the medical care provided; and

(3) for a child at least 16 years of age, ascertain whether the child has received the following documents:

(A) a certified copy of the child's birth certificate;

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

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

and

1                    (D) any other personal document the Department of  
2 Family and Protective Services determines appropriate.

3            SECTION 2. Section 107.003(b), Family Code, is amended to  
4 read as follows:

5            (b) In addition to the duties required by Subsection (a), an  
6 attorney ad litem appointed for a child in a proceeding under  
7 Chapter 262 or 263 shall:

8                    (1) review the medical care provided to the child;

9                    (2) in a developmentally appropriate manner, seek to  
10 elicit the child's opinion on the medical care provided; and

11                   (3) for a child at least 16 years or age:

12                    (A) [7] advise the child of the child's right to  
13 request the court to authorize the child to consent to the child's  
14 own medical care under Section 266.010; and

15                    (B) ascertain whether the child has received the  
16 following documents:

17                                    (i) a certified copy of the child's birth  
18 certificate;

19                                    (ii) a social security card or a  
20 replacement social security card;

21                                    (iii) a driver's license or personal  
22 identification certificate under Chapter 521, Transportation Code;  
23 and

24                                    (iv) any other personal document the  
25 Department of Family and Protective Services determines  
26 appropriate.

27            SECTION 3. Section 263.306(a-1), Family Code, is amended to

1 read as follows:

2 (a-1) At each permanency hearing before a final order is  
3 rendered, the court shall:

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

6 (2) review the efforts of the department or other  
7 agency in:

8 (A) locating and requesting service of citation  
9 on all persons entitled to service of citation under Section  
10 102.009; and

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

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

17 (4) review the extent of the parties' compliance with  
18 temporary orders and the service plan and the extent to which  
19 progress has been made toward alleviating or mitigating the causes  
20 necessitating the placement of the child in foster care;

21 (5) [~~4~~] review the permanency progress report to  
22 determine:

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

26 (B) the continuing necessity and appropriateness  
27 of the placement of the child, including with respect to a child who

1 has been placed outside of this state, whether the placement  
2 continues to be in the best interest of the child;

3 (C) the appropriateness of the primary and  
4 alternative permanency goals for the child developed in accordance  
5 with department rule and whether the department has made reasonable  
6 efforts to finalize the permanency plan, including the concurrent  
7 permanency goals, in effect for the child;

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

11 (E) for a child receiving psychotropic  
12 medication, whether the child:

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

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

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

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

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

3 (i) the desired permanency outcome for the  
4 child, by asking the child; ~~and~~

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

9 (a) return home;

10 (b) be placed for adoption;

11 (c) be placed with a legal guardian;

12 or

13 (d) be placed with a fit and willing  
14 relative;

15 (iii) whether the department has conducted  
16 an independent living skills assessment under Section  
17 264.121(a-3);

18 (iv) whether the department has addressed  
19 the goals identified in the child's permanency plan, including the  
20 child's housing plan, and the results of the independent living  
21 skills assessment;

22 (v) if the youth is 16 years of age or  
23 older, whether there is evidence that the department has provided  
24 the youth with the documents and information listed in Section  
25 264.121(e); and

26 (vi) if the youth is 18 years of age or  
27 older or has had the disabilities of minority removed, whether

1 there is evidence that the department has provided the youth with  
2 the documents and information listed in Section 264.121(e-1);

3 (6) [~~(5)~~] determine whether to return the child to the  
4 child's parents if the child's parents are willing and able to  
5 provide the child with a safe environment and the return of the  
6 child is in the child's best interest;

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

10 (8) [~~(7)~~] announce in open court the dismissal date  
11 and the date of any upcoming hearings.

12 SECTION 4. Subchapter E, Chapter 263, Family Code, is  
13 amended by adding Section 263.4041 to read as follows:

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

18 (1) the department has conducted an independent living  
19 skills assessment for the child as provided under Section  
20 264.121(a-3);

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

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

27 (4) if the youth is 18 years of age or older or has had

1 the disabilities of minority removed, there is evidence that the  
2 department has provided the youth with the documents and  
3 information listed in Section 264.121(e-1).

