

1-1 By: Zaffirini S.B. No. 1758  
 1-2 (In the Senate - Filed March 9, 2017; March 23, 2017, read  
 1-3 first time and referred to Committee on Health & Human Services;  
 1-4 April 24, 2017, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 24, 2017,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1758 By: Uresti

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to requirements for the court in permanency hearings for  
 1-22 children in the conservatorship of the Department of Family and  
 1-23 Protective Services who are receiving transitional living  
 1-24 services.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Section 263.306(a-1), Family Code, is amended to  
 1-27 read as follows:

1-28 (a-1) At each permanency hearing before a final order is  
 1-29 rendered, the court shall:

1-30 (1) identify all persons and parties present at the  
 1-31 hearing;

1-32 (2) review the efforts of the department or other  
 1-33 agency in:

1-34 (A) locating and requesting service of citation  
 1-35 on all persons entitled to service of citation under Section  
 1-36 102.009; and

1-37 (B) obtaining the assistance of a parent in  
 1-38 providing information necessary to locate an absent parent, alleged  
 1-39 father, or relative of the child;

1-40 (3) ask all parties present whether the child or the  
 1-41 child's family has a Native American heritage and identify any  
 1-42 Native American tribe with which the child may be associated;

1-43 (4) review the extent of the parties' compliance with  
 1-44 temporary orders and the service plan and the extent to which  
 1-45 progress has been made toward alleviating or mitigating the causes  
 1-46 necessitating the placement of the child in foster care;

1-47 (5) ~~(4)~~ review the permanency progress report to  
 1-48 determine:

1-49 (A) the safety and well-being of the child and  
 1-50 whether the child's needs, including any medical or special needs,  
 1-51 are being adequately addressed;

1-52 (B) the continuing necessity and appropriateness  
 1-53 of the placement of the child, including with respect to a child who  
 1-54 has been placed outside of this state, whether the placement  
 1-55 continues to be in the best interest of the child;

1-56 (C) the appropriateness of the primary and  
 1-57 alternative permanency goals for the child developed in accordance  
 1-58 with department rule and whether the department has made reasonable  
 1-59 efforts to finalize the permanency plan, including the concurrent  
 1-60 permanency goals, in effect for the child;

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

2-4 (E) for a child receiving psychotropic  
2-5 medication, whether the child:

2-6 (i) has been provided appropriate  
2-7 nonpharmacological interventions, therapies, or strategies to meet  
2-8 the child's needs; or

2-9 (ii) has been seen by the prescribing  
2-10 physician, physician assistant, or advanced practice nurse at least  
2-11 once every 90 days;

2-12 (F) whether an education decision-maker for the  
2-13 child has been identified, the child's education needs and goals  
2-14 have been identified and addressed, and there have been major  
2-15 changes in the child's school performance or there have been  
2-16 serious disciplinary events;

2-17 (G) for a child 14 years of age or older, whether  
2-18 services that are needed to assist the child in transitioning from  
2-19 substitute care to independent living are available in the child's  
2-20 community; and

2-21 (H) for a child whose permanency goal is another  
2-22 planned permanent living arrangement:

2-23 (i) the desired permanency outcome for the  
2-24 child, by asking the child; ~~and~~

2-25 (ii) whether, as of the date of the hearing,  
2-26 another planned permanent living arrangement is the best permanency  
2-27 plan for the child and, if so, provide compelling reasons why it  
2-28 continues to not be in the best interest of the child to:

2-29 (a) return home;

2-30 (b) be placed for adoption;

2-31 (c) be placed with a legal guardian;

2-32 or

2-33 (d) be placed with a fit and willing  
2-34 relative;

2-35 (iii) whether the department has conducted  
2-36 an independent living skills assessment under Section  
2-37 264.121(a-3);

2-38 (iv) whether the department has addressed  
2-39 the goals identified in the child's permanency plan, including the  
2-40 child's housing plan, and the results of the independent living  
2-41 skills assessment;

2-42 (v) if the youth is 16 years of age or  
2-43 older, whether there is evidence that the department has provided  
2-44 the youth with the documents and information listed in Section  
2-45 264.121(e); and

2-46 (vi) if the youth is 18 years of age or  
2-47 older or has had the disabilities of minority removed, whether  
2-48 there is evidence that the department has provided the youth with  
2-49 the documents and information listed in Section 264.121(e-1);

2-50 (6) [~~5~~] determine whether to return the child to the  
2-51 child's parents if the child's parents are willing and able to  
2-52 provide the child with a safe environment and the return of the  
2-53 child is in the child's best interest;

2-54 (7) [~~6~~] estimate a likely date by which the child may  
2-55 be returned to and safely maintained in the child's home, placed for  
2-56 adoption, or placed in permanent managing conservatorship; and

2-57 (8) [~~7~~] announce in open court the dismissal date  
2-58 and the date of any upcoming hearings.

2-59 SECTION 2. Subchapter E, Chapter 263, Family Code, is  
2-60 amended by adding Section 263.4041 to read as follows:

2-61 Sec. 263.4041. VERIFICATION OF TRANSITION PLAN.  
2-62 Notwithstanding Section 263.401, for a suit involving a child who  
2-63 is 14 years of age or older and whose permanency goal is another  
2-64 planned permanent living arrangement, the court shall verify that:

2-65 (1) the department has conducted an independent living  
2-66 skills assessment for the child as provided under Section  
2-67 264.121(a-3);

2-68 (2) the department has addressed the goals identified  
2-69 in the child's permanency plan, including the child's housing plan,

3-1 and the results of the independent living skills assessment;  
3-2 (3) if the youth is 16 years of age or older, there is  
3-3 evidence that the department has provided the youth with the  
3-4 documents and information listed in Section 264.121(e); and

3-5 (4) if the youth is 18 years of age or older or has had  
3-6 the disabilities of minority removed, there is evidence that the  
3-7 department has provided the youth with the documents and  
3-8 information listed in Section 264.121(e-1).

3-9 SECTION 3. Section 263.5031, Family Code, is amended to  
3-10 read as follows:

3-11 Sec. 263.5031. PERMANENCY HEARINGS FOLLOWING FINAL ORDER.  
3-12 At each permanency hearing after the court renders a final order,  
3-13 the court shall:

3-14 (1) identify all persons and parties present at the  
3-15 hearing;

3-16 (2) review the efforts of the department or other  
3-17 agency in notifying persons entitled to notice under Section  
3-18 263.0021; and

3-19 (3) review the permanency progress report to  
3-20 determine:

3-21 (A) the safety and well-being of the child and  
3-22 whether the child's needs, including any medical or special needs,  
3-23 are being adequately addressed;

3-24 (B) the continuing necessity and appropriateness  
3-25 of the placement of the child, including with respect to a child who  
3-26 has been placed outside of this state, whether the placement  
3-27 continues to be in the best interest of the child;

3-28 (C) if the child is placed in institutional care,  
3-29 whether efforts have been made to ensure that the child is placed in  
3-30 the least restrictive environment consistent with the child's best  
3-31 interest and special needs;

3-32 (D) the appropriateness of the primary and  
3-33 alternative permanency goals for the child, whether the department  
3-34 has made reasonable efforts to finalize the permanency plan,  
3-35 including the concurrent permanency goals, in effect for the child,  
3-36 and whether:

3-37 (i) the department has exercised due  
3-38 diligence in attempting to place the child for adoption if parental  
3-39 rights to the child have been terminated and the child is eligible  
3-40 for adoption; or

3-41 (ii) another permanent placement,  
3-42 including appointing a relative as permanent managing conservator  
3-43 or returning the child to a parent, is appropriate for the child;

3-44 (E) for a child whose permanency goal is another  
3-45 planned permanent living arrangement:

3-46 (i) the desired permanency outcome for the  
3-47 child, by asking the child; ~~and~~

3-48 (ii) whether, as of the date of the hearing,  
3-49 another planned permanent living arrangement is the best permanency  
3-50 plan for the child and, if so, provide compelling reasons why it  
3-51 continues to not be in the best interest of the child to:

3-52 (a) return home;

3-53 (b) be placed for adoption;

3-54 (c) be placed with a legal guardian;

3-55 or

3-56 (d) be placed with a fit and willing  
3-57 relative;

3-58 (iii) whether the department has conducted  
3-59 an independent living skills assessment under Section  
3-60 264.121(a-3);

3-61 (iv) whether the department has addressed  
3-62 the goals identified in the child's permanency plan, including the  
3-63 child's housing plan, and the results of the independent living  
3-64 skills assessment;

3-65 (v) if the youth is 16 years of age or  
3-66 older, whether there is evidence that the department has provided  
3-67 the youth with the documents and information listed in Section  
3-68 264.121(e); and

3-69 (vi) if the youth is 18 years of age or

4-1 older or has had the disabilities of minority removed, whether  
4-2 there is evidence that the department has provided the youth with  
4-3 the documents and information listed in Section 264.121(e-1);

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

4-8 (G) whether the child is receiving appropriate  
4-9 medical care and has been provided the opportunity, in a  
4-10 developmentally appropriate manner, to express the child's opinion  
4-11 on any medical care provided;

4-12 (H) for a child receiving psychotropic  
4-13 medication, whether the child:

4-14 (i) has been provided appropriate  
4-15 nonpharmacological interventions, therapies, or strategies to meet  
4-16 the child's needs; or

4-17 (ii) has been seen by the prescribing  
4-18 physician, physician assistant, or advanced practice nurse at least  
4-19 once every 90 days;

4-20 (I) whether an education decision-maker for the  
4-21 child has been identified, the child's education needs and goals  
4-22 have been identified and addressed, and there are major changes in  
4-23 the child's school performance or there have been serious  
4-24 disciplinary events;

4-25 (J) for a child for whom the department has been  
4-26 named managing conservator in a final order that does not include  
4-27 termination of parental rights, whether to order the department to  
4-28 provide services to a parent for not more than six months after the  
4-29 date of the permanency hearing if:

4-30 (i) the child has not been placed with a  
4-31 relative or other individual, including a foster parent, who is  
4-32 seeking permanent managing conservatorship of the child; and

4-33 (ii) the court determines that further  
4-34 efforts at reunification with a parent are:

4-35 (a) in the best interest of the child;  
4-36 and

4-37 (b) likely to result in the child's  
4-38 safe return to the child's parent; and

4-39 (K) whether the department has identified a  
4-40 family or other caring adult who has made a permanent commitment to  
4-41 the child.

4-42 SECTION 4. Section 264.121, Family Code, is amended by  
4-43 adding Subsections (a-3) and (a-4) to read as follows:

4-44 (a-3) The department shall conduct an independent living  
4-45 skills assessment for all youth in the department's permanent  
4-46 managing conservatorship who are at least 14 years of age but  
4-47 younger than 16 years of age and all youth in the department's  
4-48 conservatorship who are 16 years of age or older. The department  
4-49 shall annually update the assessment for each youth assessed under  
4-50 this section to determine the independent living skills the youth  
4-51 learned during the preceding year to ensure that the department's  
4-52 obligation to prepare the youth for independent living has been  
4-53 met. The department shall conduct the annual update through the  
4-54 youth's plan of service in coordination with the youth, the youth's  
4-55 caseworker, the staff of the Preparation for Adult Living Program,  
4-56 and the youth's caregiver.

4-57 (a-4) The department, in coordination with stakeholders,  
4-58 shall develop a plan to standardize the curriculum for the  
4-59 Preparation for Adult Living Program that ensures that youth 14  
4-60 years of age or older enrolled in the program receive relevant and  
4-61 age-appropriate information and training. The department shall  
4-62 report the plan to the legislature not later than December 1, 2018.

4-63 SECTION 5. The changes in law made by this Act to Chapter  
4-64 263, Family Code, apply to a suit affecting the parent-child  
4-65 relationship filed before, on, or after the effective date of this  
4-66 Act.

4-67 SECTION 6. The Department of Family and Protective Services  
4-68 is required to implement this Act only if the legislature  
4-69 appropriates money specifically for that purpose. If the

5-1 legislature does not appropriate money specifically for that  
5-2 purpose, the agency may, but is not required to, implement this Act  
5-3 using other appropriations available for the purpose.

5-4 SECTION 7. To the extent of any conflict, this Act prevails  
5-5 over another Act of the 85th Legislature, Regular Session, 2017,  
5-6 relating to nonsubstantive additions to and corrections in enacted  
5-7 codes.

5-8 SECTION 8. This Act takes effect September 1, 2017.

5-9

\* \* \* \* \*