4 SECTION 5. Section 263.5031, Family Code, is amended to  
5 read as follows:

6 Sec. 263.5031. PERMANENCY HEARINGS FOLLOWING FINAL ORDER.  
7 At each permanency hearing after the court renders a final order,  
8 the court shall:

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

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

14 (3) review the permanency progress report to  
15 determine:

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

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

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

27 (D) the appropriateness of the primary and

1 alternative permanency goals for the child, whether the department  
2 has made reasonable efforts to finalize the permanency plan,  
3 including the concurrent permanency goals, in effect for the child,  
4 and whether:

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

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

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

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

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

20 (a) return home;

21 (b) be placed for adoption;

22 (c) be placed with a legal guardian;

23 or

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

26 (iii) whether the department has conducted  
27 an independent living skills assessment under Section



1 264.121(a-3);

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

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

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

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

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

22 (H) for a child receiving psychotropic  
23 medication, whether the child:

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

27 (ii) has been seen by the prescribing

1 physician, physician assistant, or advanced practice nurse at least  
2 once every 90 days;

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

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

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

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

18 (a) in the best interest of the child;  
19 and

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

22 (K) whether the department has identified a  
23 family or other caring adult who has made a permanent commitment to  
24 the child.

25 SECTION 6. Section [264.121](#), Family Code, is amended by  
26 adding Subsections (a-3), (a-4), (a-5), and (a-6) to read as  
27 follows:

1       (a-3) The department shall conduct an independent living  
2 skills assessment for all youth in the department's conservatorship  
3 who are 16 years of age or older.

4       (a-4) The department shall conduct an independent living  
5 skills assessment for all youth in the department's permanent  
6 managing conservatorship who are at least 14 years of age but  
7 younger than 16 years of age.

8       (a-5) The department shall annually update the assessment  
9 for each youth assessed under Subsections (a-3) and (a-4) to  
10 determine the independent living skills the youth learned during  
11 the preceding year to ensure that the department's obligation to  
12 prepare the youth for independent living has been met. The  
13 department shall conduct the annual update through the youth's plan  
14 of service in coordination with the youth, the youth's caseworker,  
15 the staff of the Preparation for Adult Living Program, and the  
16 youth's caregiver.

17       (a-6) The department, in coordination with stakeholders,  
18 shall develop a plan to standardize the curriculum for the  
19 Preparation for Adult Living Program that ensures that youth 14  
20 years of age or older enrolled in the program receive relevant and  
21 age-appropriate information and training. The department shall  
22 report the plan to the legislature not later than December 1, 2018.

23       SECTION 7. The changes in law made by this Act to Chapter  
24 263, Family Code, apply to a suit affecting the parent-child  
25 relationship filed before, on, or after the effective date of this  
26 Act.

27       SECTION 8. The Department of Family and Protective Services

1 is required to implement Section 264.121(a-4), Family Code, as  
2 added by this Act, only if the legislature appropriates money  
3 specifically for that purpose. If the legislature does not  
4 appropriate money specifically for that purpose, the agency may,  
5 but is not required to, implement Section 264.121(a-4), Family  
6 Code, as added by this Act, using other appropriations available  
7 for the purpose.

8 SECTION 9. The Department of Family and Protective Services  
9 shall conduct the independent living skills assessments for youth  
10 in the department's permanent managing conservatorship required by  
11 Section 264.121(a-4), Family Code, as added by this Act, according  
12 to the following schedule, if funds are available for that purpose:

13 (1) beginning September 1, 2017, the department shall  
14 assess youth who are at least 15 years of age but younger than 16  
15 years of age; and

16 (2) beginning September 1, 2018, the department shall  
17 assess youth who are at least 14 years of age but younger than 15  
18 years of age.

19 SECTION 10. To the extent of any conflict, this Act prevails  
20 over another Act of the 85th Legislature, Regular Session, 2017,  
21 relating to nonsubstantive additions to and corrections in enacted  
22 codes.

23 SECTION 11. This Act takes effect September 1, 2017.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 1758 passed the Senate on May 1, 2017, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 22, 2017, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1758 passed the House, with amendments, on May 18, 2017, by the following vote: Yeas 138, Nays 8, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor