

House Bill 7
Senate Amendments
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HOUSE VERSION

SECTION 1. Section 58.0052, Family Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) In addition to the information provided under Subsection (b), the Department of Family and Protective Services and the Texas Juvenile Justice Department shall coordinate and develop protocols for sharing with each other, on request, any other information relating to a multi-system youth necessary to:

- (1) identify and coordinate the provision of services to the youth and prevent duplication of services;
- (2) enhance rehabilitation of the youth; and
- (3) improve and maintain community safety.

SECTION 2. Section 102.004, Family Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) An original suit requesting possessory conservatorship may not be filed by a grandparent or other person. However, the court may grant a grandparent or other person, subject to the requirements of Subsection (b-1) if applicable, deemed by the court to have had substantial past contact with the child leave to intervene in a pending suit filed by a person authorized to do so under this chapter [~~subchapter~~] if there is satisfactory proof to the court that appointment of a parent as a sole managing conservator or both parents as joint managing conservators would significantly impair the child's physical health or emotional development.

(b-1) A foster parent may only be granted leave to intervene under Subsection (b) if the foster parent would have standing to file an original suit as provided by Section 102.003(a)(12).

SENATE VERSION (IE)

SECTION 1. Same as House version.

No equivalent provision.

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SECTION 3. Section 105.002, Family Code, is amended by adding Subsection (d) to read as follows:

(d) The Department of Family and Protective Services in collaboration with interested parties, including the Permanent Judicial Commission for Children, Youth and Families, shall review the form of jury submissions in this state and make recommendations to the legislature not later than December 31, 2017, regarding whether broad-form or specific jury questions should be required in suits affecting the parent-child relationship filed by the department. This subsection expires September 1, 2019.

SECTION 4. Sections 107.002(b) and (c), Family Code, are amended to read as follows:

(b) A guardian ad litem appointed for the child under this chapter shall:

- (1) within a reasonable time after the appointment, interview:
 - (A) the child in a developmentally appropriate manner, if the child is four years of age or older;
 - (B) each person who has significant knowledge of the child's history and condition, including educators, child welfare service providers, and any foster parent of the child; and
 - (C) the parties to the suit;
- (2) seek to elicit in a developmentally appropriate manner the child's expressed objectives;
- (3) consider the child's expressed objectives without being bound by those objectives;
- (4) encourage settlement and the use of alternative forms of dispute resolution; and
- (5) perform any specific task directed by the court.

(c) A guardian ad litem appointed for the child under this

SENATE VERSION (IE)

SECTION 2. Same as House version.

SECTION 3. Sections 107.002(b) and (c), Family Code, are amended to read as follows:

(b) A guardian ad litem appointed for the child under this chapter shall:

- (1) within a reasonable time after the appointment, interview:
 - (A) the child in a developmentally appropriate manner, if the child is four years of age or older;
 - (B) each person who has significant knowledge of the child's history and condition, including educators, child welfare service providers, and any foster parent of the child; and
 - (C) the parties to the suit;
- (2) seek to elicit in a developmentally appropriate manner the child's expressed objectives;
- (3) consider the child's expressed objectives without being bound by those objectives;
- (4) encourage settlement and the use of alternative forms of dispute resolution; and
- (5) perform any specific task directed by the court.

(c) A guardian ad litem appointed for the child under this

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chapter is entitled to:

- (1) receive a copy of each pleading or other paper filed with the court in the case in which the guardian ad litem is appointed;
- (2) receive notice of each hearing in the case;
- (3) participate in case staffings by the Department of Family and Protective Services concerning the child;
- (4) attend all legal proceedings in the case but may not call or question a witness or otherwise provide legal services unless the guardian ad litem is a licensed attorney who has been appointed in the dual role;
- (5) review and sign, or decline to sign, an agreed order affecting the child; ~~and~~
- (6) explain the basis for the guardian ad litem's opposition to the agreed order if the guardian ad litem does not agree to the terms of a proposed order;
- (7) have access to the child in the child's placement;
- (8) be consulted and provide comments on decisions regarding placement, including kinship, foster care, and adoptive placements;

- (9) receive notification regarding and an invitation to attend meetings related to the child's service plan and a copy of the plan; and
- (10) attend court-ordered mediation regarding the child's case.

SECTION 5. Section 107.004, Family Code, is amended by

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chapter is entitled to:

- (1) receive a copy of each pleading or other paper filed with the court in the case in which the guardian ad litem is appointed;
- (2) receive notice of each hearing in the case;
- (3) participate in case staffings by the Department of Family and Protective Services concerning the child;
- (4) attend all legal proceedings in the case but may not call or question a witness or otherwise provide legal services unless the guardian ad litem is a licensed attorney who has been appointed in the dual role;
- (5) review and sign, or decline to sign, an agreed order affecting the child; ~~and~~
- (6) explain the basis for the guardian ad litem's opposition to the agreed order if the guardian ad litem does not agree to the terms of a proposed order;
- (7) have access to the child in the child's placement;
- (8) be consulted and provide comments on decisions regarding placement, including kinship, foster care, and adoptive placements;
- (9) evaluate whether the child welfare services providers are protecting the child's best interests regarding appropriate care, treatment, services, and all other foster children's rights listed in Section 263.008;
- (10) receive notification regarding and an invitation to attend meetings related to the child's service plan and a copy of the plan; and
- (11) attend court-ordered mediation regarding the child's case.

SECTION __. Same as House version. [FA3]

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adding Subsection (d-3) to read as follows:

(d-3) An attorney ad litem appointed to represent a child in the managing conservatorship of the Department of Family and Protective Services shall periodically continue to review the child's safety and well-being, including any effects of trauma to the child, and take appropriate action, including requesting a review hearing when necessary to address an issue of concern.

SECTION 6. Section 107.016, Family Code, is amended to read as follows:

Sec. 107.016. CONTINUED REPRESENTATION; DURATION OF APPOINTMENT. In a suit filed by a governmental entity in which termination of the parent-child relationship or appointment of the entity as conservator of the child is requested:

(1) an order appointing the Department of Family and Protective Services as the child's managing conservator may provide for the continuation of the appointment of the guardian ad litem ~~[or attorney ad litem]~~ for the child for any period during the time the child remains in the conservatorship of the department, as set by the court; ~~and~~

(2) subject to Section 263.4042, an order appointing the Department of Family and Protective Services as the child's managing conservator shall provide for the continuation of the appointment of the attorney ad litem for the child as long as the child remains in the conservatorship of the department; and

(3) an attorney appointed under this subchapter to serve as an attorney ad litem for a parent or an alleged father continues to serve in that capacity until the earliest of:

SECTION 4. Section 107.016, Family Code, is amended to read as follows:

Sec. 107.016. CONTINUED REPRESENTATION; DURATION OF APPOINTMENT. In a suit filed by a governmental entity in which termination of the parent-child relationship or appointment of the entity as conservator of the child is requested:

(1) an order appointing the Department of Family and Protective Services as the child's managing conservator may provide for the continuation of the appointment of the guardian ad litem ~~[or attorney ad litem]~~ for the child for any period during the time the child remains in the conservatorship of the department, as set by the court; ~~and~~

(2) an order appointing the Department of Family and Protective Services as the child's managing conservator may provide for the continuation of the appointment of the attorney ad litem for the child as long as the child remains in the conservatorship of the department; and

(3) an attorney appointed under this subchapter to serve as an attorney ad litem for a parent or an alleged father continues to serve in that capacity until the earliest of:

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- (A) the date the suit affecting the parent-child relationship is dismissed;
- (B) the date all appeals in relation to any final order terminating parental rights are exhausted or waived; or
- (C) the date the attorney is relieved of the attorney's duties or replaced by another attorney after a finding of good cause is rendered by the court on the record.

SECTION 7. Section 154.001(b), Family Code, is amended to read as follows:

(b) Unless a court has determined a parent is indigent, the ~~[The]~~ court may order either or both parents to make periodic payments for the support of a child in a proceeding in which the Department of Family and Protective ~~[and Regulatory]~~ Services is named ~~[temporary]~~ managing conservator. ~~[In a proceeding in which the Department of Protective and Regulatory Services is named permanent managing conservator of a child whose parents' rights have not been terminated, the court shall order each parent that is financially able to make periodic payments for the support of the child.]~~

SECTION 8. Section 155.201, Family Code, is amended by adding Subsection (d) to read as follows:

(d) On receiving notice that a court exercising jurisdiction under Chapter 262 has ordered the transfer of a suit under Section 262.203(a)(2), the court of continuing, exclusive jurisdiction shall, pursuant to the requirements of Section 155.204(i), transfer the proceedings to the court in which the suit under Chapter 262 is pending.

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- (A) the date the suit affecting the parent-child relationship is dismissed;
- (B) the date all appeals in relation to any final order terminating parental rights are exhausted or waived; or
- (C) the date the attorney is relieved of the attorney's duties or replaced by another attorney after a finding of good cause is rendered by the court on the record.

No equivalent provision.

SECTION 5. Section 155.201, Family Code, is amended by adding Subsection (d) to read as follows:

(d) On receiving notice that a court exercising jurisdiction under Chapter 262 has ordered the transfer of a suit under Section 262.203(a)(2), the court of continuing, exclusive jurisdiction shall, pursuant to the requirements of Section 155.204(i), transfer the proceedings to the court in which the suit under Chapter 262 is pending within the time required by Section 155.207(a).

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SECTION 9. Section 155.204(i), Family Code, is amended to read as follows:

(i) If a transfer order has been signed by a court exercising jurisdiction under Chapter 262, the Department of Family and Protective Services shall [a party may] file the transfer order with the clerk of the court of continuing, exclusive jurisdiction. On receipt and without a hearing or further order from the court of continuing, exclusive jurisdiction, the clerk of the court of continuing, exclusive jurisdiction shall transfer the files as provided by this subchapter.

SECTION 10. (a) Section 161.001, Family Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) A court may not make a finding under Subsection (b) and order termination of the parent-child relationship based on evidence that the parent:

- (1) homeschooled the child;
- (2) is economically disadvantaged;
- (3) engaged in reasonable discipline of the child; or
- (4) has been charged with a nonviolent misdemeanor offense other than:
 - (A) an offense under Title 5, Penal Code;
 - (B) an offense under Title 6, Penal Code; or
 - (C) an offense that involves family violence, as defined by Section 71.004 of this code;
- (5) provided or administered:
 - (A) medical cannabis to a child for whom the medical cannabis was recommended under Chapter 169, Occupations

SENATE VERSION (IE)

SECTION 6. Section 155.204(i), Family Code, is amended to read as follows:

(i) If a transfer order has been signed by a court exercising jurisdiction under Chapter 262, the Department of Family and Protective Services shall [a party may] file the transfer order with the clerk of the court of continuing, exclusive jurisdiction. On receipt and without a hearing or further order from the court of continuing, exclusive jurisdiction, the clerk of the court of continuing, exclusive jurisdiction shall transfer the files as provided by this subchapter within the time required by Section 155.207(a).

SECTION 7. Section 161.001, Family Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) A court may not make a finding under Subsection (b) and order termination of the parent-child relationship based on evidence that the parent:

- (1) homeschooled the child;
- (2) is economically disadvantaged;
- (3) has been charged with a nonviolent misdemeanor offense other than:
 - (A) an offense under Title 5, Penal Code;
 - (B) an offense under Title 6, Penal Code; or
 - (C) an offense that involves family violence, as defined by Section 71.004 of this code;
- (4) provided or administered low-THC cannabis to a child for whom the low-THC cannabis was prescribed under Chapter 169, Occupations Code; or

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Code; or

(B) a product that contains THC to a child, if the parent believes that the provision or administration of the product is in the best interest of the child, and the child meets the requirements of Sections 169.003(1) and (2), Occupations

Code; or

(6) declined immunization for the child for reasons of conscience, including a religious belief.

(d) A court may not order termination under Subsection (b)(1)(O) based on the failure by the parent to comply with a specific provision of a court order if a parent proves by a preponderance of evidence that:

(1) the parent was unable to comply with specific provisions of the court order; and

(2) the parent made a good faith effort to comply with the order and the failure to comply with the order is not attributable to any fault of the parent.

(e) This section does not prohibit the Department of Family and Protective Services from offering evidence described by Subsection (c) as part of an action to terminate the parent-child relationship under this subchapter.

(b) This section takes effect only if H.B. No. 2107, Acts of the 85th Legislature, Regular Session, 2017, or similar legislation authorizing the use of medical cannabis is enacted and becomes law. If H.B. No. 2107, Acts of the 85th Legislature, Regular Session, 2017, or similar legislation authorizing the use of medical cannabis is not enacted or does not become law, this section has no effect.

SECTION 11. (a) Section 161.001, Family Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(5) declined immunization for the child for reasons of conscience, including a religious belief.

(d) A court may not order termination under Subsection (b)(1)(O) based on the failure by the parent to comply with a specific provision of a court order if a parent proves by a preponderance of evidence that:

(1) the parent was unable to comply with specific provisions of the court order; and

(2) the parent made a good faith effort to comply with the order and the failure to comply with the order is not attributable to any fault of the parent.

(e) This section does not prohibit the Department of Family and Protective Services from offering evidence described by Subsection (c) as part of an action to terminate the parent-child relationship under this subchapter.

No equivalent provision.

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(c) A court may not make a finding under Subsection (b) and order termination of the parent-child relationship based on evidence that the parent:

(1) homeschooled the child;

(2) is economically disadvantaged;

(3) engaged in reasonable discipline of the child;

(4) has been charged with a nonviolent misdemeanor offense other than:

(A) an offense under Title 5, Penal Code;

(B) an offense under Title 6, Penal Code; or

(C) an offense that involves family violence, as defined by Section 71.004 of this code;

(5) provided or administered low-THC cannabis to a child for whom the low-THC cannabis was prescribed under Chapter 169, Occupations Code; or

(6) declined immunization for the child for reasons of conscience, including a religious belief.

(d) A court may not order termination under Subsection (b)(1)(O) based on the failure by the parent to comply with a specific provision of a court order if a parent proves by a preponderance of evidence that:

(1) the parent was unable to comply with specific provisions of the court order; and

(2) the parent made a good faith effort to comply with the order and the failure to comply with the order is not attributable to any fault of the parent.

(e) This section does not prohibit the Department of Family and Protective Services from offering evidence described by Subsection (c) as part of an action to terminate the parent-child relationship under this subchapter.

(b) This section takes effect only if H.B. No. 2107, Acts of the 85th Legislature, Regular Session, 2017, or similar

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legislation authorizing the use of medical cannabis is not enacted or does not become law. If H.B. No. 2107, Acts of the 85th Legislature, Regular Session, 2017, or similar legislation authorizing the use of medical cannabis is enacted and becomes law, this section has no effect.

SECTION 12. Section 161.206, Family Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) In a suit filed by the Department of Family and Protective Services seeking termination of the parent-child relationship for more than one parent of the child, the court may order termination of the parent-child relationship for a parent only if the court finds by clear and convincing evidence grounds for the termination of the parent-child relationship for that parent.

SECTION 13. Chapter 261, Family Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. PROTECTIVE ORDER IN CERTAIN CASES OF ABUSE OR NEGLECT

Sec. 261.501. FILING APPLICATION FOR PROTECTIVE ORDER IN CERTAIN CASES OF ABUSE OR NEGLECT. The department may file an application for a protective order for a child's protection under this subchapter on the department's own initiative or jointly with a parent, relative, or caregiver of the child who requests the filing of the application if the department:

- (1) has temporary managing conservatorship of the child;
- (2) determines that:
 - (A) the child;

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SECTION 8. Section 161.206, Family Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) In a suit filed by the Department of Family and Protective Services seeking termination of the parent-child relationship for more than one parent of the child, the court may order termination of the parent-child relationship for the parent only if the court finds by clear and convincing evidence grounds for the termination of the parent-child relationship for that parent. [FA1]

SECTION 9. Chapter 261, Family Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. PROTECTIVE ORDER IN CERTAIN CASES OF ABUSE OR NEGLECT

Sec. 261.501. FILING APPLICATION FOR PROTECTIVE ORDER IN CERTAIN CASES OF ABUSE OR NEGLECT. The department may file an application for a protective order for a child's protection under this subchapter on the department's own initiative or jointly with a parent, relative, or caregiver of the child who requests the filing of the application if the department:

- (1) has temporary managing conservatorship of the child;
- (2) determines that:
 - (A) the child;

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(i) is a victim of abuse or neglect; or
(ii) has a history of being abused or neglected; and
(B) there is a threat of:
(i) immediate or continued abuse or neglect to the child;
(ii) someone illegally taking the child from the home in which the child is placed;
(iii) behavior that poses a threat to the caregiver with whom the child is placed; or
(iv) someone committing an act of violence against the child or the child's caregiver; and
(3) is not otherwise authorized to apply for a protective order for the child's protection under Chapter 82.
Sec. 261.502. CERTIFICATION OF FINDINGS. (a) In making the application under this subchapter, the department must certify that:
(1) the department has diligently searched for and:
(A) was unable to locate the child's parent, legal guardian, or custodian, other than the respondent to the application; or
(B) located and provided notice of the proposed application to the child's parent, legal guardian, or custodian, other than the respondent to the application; and
(2) if applicable, the relative or caregiver who is jointly filing the petition, or with whom the child would reside following an entry of the protective order, has not abused or neglected the child and does not have a history of abuse or neglect.
(b) An application for a temporary ex parte order under Section 261.503 may be filed without making the findings required by Subsection (a) if the department certifies that the department believes that there is an immediate danger of abuse or neglect to the child.
Sec. 261.503. TEMPORARY EX PARTE ORDER. If the court finds from the information contained in an application

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(i) is a victim of abuse or neglect; or
(ii) has a history of being abused or neglected; and
(B) there is a threat of:
(i) immediate or continued abuse or neglect to the child;
(ii) someone illegally taking the child from the home in which the child is placed;
(iii) behavior that poses a threat to the caregiver with whom the child is placed; or
(iv) someone committing an act of violence against the child or the child's caregiver; and
(3) is not otherwise authorized to apply for a protective order for the child's protection under Chapter 82.
Sec. 261.502. CERTIFICATION OF FINDINGS. (a) In making the application under this subchapter, the department must certify that:
(1) the department has diligently searched for and:
(A) was unable to locate the child's parent, legal guardian, or custodian, other than the respondent to the application; or
(B) located and provided notice of the proposed application to the child's parent, legal guardian, or custodian, other than the respondent to the application; and
(2) if applicable, the relative or caregiver who is jointly filing the petition, or with whom the child would reside following an entry of the protective order, has not abused or neglected the child and does not have a history of abuse or neglect.
(b) An application for a temporary ex parte order under Section 261.503 may be filed without making the findings required by Subsection (a) if the department certifies that the department believes there is an immediate danger of abuse or neglect to the child.
Sec. 261.503. TEMPORARY EX PARTE ORDER. If the court finds from the information contained in an application

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for a protective order that there is an immediate danger of abuse or neglect to the child, the court, without further notice to the respondent and without a hearing, may enter a temporary ex parte order for the protection of the child.

Sec. 261.504. REQUIRED FINDINGS; ISSUANCE OF PROTECTIVE ORDER. (a) At the close of a hearing on an application for a protective order under this subchapter, the court shall find whether there are reasonable grounds to believe that:

(1) the child:

(A) is a victim of abuse or neglect; or

(B) has a history of being abused or neglected; and

(2) there is a threat of:

(A) immediate or continued abuse or neglect to the child;

(B) someone illegally taking the child from the home in which the child is placed;

(C) behavior that poses a threat to the caregiver with whom the child is placed; or

(D) someone committing an act of violence against the child or the child's caregiver.

(b) If the court makes an affirmative finding under Subsection (a), the court shall issue a protective order that includes a statement of that finding.

Sec. 261.505. APPLICATION OF OTHER LAW. To the extent applicable, except as otherwise provided by this subchapter, Title 4 applies to a protective order issued under this subchapter.

SECTION 14. Subchapter A, Chapter 262, Family Code, is amended by adding Section 262.0022 to read as follows:

Sec. 262.0022. REVIEW OF PLACEMENT; FINDINGS. At

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for a protective order that there is an immediate danger of abuse or neglect to the child, the court, without further notice to the respondent and without a hearing, may enter a temporary ex parte order for the protection of the child.

Sec. 261.504. REQUIRED FINDINGS; ISSUANCE OF PROTECTIVE ORDER. (a) At the close of a hearing on an application for a protective order under this subchapter, the court shall find whether there are reasonable grounds to believe that:

(1) the child:

(A) is a victim of abuse or neglect; or

(B) has a history of being abused or neglected; and

(2) there is a threat of:

(A) immediate or continued abuse or neglect to the child;

(B) someone illegally taking the child from the home in which the child is placed;

(C) behavior that poses a threat to the caregiver with whom the child is placed; or

(D) someone committing an act of violence against the child or the child's caregiver.

(b) If the court makes an affirmative finding under Subsection (a), the court shall issue a protective order that includes a statement of that finding.

Sec. 261.505. APPLICATION OF OTHER LAW. To the extent applicable, except as otherwise provided by this subchapter, Title 4 applies to a protective order issued under this subchapter.

SECTION 10. Same as House version.

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each hearing under this chapter, the court shall review the placement of each child in the temporary or permanent managing conservatorship of the Department of Family and Protective Services who is not placed with a relative caregiver or designated caregiver as defined by Section 264.751. The court shall include in its findings a statement on whether the department has the option of placing the child with a relative or other designated caregiver.

SECTION 15. Subchapter A, Chapter 262, Family Code, is amended by adding Sections 262.013 and 262.014 to read as follows:

Sec. 262.013. VOLUNTARY TEMPORARY MANAGING CONSERVATORSHIP. In a suit affecting the parent-child relationship filed by the Department of Family and Protective Services, the existence of a parent's voluntary agreement to temporarily place the parent's child in the managing conservatorship of the Department of Family and Protective Services is not an admission by the parent that the parent engaged in conduct that endangered the child.

Sec. 262.014. DISCLOSURE OF CERTAIN EVIDENCE. On the request of the attorney for a parent who is a party in a suit affecting the parent-child relationship filed under this chapter, or the attorney ad litem for the parent's child, the Department of Family and Protective Services shall, before the full adversary hearing, provide:

(1) the name of any person, excluding a department employee, who the department will call as a witness to any of the allegations contained in the petition filed by the department;

(2) a copy of any offense report relating to the allegations

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SECTION 11. Subchapter A, Chapter 262, Family Code, is amended by adding Sections 262.013 and 262.014 to read as follows:

Sec. 262.013. VOLUNTARY TEMPORARY MANAGING CONSERVATORSHIP. In a suit affecting the parent-child relationship filed by the Department of Family and Protective Services, the existence of a parent's voluntary agreement to temporarily place the parent's child in the managing conservatorship of the department is not an admission by the parent that the parent engaged in conduct that endangered the child.

Sec. 262.014. DISCLOSURE OF CERTAIN EVIDENCE. On the request of the attorney for a parent who is a party in a suit affecting the parent-child relationship filed under this chapter, or the attorney ad litem for the parent's child, the Department of Family and Protective Services shall, before the full adversary hearing, provide:

(1) the name of any person, excluding a department employee, whom the department will call as a witness to any of the allegations contained in the petition filed by the department;

(2) a copy of any offense report relating to the allegations

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contained in the petition filed by the department that will be used in court to refresh a witness's memory; and
(3) a copy of any photograph, video, or recording that will be presented as evidence.

SECTION 16. Section 262.113, Family Code, is amended to read as follows:

Sec. 262.113. FILING SUIT WITHOUT TAKING POSSESSION OF CHILD. An original suit filed by a governmental entity that requests to take possession of a child after notice and a hearing must be supported by an affidavit sworn to by a person with personal knowledge and stating facts sufficient to satisfy a person of ordinary prudence and caution that:

(1) there is a continuing danger to the physical health or safety of the child caused by an act or failure to act of the person entitled to possession of the child and that allowing the child to remain in the home would be contrary to the child's welfare; and

(2) reasonable efforts, consistent with the circumstances and providing for the safety of the child, have been made to prevent or eliminate the need to remove the child from the child's home[; and

~~[(2) allowing the child to remain in the home would be contrary to the child's welfare].~~

SECTION 17. (a) Subchapter B, Chapter 262, Family Code, is amended by adding Section 262.116 to read as follows:

Sec. 262.116. LIMITS ON REMOVAL. (a) The Department of Family and Protective Services may not take possession of

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contained in the petition filed by the department that will be used in court to refresh a witness's memory; and
(3) a copy of any photograph, video, or recording that will be presented as evidence.

SECTION 12. Same as House version.

SECTION 13. Subchapter B, Chapter 262, Family Code, is amended by adding Section 262.116 to read as follows:

Sec. 262.116. LIMITS ON REMOVAL. (a) The Department of Family and Protective Services may not take possession of

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a child under this subchapter based on evidence that the parent:

(1) homeschooled the child;

(2) is economically disadvantaged;

(3) engaged in reasonable discipline of the child;

(4) has been charged with a nonviolent misdemeanor offense other than:

(A) an offense under Title 5, Penal Code;

(B) an offense under Title 6, Penal Code; or

(C) an offense that involves family violence, as defined by Section 71.004 of this code;

(5) provided or administered:

(A) medical cannabis to a child for whom the medical cannabis was recommended under Chapter 169, Occupations Code; or

(B) a product that contains THC to a child, if the parent believes that the provision or administration of the product is in the best interest of the child, and the child meets the requirements of Sections 169.003(1) and (2), Occupations Code; or

(6) declined immunization for the child for reasons of conscience, including a religious belief.

(b) The department shall train child protective services caseworkers regarding the prohibitions on removal provided under Subsection (a).

(c) The executive commissioner of the Health and Human Services Commission may adopt rules to implement this section.

(d) This section does not prohibit the department from offering evidence described by Subsection (a) as part of an action to take possession of a child under this subchapter.

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a child under this subchapter based on evidence that the parent:

(1) homeschooled the child;

(2) is economically disadvantaged;

(3) has been charged with a nonviolent misdemeanor offense other than:

(A) an offense under Title 5, Penal Code;

(B) an offense under Title 6, Penal Code; or

(C) an offense that involves family violence, as defined by Section 71.004 of this code;

(4) provided or administered low-THC cannabis to a child for whom the low-THC cannabis was prescribed under Chapter 169, Occupations Code; or

(5) declined immunization for the child for reasons of conscience, including a religious belief.

(b) The department shall train child protective services caseworkers regarding the prohibitions on removal provided under Subsection (a).

(c) The executive commissioner of the Health and Human Services Commission may adopt rules to implement this section.

(d) This section does not prohibit the department from gathering or offering evidence described by Subsection (a) as part of an action to take possession of a child under this subchapter.

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(b) This section takes effect only if H.B. No. 2107, Acts of the 85th Legislature, Regular Session, 2017, or similar legislation authorizing the use of medical cannabis is enacted and becomes law. If H.B. No. 2107, Acts of the 85th Legislature, Regular Session, 2017, or similar legislation authorizing the use of medical cannabis is not enacted or does not become law, this section has no effect.

SECTION 18. (a) Subchapter B, Chapter 262, Family Code, is amended by adding Section 262.116 to read as follows:

Sec. 262.116. LIMITS ON REMOVAL. (a) The Department of Family and Protective Services may not take possession of a child under this subchapter based on evidence that the parent:

- (1) homeschooled the child;
 - (2) is economically disadvantaged;
 - (3) engaged in reasonable discipline of the child;
 - (4) has been charged with a nonviolent misdemeanor offense other than:
 - (A) an offense under Title 5, Penal Code;
 - (B) an offense under Title 6, Penal Code; or
 - (C) an offense that involves family violence, as defined by Section 71.004 of this code;
 - (5) provided or administered low-THC cannabis to a child for whom the low-THC cannabis was prescribed under Chapter 169, Occupations Code; or
 - (6) declined immunization for the child for reasons of conscience, including a religious belief.
- (b) The department shall train child protective services caseworkers regarding the prohibitions on removal provided under Subsection (a).

No equivalent provision.

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(c) The executive commissioner of the Health and Human Services Commission may adopt rules to implement this section.

(d) This section does not prohibit the department from offering evidence described by Subsection (a) as part of an action to take possession of a child under this subchapter.

(b) This section takes effect only if H.B. No. 2107, Acts of the 85th Legislature, Regular Session, 2017, or similar legislation authorizing the use of medical cannabis is not enacted or does not become law. If H.B. No. 2107, Acts of the 85th Legislature, Regular Session, 2017, or similar legislation authorizing the use of medical cannabis is enacted and becomes law, this section has no effect.

SECTION 19. Section 262.201, Family Code, is amended by adding Subsection (a-5) to read as follows:

(a-5) If a parent who is not indigent appears in opposition to the suit, the court may, for good cause shown, postpone the full adversary hearing for not more than seven days from the date of the parent's appearance to allow the parent to hire an attorney or to provide the parent's attorney time to respond to the petition and prepare for the hearing. A postponement

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SECTION 14. Section 262.201, Family Code, is amended by amending Subsection (a) and adding Subsection (a-5) to read as follows:

(a) Unless the child has already been returned to the parent, managing conservator, possessory conservator, guardian, caretaker, or custodian entitled to possession and the temporary order, if any, has been dissolved, a full adversary hearing shall be held not later than the 14th day after the date the child was taken into possession by the governmental entity, unless the court grants an extension under Subsection (a-3) or (a-5).

(a-5) If a parent who is not indigent appears in opposition to the suit, the court may, for good cause shown, postpone the full adversary hearing for not more than seven days from the date of the parent's appearance to allow the parent to hire an attorney or to provide the parent's attorney time to respond to the petition and prepare for the hearing. A postponement

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under this subsection is subject to the limits and requirements prescribed by Subsection (a-3).

SECTION 20. Section 262.203(a), Family Code, is amended to read as follows:

(a) On the motion of a party or the court's own motion, if applicable, the court that rendered the temporary order shall in accordance with procedures provided by Chapter 155:

(1) transfer the suit to the court of continuing, exclusive jurisdiction, if any, if the court finds that the transfer is:

(A) necessary for the convenience of the parties; and

(B) in the best interest of the child;

(2) ~~[if grounds exist for mandatory transfer from the court of continuing, exclusive jurisdiction under Section 155.201,]~~ order transfer of the suit from the [that] court of continuing, exclusive jurisdiction; or

(3) if grounds exist for transfer based on improper venue, order transfer of the suit to the court having venue of the suit under Chapter 103.

SECTION 21. Subchapter C, Chapter 262, Family Code, is amended by adding Section 262.206 to read as follows:

Sec. 262.206. EX PARTE HEARINGS PROHIBITED. Unless otherwise authorized by this chapter or other law, a hearing held by a court in a suit under this chapter may not be ex parte.

SECTION 22. Section 263.002, Family Code, is amended to

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under this subsection is subject to the limits and requirements prescribed by Subsection (a-3) and Section 155.207.

SECTION 15. Section 262.203(a), Family Code, is amended to read as follows:

(a) On the motion of a party or the court's own motion, if applicable, the court that rendered the temporary order shall in accordance with procedures provided by Chapter 155:

(1) transfer the suit to the court of continuing, exclusive jurisdiction, if any, within the time required by Section

155.207(a), if the court finds that the transfer is:

(A) necessary for the convenience of the parties; and

(B) in the best interest of the child;

(2) ~~[if grounds exist for mandatory transfer from the court of continuing, exclusive jurisdiction under Section 155.201,]~~ order transfer of the suit from the [that] court of continuing, exclusive jurisdiction; or

(3) if grounds exist for transfer based on improper venue, order transfer of the suit to the court having venue of the suit under Chapter 103.

SECTION 16. Same as House version.

SECTION 17. Section 263.002, Family Code, is amended to

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read as follows:

Sec. 263.002. REVIEW OF PLACEMENTS BY COURT;
FINDINGS. (a) In a suit affecting the parent-child relationship in which the department has been appointed by the court or designated in an affidavit of relinquishment of parental rights as the temporary or permanent managing conservator of a child, the court shall hold a hearing to review: (1) the conservatorship appointment and substitute care; and (2) for a child committed to the Texas Juvenile Justice Department, the child's commitment in the Texas Juvenile Justice Department or release under supervision by the Texas Juvenile Justice Department.

(b) At each hearing under this chapter, the court shall review the placement of each child in the temporary or permanent managing conservatorship of the department who is not placed with a relative caregiver or designated caregiver as defined by Section 264.751. The court shall include in its findings a statement whether the department placed the child with a relative or other designated caregiver.

(c) At the permanency hearing before a final order under this chapter, the court shall review the placement of each child in the temporary or permanent managing conservatorship of the department who has not been returned to the child's home. The court shall make a finding as to any continuing danger to the physical health or safety of the child in the home, whether the return is in the best interest of the child, and whether it is contrary to the welfare of the child for the child to return home.

SECTION 23. Section 263.0021, Family Code, is amended by adding Subsections (e) and (f) to read as follows:

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read as follows:

Sec. 263.002. REVIEW OF PLACEMENTS BY COURT;
FINDINGS. (a) In a suit affecting the parent-child relationship in which the department has been appointed by the court or designated in an affidavit of relinquishment of parental rights as the temporary or permanent managing conservator of a child, the court shall hold a hearing to review: (1) the conservatorship appointment and substitute care; and (2) for a child committed to the Texas Juvenile Justice Department, the child's commitment in the Texas Juvenile Justice Department or release under supervision by the Texas Juvenile Justice Department.

(b) At each permanency hearing under this chapter, the court shall review the placement of each child in the temporary managing conservatorship of the department who is not placed with a relative caregiver or designated caregiver as defined by Section 264.751. The court shall include in its findings a statement whether the department placed the child with a relative or other designated caregiver. [FA2(1)]

(c) At each permanency hearing before the final order, the court shall review the placement of each child in the temporary managing conservatorship of the department who has not been returned to the child's home. The court shall make a finding on whether returning the child to the child's home is safe and appropriate, whether the return is in the best interest of the child, and whether it is contrary to the welfare of the child for the child to return home. [FA2(2)]

SECTION 18. Section 263.0021, Family Code, is amended by adding Subsections (e) and (f) to read as follows:

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(e) Notice of a hearing under this chapter provided to an individual listed under Subsection (b)(2) must state that the individual may, but is not required to, attend the hearing and may request to be heard at the hearing.

(f) In a hearing under this chapter, the court shall call an individual listed under Subsection (b)(2) and the individual, at the individual's discretion, may appear at the hearing and present evidence and be heard regardless of whether either party calls the individual to testify. If the individual testifies at the hearing, the individual may be cross-examined by either party.

SECTION 24. Section 263.102, Family Code, is amended by amending Subsection (b) and adding Subsections (c) and (c-1) to read as follows:

(b) The service plan must [~~shall~~] include the following statement:

TO THE PARENT: THIS IS A VERY IMPORTANT DOCUMENT. THE [ITS] PURPOSE OF THIS PLAN IS TO HELP YOU PROVIDE YOUR CHILD WITH A SAFE ENVIRONMENT WITHIN THE REASONABLE PERIOD SPECIFIED IN THE PLAN. IF YOU ARE UNWILLING OR UNABLE TO PROVIDE YOUR CHILD WITH A SAFE ENVIRONMENT, YOUR PARENTAL AND CUSTODIAL DUTIES AND RIGHTS MAY BE RESTRICTED OR TERMINATED OR YOUR CHILD MAY NOT BE RETURNED TO YOU. AT [THERE WILL BE] A COURT HEARING, [AT WHICH] A JUDGE WILL REVIEW THIS SERVICE PLAN, MODIFY THE PLAN IF NECESSARY, AND REQUIRE COMPLIANCE WITH THE PLAN. A SUBSEQUENT HEARING MAY BE SCHEDULED AT

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(e) Notice of a hearing under this chapter provided to an individual listed under Subsection (b)(2) must state that the individual may, but is not required to, attend the hearing and may request to be heard at the hearing.

(f) In a hearing under this chapter, the court shall determine whether the child's caregiver is present at the hearing and allow the caregiver to testify if the caregiver wishes to provide information about the child.

No equivalent provision.

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WHICH A JUDGE MAY REVIEW THE PLAN.

(c) A service plan may not include an allegation of abuse or neglect of the child or a restatement of the facts of the case. An allegation of abuse or neglect or a restatement of the facts of the case in a service plan is inadmissible in the court as evidence.

(c-1) Not later than the fifth business day after a hearing held under Section 262.201, the department shall:

(1) make all referrals necessary for each parent to comply with a judge's order for services; and

(2) provide to the parents any information available to the department on providers approved by the department to provide services in the service area in which the parent resides.

SECTION 25. (a) Section 263.306(a-1), Family Code, is amended to conform to the amendment of Section 263.306(a), Family Code, by Chapter 697 (H.B. 825), Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

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

(1) identify all persons and parties present at the hearing, determine whether the child's caregiver is present, and allow the caregiver to testify if the caregiver wishes to provide information about the child;

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

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

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

No equivalent provision.

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

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

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

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

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

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

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

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

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

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

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

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

(a) return home;

(b) be placed for adoption;

(c) be placed with a legal guardian; or

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

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

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

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

(b) Section 263.306(c), Family Code, is amended to conform

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to the amendment of Section 263.306, Family Code, by Chapter 944 (S.B. 206), Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

(c) In addition to the requirements of Subsection (a-1) [~~(a)~~], at each permanency hearing the court shall review the department's efforts to ensure that the child has regular, ongoing opportunities to engage in age-appropriate normalcy activities, including activities not listed in the child's service plan.

(c) Section 263.306(a), Family Code, is repealed to conform to the repeal of Section 263.306(a), Family Code, by Chapter 944 (S.B. 206), Acts of the 84th Legislature, Regular Session, 2015.

SECTION 26. Section 263.401, Family Code, is amended to read as follows:

Sec. 263.401. DISMISSAL AFTER ONE YEAR; NEW TRIALS; EXTENSION. (a) Unless the court has commenced the trial on the merits or granted an extension under Subsection (b) or (b-1), on the first Monday after the first anniversary of the date the court rendered a temporary order appointing the department as temporary managing conservator, the court's jurisdiction over [court shall dismiss] the suit affecting the parent-child relationship filed by the department that requests termination of the parent-child relationship or requests that the department be named conservator of the child is terminated and the suit is automatically dismissed without a court order.

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SECTION 19. Section 263.401, Family Code, is amended to read as follows:

Sec. 263.401. DISMISSAL AFTER ONE YEAR; NEW TRIALS; EXTENSION. (a) Unless the court has commenced the trial on the merits or granted an extension under Subsection (b) or (b-1), on the first Monday after the first anniversary of the date the court rendered a temporary order appointing the department as temporary managing conservator, the court's jurisdiction over [court shall dismiss] the suit affecting the parent-child relationship filed by the department that requests termination of the parent-child relationship or requests that the department be named conservator of the child is terminated and the suit is automatically dismissed without a court order. **Not later than the 60th day before the day the suit is automatically dismissed, the court shall notify all parties to the suit of the automatic dismissal date.**

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(b) Unless the court has commenced the trial on the merits, the court may not retain the suit on the court's docket after the time described by Subsection (a) unless the court finds that extraordinary circumstances necessitate the child remaining in the temporary managing conservatorship of the department and that continuing the appointment of the department as temporary managing conservator is in the best interest of the child. If the court makes those findings, the court may retain the suit on the court's docket for a period not to exceed 180 days after the time described by Subsection (a). If the court retains the suit on the court's docket, the court shall render an order in which the court:

(1) schedules the new date on which the suit will be automatically dismissed if the trial on the merits has not commenced, which date must be not later than the 180th day after the time described by Subsection (a);

(2) makes further temporary orders for the safety and welfare of the child as necessary to avoid further delay in resolving the suit; and

(3) sets the trial on the merits on a date not later than the date specified under Subdivision (1).

(b-1) If, after commencement of the initial trial on the merits within the time required by Subsection (a) or (b), the court grants a motion for a new trial or mistrial, or the case is remanded to the court by an appellate court following an appeal of the court's final order, the court shall retain the suit on the court's docket and render an order in which the court:

(1) schedules a new date on which the suit will be automatically dismissed if the new trial has not commenced, which must be a date not later than the 180th day after the date on which:

(A) the motion for a new trial or mistrial is granted; or

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(b) Unless the court has commenced the trial on the merits, the court may not retain the suit on the court's docket after the time described by Subsection (a) unless the court finds that extraordinary circumstances necessitate the child remaining in the temporary managing conservatorship of the department and that continuing the appointment of the department as temporary managing conservator is in the best interest of the child. If the court makes those findings, the court may retain the suit on the court's docket for a period not to exceed 180 days after the time described by Subsection (a). If the court retains the suit on the court's docket, the court shall render an order in which the court:

(1) schedules the new date on which the suit will be automatically dismissed if the trial on the merits has not commenced, which date must be not later than the 180th day after the time described by Subsection (a);

(2) makes further temporary orders for the safety and welfare of the child as necessary to avoid further delay in resolving the suit; and

(3) sets the trial on the merits on a date not later than the date specified under Subdivision (1).

(b-1) If, after commencement of the initial trial on the merits within the time required by Subsection (a) or (b), the court grants a motion for a new trial or mistrial, or the case is remanded to the court by an appellate court following an appeal of the court's final order, the court shall retain the suit on the court's docket and render an order in which the court:

(1) schedules a new date on which the suit will be automatically dismissed if the new trial has not commenced, which must be a date not later than the 180th day after the date on which:

(A) the motion for a new trial or mistrial is granted; or

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- (B) the appellate court remanded the case;
- (2) makes further temporary orders for the safety and welfare of the child as necessary to avoid further delay in resolving the suit; and
- (3) sets the new trial on the merits for a date not later than the date specified under Subdivision (1).
- (c) If the court grants an extension under Subsection (b) or (b-1) but does not commence the trial on the merits before the dismissal date, the court's jurisdiction over [court shall dismiss] the suit is terminated and the suit is automatically dismissed without a court order. The court may not grant an additional extension that extends the suit beyond the required date for dismissal under Subsection (b) or (b-1), as applicable.

SECTION 27. Section 263.402, Family Code, is amended to read as follows:

Sec. 263.402. LIMIT ON EXTENSION[; ~~WAIVER~~]. [~~(a)~~]
The parties to a suit under this chapter may not extend the deadlines set by the court under this subchapter by agreement or otherwise.

~~[(b) A party to a suit under this chapter who fails to make a timely motion to dismiss the suit under this subchapter waives the right to object to the court's failure to dismiss the suit. A motion to dismiss under this subsection is timely if the motion is made before the trial on the merits commences.]~~

SECTION 28. Section 263.403, Family Code, is amended by amending Subsections (a) and (c) and adding Subsection (a-1) to read as follows:

- (a) Notwithstanding Section 263.401, the court may retain

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- (B) the appellate court remanded the case;
- (2) makes further temporary orders for the safety and welfare of the child as necessary to avoid further delay in resolving the suit; and
- (3) sets the new trial on the merits for a date not later than the date specified under Subdivision (1).
- (c) If the court grants an extension under Subsection (b) or (b-1) but does not commence the trial on the merits before the dismissal date, the court's jurisdiction over [court shall dismiss] the suit is terminated and the suit is automatically dismissed without a court order. The court may not grant an additional extension that extends the suit beyond the required date for dismissal under Subsection (b) or (b-1), as applicable.

SECTION 20. Same as House version.

SECTION 21. Section 263.403, Family Code, is amended by amending Subsections (a) and (c) and adding Subsection (a-1) to read as follows:

- (a) Notwithstanding Section 263.401, the court may retain

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jurisdiction and not dismiss the suit or render a final order as required by that section if the court renders a temporary order that:

(1) finds that retaining jurisdiction under this section is in the best interest of the child;

(2) orders the department to:

(A) return the child to the child's parent; or

(B) transition the child, according to a schedule determined by the department or court, from substitute care to the parent while the parent completes the remaining requirements imposed under a service plan and specified in the temporary order that are necessary for the child's return;

(3) orders the department to continue to serve as temporary managing conservator of the child; and

(4) orders the department to monitor the child's placement to ensure that the child is in a safe environment.

(a-1) The department or the parent may request the court to retain jurisdiction for an additional six months as necessary for a parent to complete the remaining requirements in a service plan and specified in the temporary order that are mandatory for the child's return.

(c) If before the dismissal of the suit or the commencement of the trial on the merits a child placed with a parent under this section must be moved from that home by the department or the court renders a temporary order terminating the transition order issued under Subsection (a)(2)(B) [~~before the dismissal of the suit or the commencement of the trial on the merits~~], the court shall, at the time of the move or order, schedule a new date for dismissal of the suit [~~unless a trial on the merits has commenced~~]. The new dismissal date may not be later than the original dismissal date established under Section 263.401

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jurisdiction and not dismiss the suit or render a final order as required by that section if the court renders a temporary order that:

(1) finds that retaining jurisdiction under this section is in the best interest of the child;

(2) orders the department to:

(A) return the child to the child's parent; or

(B) transition the child, according to a schedule determined by the department or court, from substitute care to the parent while the parent completes the remaining requirements imposed under a service plan and specified in the temporary order that are necessary for the child's return;

(3) orders the department to continue to serve as temporary managing conservator of the child; and

(4) orders the department to monitor the child's placement to ensure that the child is in a safe environment.

(a-1) Unless the court has granted an extension under Section 263.401(b), the department or the parent may request the court to retain jurisdiction for an additional six months as necessary for a parent to complete the remaining requirements in a service plan and specified in the temporary order that are mandatory for the child's return.

(c) If before the dismissal of the suit or the commencement of the trial on the merits a child placed with a parent under this section must be moved from that home by the department or the court renders a temporary order terminating the transition order issued under Subsection (a)(2)(B) [~~before the dismissal of the suit or the commencement of the trial on the merits~~], the court shall, at the time of the move or order, schedule a new date for dismissal of the suit [~~unless a trial on the merits has commenced~~]. The new dismissal date may not be later than the original dismissal date established under Section 263.401

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or the 180th day after the date the child is moved or the order is rendered under this subsection, whichever date is later.

SECTION 29. Subchapter E, Chapter 263, Family Code, is amended by adding Section 263.4042 to read as follows:

Sec. 263.4042. CONTINUED APPOINTMENT OF ATTORNEY AD LITEM AFTER FINAL ORDER. (a) On the entry of a final order terminating the parent-child relationship and naming the Department of Family and Protective Services as the child's managing conservator, the court may discharge the attorney ad litem appointed for the child if the court finds that:

(1) the child has a representative authorized by the court to represent the legal interests of the child and discharge of the attorney ad litem is in the child's best interest; or

(2) the child:

(A) resides in the home identified in the child's permanency plan as the child's permanent home;

(B) has an attorney ad litem or guardian ad litem who does not object to the child's permanency plan; and

(C) has resided in the home described by Paragraph (A) for at least three months.

(b) If a court renders an order discharging a child's attorney ad litem under Subsection (a), at each permanency hearing following the final order held under Section 263.501, the court shall make the findings required by Section 263.5031.

SECTION 30. Subchapter E, Chapter 263, Family Code, is amended by adding Section 263.4055 to read as follows:

Sec. 263.4055. SUPREME COURT RULES. The supreme

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or the 180th day after the date the child is moved or the order is rendered under this subsection, whichever date is later.

No equivalent provision.

SECTION 22. Same as House version.

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court by rule shall establish civil and appellate procedures to address:

(1) conflicts between the filing of a motion for new trial and the filing of an appeal of a final order rendered under this chapter; and

(2) the period, including an extension of at least 20 days, for a court reporter to submit the reporter's record of a trial to an appellate court following a final order rendered under this chapter.

SECTION 31. Section 263.5031, Family Code, is amended to read as follows:

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

(1) identify all persons and parties present at the hearing, determine whether the child's caregiver is present, and allow the caregiver to testify if the caregiver wishes to provide information about the child;

(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) whether the department placed the child with a relative or other designated caregiver and 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

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SECTION 23. Section 263.5031, Family Code, is amended 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) whether the department placed the child with a relative or other designated caregiver and 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

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the child;

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

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

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

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

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

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

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

(a) return home;

(b) be placed for adoption;

(c) be placed with a legal guardian; or

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

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

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the child;

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

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

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

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

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

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

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

(a) return home;

(b) be placed for adoption;

(c) be placed with a legal guardian; or

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

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

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- (G) whether the child is receiving appropriate medical care and has been provided the opportunity, in a developmentally appropriate manner, to express the child's opinion on any medical care provided;
- (H) for a child receiving psychotropic medication, whether the child:
- (i) has been provided appropriate nonpharmacological interventions, therapies, or strategies to meet the child's needs; or
 - (ii) has been seen by the prescribing physician, physician assistant, or advanced practice nurse at least once every 90 days;
- (I) whether an education decision-maker for the child has been identified, the child's education needs and goals have been identified and addressed, and there are major changes in the child's school performance or there have been serious disciplinary events;
- (J) for a child for whom the department has been named managing conservator in a final order that does not include termination of parental rights, whether to order the department to provide services to a parent for not more than six months after the date of the permanency hearing if:
- (i) the child has not been placed with a relative or other individual, including a foster parent, who is seeking permanent managing conservatorship of the child; and
 - (ii) the court determines that further efforts at reunification with a parent are:
 - (a) in the best interest of the child; and
 - (b) likely to result in the child's safe return to the child's parent; and
- (K) whether the department has identified a family or other caring adult who has made a permanent commitment to the

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- (G) whether the child is receiving appropriate medical care and has been provided the opportunity, in a developmentally appropriate manner, to express the child's opinion on any medical care provided;
- (H) for a child receiving psychotropic medication, whether the child:
- (i) has been provided appropriate nonpharmacological interventions, therapies, or strategies to meet the child's needs; or
 - (ii) has been seen by the prescribing physician, physician assistant, or advanced practice nurse at least once every 90 days;
- (I) whether an education decision-maker for the child has been identified, the child's education needs and goals have been identified and addressed, and there are major changes in the child's school performance or there have been serious disciplinary events;
- (J) for a child for whom the department has been named managing conservator in a final order that does not include termination of parental rights, whether to order the department to provide services to a parent for not more than six months after the date of the permanency hearing if:
- (i) the child has not been placed with a relative or other individual, including a foster parent, who is seeking permanent managing conservatorship of the child; and
 - (ii) the court determines that further efforts at reunification with a parent are:
 - (a) in the best interest of the child; and
 - (b) likely to result in the child's safe return to the child's parent; and
- (K) whether the department has identified a family or other caring adult who has made a permanent commitment to the

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child; and
(4) if the child is 16 years of age or older, determine whether the department has provided the child with the following:
(A) 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;
(D) the information contained in the child's health passport, including the child's immunization records, as required under Section 266.006;
(E) proof of enrollment of the child in Medicaid, if appropriate; and
(F) written information advising the child of postsecondary education benefits and opportunities available to the child, including the tuition exemption for former foster children under Section 54.366, Education Code.
(b) At each permanency hearing after the court renders a final order, the court:
(1) for a child who is not represented by an attorney ad litem shall:
(A) determine whether the child requires representation by an attorney ad litem under Section 107.016; and
(B) if the court declines to appoint an attorney ad litem for the child, state the reason for declining to appoint an attorney ad litem; and
(2) for a child who is represented by an attorney ad litem:
(A) shall consider the need for continued appointment of the attorney ad litem for the child; and
(B) may discharge the attorney ad litem appointed for the child if the court finds that:
(i) the child is eligible for adoption and living in the home

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child.

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identified in the permanency plan as the child's permanent home;

(ii) the child's attorney ad litem or guardian ad litem does not object to the child's permanency plan; and

(iii) the child has resided in the home described by Subparagraph (i) for at least three months.

SECTION 32. Section 264.018, Family Code, is amended by amending Subsection (f) and adding Subsections (f-1), (f-2), and (f-3) to read as follows:

(f) Except as provided by Subsection (f-1) or (f-2), as [As] soon as possible but not later than the 10th day after the date the department becomes aware of a significant event affecting a child in the conservatorship of the department, the department shall provide notice of the significant event to:

- (1) the child's parent;
- (2) an attorney ad litem appointed for the child under Chapter 107;
- (3) a guardian ad litem appointed for the child under Chapter 107;
- (4) a volunteer advocate appointed for the child under

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SECTION 24. Section 264.018, Family Code, is amended by adding Subsection (d-1) and amending Subsection (f) to read as follows:

(d-1) As soon as possible but not later than 24 hours after a change in placement of a child in the conservatorship of the department, the department shall give notice of the placement change to the managed care organization that contracts with the commission to provide health care services to the child under the STAR Health program. The managed care organization shall give notice of the placement change to the primary care physician listed in the child's health passport before the end of the second business day after the day the organization receives the notification from the department.

(f) Except as provided by Subsection (d-1), as [As] soon as possible but not later than the 10th day after the date the department becomes aware of a significant event affecting a child in the conservatorship of the department, the department shall provide notice of the significant event to:

- (1) the child's parent;
- (2) an attorney ad litem appointed for the child under Chapter 107;
- (3) a guardian ad litem appointed for the child under Chapter 107;
- (4) a volunteer advocate appointed for the child under

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Chapter 107;

(5) the licensed administrator of the child-placing agency responsible for placing the child or the licensed administrator's designee;

(6) a foster parent, prospective adoptive parent, relative of the child providing care to the child, or director of the group home or general residential operation where the child is residing; and

(7) any other person determined by a court to have an interest in the child's welfare.

(f-1) As soon as possible after the department becomes aware of a change in placement of a child in the conservatorship of the department, the department shall give notice of the placement change to the managed care organization that contracts with the commission to provide health care services to the child under the STAR Health program. The managed care organization, in coordination with the department, shall give notice of the placement change to the primary care physician listed in the child's health passport.

(f-2) As soon as possible but not later than the fifth day after the date a child-placing agency notifies the department of the agency's intent to change the placement of a child in the conservatorship of the department, the department shall give notice of the impending placement change and the reason given for the placement change to:

(1) the child's parent;

(2) an attorney ad litem appointed for the child under Chapter 107;

(3) a guardian ad litem appointed for the child under Chapter 107;

(4) a volunteer advocate appointed for the child under Chapter 107;

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Chapter 107;

(5) the licensed administrator of the child-placing agency responsible for placing the child or the licensed administrator's designee;

(6) a foster parent, prospective adoptive parent, relative of the child providing care to the child, or director of the group home or general residential operation where the child is residing; and

(7) any other person determined by a court to have an interest in the child's welfare.

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(5) a foster parent, prospective adoptive parent, relative of the child providing care to the child, or director of the group home or general residential operation where the child is residing; and

(6) any other person determined by a court to have an interest in the child's welfare.

(f-3) As soon as possible but not later than the fifth day after the date a foster parent requests the removal of a child in the conservatorship of the department from the foster home, the department shall give notice of the impending placement change to:

(1) the child's parent;

(2) an attorney ad litem appointed for the child under Chapter 107;

(3) a guardian ad litem appointed for the child under Chapter 107;

(4) a volunteer advocate appointed for the child under Chapter 107;

(5) the licensed administrator of the child-placing agency responsible for placing the child or the licensed administrator's designee; and

(6) any other person determined by a court to have an interest in the child's welfare.

SECTION 33. Section 264.121, Family Code, is amended by adding Subsections (a-3), (a-4), and (a-5) to read as follows:

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

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No equivalent provision.

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are at least 14 years of age and older based on funding, prioritizing youth who have the greatest needs. The department shall annually update the assessment for each youth in the department's conservatorship to determine the independent living skills the youth learned during the preceding year to ensure the department's obligation to prepare the youth for independent living has been met.

(a-4) The annual update of the independent living skills assessment required under Subsection (a-3) must be conducted through the child's plan of service in coordination with the child, the caseworker, the Preparation for Adult Living Program staff, and the child's caregiver.

(a-5) The department, in coordination with stakeholders, shall develop a plan to standardize the curriculum for the Preparation for Adult Living Program that ensures youth 14 years of age or older enrolled in the program receive relevant and age-appropriate information and training. The department shall report the plan to the legislature not later than December 1, 2018. This subsection expires September 1, 2019.

SECTION 34. The heading to Chapter 266, Family Code, is amended to read as follows:

CHAPTER 266. MEDICAL CARE AND EDUCATIONAL SERVICES FOR CHILDREN IN CONSERVATORSHIP OF DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES [FOSTER CARE]

SECTION 35. Chapter 266, Family Code, is amended by adding Section 266.005 to read as follows:

Sec. 266.005. CONSULTATION FOR HEALTH CARE. (a)

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SECTION 25. Same as House version.

SECTION 26. Chapter 266, Family Code, is amended by adding Section 266.005 to read as follows:

Sec. 266.005. FINDING ON HEALTH CARE

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A court may not render an order requiring or prohibiting specific health care services, procedures, or treatments, including mental health care services, procedures, or treatments, for a child in the conservatorship of the department, unless a health care professional, acting within the scope of the health care professional's practice as prescribed by state law, has been consulted as to the proposed care. If the court finds that a health care professional has been consulted and the court declines to follow the recommendation of the health care professional, the court shall make findings in the record supporting the court's order.

(b) Subsection (a) does not apply if the court:

(1) finds there is an immediate need for medical or behavioral intervention and there is not time consistent with the circumstances and the child's health, safety, or well-being to consult with a health care professional; or

(2) directs a child to receive an examination or assessment by an appropriate health care professional.

(c) If a court renders an order under circumstances described by Subsection (b)(1), the court shall order consultation with an appropriate health care professional as soon as practicable.

(d) Evidence of a health care professional's recommendation for proposed care under Subsection (a) is not inadmissible on the grounds that it is hearsay evidence or that it is not authenticated if the judge considers the evidence to be otherwise reliable.

SECTION 36. Chapter 122, Government Code, is amended by adding Sections 122.005 and 122.006 to read as follows:

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If a court finds that a health care professional has been consulted regarding a health care service, procedure, or treatment for a child in the conservatorship of the department and the court declines to follow the recommendation of the health care professional, the court shall make findings in the record supporting the court's order.

No equivalent provision.

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Sec. 122.005. FAMILY DRUG COURT STUDY. (a) Not later than September 1, 2018, the commissioners court of each county that has not established a family drug court program shall, subject to the availability of funds, study the effect the creation of a family drug court would have in the county. The sheriff and, as applicable, the county attorney, district attorney, or criminal district attorney shall assist in conducting the study. The study must analyze the effectiveness of:

(1) creating a court that specializes in cases in which a parent or person standing in parental relation suffers from drug addiction; and

(2) case management used by a family drug court program, including the involvement of Department of Family and Protective Services caseworkers, court-appointed case managers, and court-appointed special advocates, to rehabilitate a parent or person standing in parental relation who has had a child removed from the parent's or person's care by the department or who is under investigation to determine if a child should be removed from the care of the parent or person standing in parental relation by the department.

(b) Each commissioners court in a county conducting the study required by Subsection (a) shall request assistance from:

(1) judges located in the county;

(2) child protective services caseworkers and supervisors;

(3) attorneys ad litem;

(4) guardians ad litem;

(5) drug treatment providers;

(6) family and child therapists;

(7) peer recovery coach providers;

(8) domestic violence victim advocates;

(9) housing partners;

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(10) drug coordinators;

(11) drug court services managers; and

(12) drug court case managers.

(c) This section expires January 1, 2019.

Sec. 122.006. GRANT FUNDING FOR FAMILY DRUG COURTS. (a) The family drug court fund is a dedicated account in the general revenue fund in the state treasury.

(b) The family drug court fund consists of:

(1) appropriations of money to the fund by the legislature; and

(2) gifts, grants, including grants from the federal government, and other donations received for the fund.

(c) The Health and Human Services Commission shall administer the family drug court fund. Money in the account may be used only to pay counties to establish and administer a family drug court. To receive money from the family drug court fund a county must submit the study conducted under Section 122.005 on the effect of the creation of a family drug court in the county and a detailed proposal of the establishment of the court.

(d) Grants will only be made when funds are available.

SECTION 37. Subchapter A, Chapter 533, Government Code, is amended by adding Section 533.0056 to read as follows:

Sec. 533.0056. STAR HEALTH PROGRAM: NOTIFICATION OF PLACEMENT CHANGE. A contract between a managed care organization and the commission for the organization to provide health care services to recipients under the STAR Health program must require the organization to ensure continuity of care for a child whose placement has

SECTION 27. (a) Subchapter A, Chapter 533, Government Code, is amended by adding Section 533.0056 to read as follows:

Sec. 533.0056. STAR HEALTH PROGRAM: NOTIFICATION OF PLACEMENT CHANGE. A contract between a managed care organization and the commission for the organization to provide health care services to recipients under the STAR Health program must require the organization to ensure continuity of care for a child whose placement has

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changed by:

- (1) notifying each specialist treating the child of the placement change; and
- (2) coordinating the transition of care from the child's previous treating primary care physician and treating specialists to the child's new treating primary care physician and treating specialists, if any.

SECTION 38. Section 572.001, Health and Safety Code, is amended by amending Subsection (c) and adding Subsections (c-2), (c-3), and (c-4) to read as follows:

- (c) A person or agency appointed as the guardian or a managing conservator of a person younger than 18 years of age and acting as an employee or agent of the state or a political subdivision of the state may request admission of the person younger than 18 years of age to an inpatient mental

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changed by:

- (1) notifying each specialist treating the child of the placement change; and
- (2) coordinating the transition of care from the child's previous treating primary care physician and treating specialists to the child's new treating primary care physician and treating specialists, if any.

(b) The changes in law made by this section apply only to a contract for the provision of health care services under the STAR Health program between the Health and Human Services Commission and a managed care organization under Chapter 533, Government Code, that is entered into, renewed, or extended on or after the effective date of this section.

(c) If before implementing Section 533.0056, Government Code, as added by this section, the Health and Human Services Commission determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the health and human services agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 28. Effective September 1, 2018, Section 572.001, Health and Safety Code, is amended by amending Subsection (c) and adding Subsections (c-2), (c-3), and (c-4) to read as follows:

- (c) A person or agency appointed as the guardian or a managing conservator of a person younger than 18 years of age and acting as an employee or agent of the state or a political subdivision of the state may request admission of the person younger than 18 years of age to an inpatient mental

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~~health facility [only with the person's consent. If the person does not consent, the person may be admitted for inpatient services] only as provided by Subsection (c-2) or pursuant to an application for court-ordered mental health services or emergency detention or an order for protective custody.~~

~~(c-2) The Department of Family and Protective Services may request the admission to an inpatient mental health facility of a minor in the managing conservatorship of that department only if a physician states the physician's opinion, and the detailed reasons for that opinion, that the minor is a person:~~

~~(1) with mental illness or who demonstrates symptoms of a serious emotional disorder; and~~

~~(2) who presents a risk of serious harm to self if not immediately restrained or hospitalized.~~

~~(c-3) The admission to an inpatient mental health facility under Subsection (c-2) of a minor in the managing conservatorship of the Department of Family and Protective Services is a significant event for purposes of Section 264.018, Family Code, and the Department of Family and Protective Services shall provide notice of the significant event:~~

~~(1) in accordance with that section to all parties entitled to notice under that section; and~~

~~(2) to the court with continuing jurisdiction before the expiration of three business days after the minor's admission.~~

~~(c-4) The Department of Family and Protective Services periodically shall review the need for continued inpatient treatment of a minor admitted to an inpatient mental health facility under Subsection (c-2). If following the review that department determines there is no longer a need for continued inpatient treatment, that department shall notify the facility administrator designated to detain the minor that the minor~~

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~~health facility [only with the person's consent. If the person does not consent, the person may be admitted for inpatient services] only as provided by Subsection (c-2) or pursuant to an application for court-ordered mental health services or emergency detention or an order for protective custody.~~

~~(c-2) The Department of Family and Protective Services may request the admission to an inpatient mental health facility of a minor in the managing conservatorship of that department only if a physician states the physician's opinion, and the detailed reasons for that opinion, that the minor is a person:~~

~~(1) with mental illness or who demonstrates symptoms of a serious emotional disorder; and~~

~~(2) who presents a risk of serious harm to self or others if not immediately restrained or hospitalized.~~

~~(c-3) The admission to an inpatient mental health facility under Subsection (c-2) of a minor in the managing conservatorship of the Department of Family and Protective Services is a significant event for purposes of Section 264.018, Family Code, and the Department of Family and Protective Services shall provide notice of the significant event:~~

~~(1) in accordance with that section to all parties entitled to notice under that section; and~~

~~(2) to the court with continuing jurisdiction before the expiration of three business days after the minor's admission.~~

~~(c-4) The Department of Family and Protective Services periodically shall review the need for continued inpatient treatment of a minor admitted to an inpatient mental health facility under Subsection (c-2). If following the review that department determines there is no longer a need for continued inpatient treatment, that department shall notify the facility administrator designated to detain the minor that the minor~~

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may no longer be detained unless an application for court-ordered mental health services is filed.

SECTION 39. Subchapter C, Chapter 42, Human Resources Code, is amended by adding Section 42.066 to read as follows:

Sec. 42.066. REQUIRED SUBMISSION OF INFORMATION REQUESTED BY COURT. A general residential operation that provides mental health treatment or services to a child in the managing conservatorship of the department shall timely submit to the court in a suit affecting the parent-child relationship under Subtitle E, Title 5, Family Code, all information requested by that court.

SECTION 40. The heading to Section 25.07, Penal Code, is amended to read as follows:

Sec. 25.07. VIOLATION OF CERTAIN COURT ORDERS OR CONDITIONS OF BOND IN A FAMILY VIOLENCE, CHILD ABUSE OR NEGLECT, SEXUAL ASSAULT OR ABUSE, STALKING, OR TRAFFICKING CASE.

SECTION 41. Section 25.07(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if, in violation of a condition of bond set in a family violence, sexual assault or abuse, stalking, or trafficking case and related to the safety of a victim or the safety of the community, an order issued under Chapter 7A, Code of Criminal Procedure, an order issued under Article 17.292, Code of Criminal Procedure, an order

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may no longer be detained unless an application for court-ordered mental health services is filed.

SECTION 29. Same as House version.

SECTION 30. Same as House version.

SECTION 31. Same as House version.

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issued under Section 6.504, Family Code, Chapter 83, Family Code, if the temporary ex parte order has been served on the person, ~~[or] Chapter 85, Family Code, or Subchapter F, Chapter 261, Family Code,~~ or an order issued by another jurisdiction as provided by Chapter 88, Family Code, the person knowingly or intentionally:

- (1) commits family violence or an act in furtherance of an offense under Section 20A.02, 22.011, 22.021, or 42.072;
- (2) communicates:
 - (A) directly with a protected individual or a member of the family or household in a threatening or harassing manner;
 - (B) a threat through any person to a protected individual or a member of the family or household; or
 - (C) in any manner with the protected individual or a member of the family or household except through the person's attorney or a person appointed by the court, if the violation is of an order described by this subsection and the order prohibits any communication with a protected individual or a member of the family or household;
- (3) goes to or near any of the following places as specifically described in the order or condition of bond:
 - (A) the residence or place of employment or business of a protected individual or a member of the family or household; or
 - (B) any child care facility, residence, or school where a child protected by the order or condition of bond normally resides or attends;
- (4) possesses a firearm;
- (5) harms, threatens, or interferes with the care, custody, or control of a pet, companion animal, or assistance animal that is possessed by a person protected by the order or condition of bond; or

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(6) removes, attempts to remove, or otherwise tampers with the normal functioning of a global positioning monitoring system.

SECTION 42. The heading to Section 25.072, Penal Code, is amended to read as follows:

Sec. 25.072. REPEATED VIOLATION OF CERTAIN COURT ORDERS OR CONDITIONS OF BOND IN FAMILY VIOLENCE, CHILD ABUSE OR NEGLECT, SEXUAL ASSAULT OR ABUSE, STALKING, OR TRAFFICKING CASE.

SECTION 43. (a) In this section:

(1) "Attorney ad litem" has the meaning assigned by Section 107.001, Family Code.

(2) "Commission" means the Permanent Judicial Commission for Children, Youth and Families established by the supreme court.

(b) The commission shall study the appointment and use of attorneys ad litem in cases involving the Department of Family and Protective Services. The commission shall:

(1) examine:

(A) the method for appointing attorneys ad litem;

(B) the oversight and accountability measures used across the state to monitor attorneys ad litem;

(C) the methods by which qualifications for appointment as an attorney ad litem and training requirements for an attorney ad litem are established and enforced;

(D) the timing of and duration of appointments;

(E) the rate of compensation for appointments and the method

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SECTION 32. Same as House version.

SECTION 33. Same as House version.

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for establishing compensation rates across the state;

(F) the quality of representation and methods for assessing performance of attorneys ad litem;

(G) the pretrial and posttrial client satisfaction with representation by attorneys ad litem representing parents and attorneys ad litem representing children;

(H) organizational studies and national standards related to the workload of attorneys ad litem;

(I) the best practices for attorneys ad litem; and

(J) the estimated and average costs associated with legal representation by an attorney ad litem per child compared with the costs associated with foster care per child;

(2) conduct a survey of attorneys ad litem about the attorney's training, including:

(A) the attorney's legal education;

(B) whether the attorney is certified as a specialist by the Texas Board of Legal Specialization in any area of law; and

(C) the professional standards followed by the attorney;

(3) perform a statistical analysis of the data and information collected under Subdivisions (1) and (2) of this subsection; and

(4) develop policy recommendations for improving the attorney ad litem appointment process.

(c) The commission shall prepare a report based on the findings of the study conducted under this section and shall submit the report to each member of the legislature not later than September 1, 2018.

SECTION 44. (a) The changes in law made by this Act apply only to a service plan filed for a full adversary hearing held under Section 262.201, Family Code, or a status hearing held

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SECTION 34. (a) The changes in law made by this Act apply only to a service plan filed for a full adversary hearing held under Section 262.201, Family Code, or a status hearing held

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under Chapter 263, Family Code, on or after January 1, 2018. A hearing held before that date is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(b) The changes made by this Act to Section 263.401, Family Code, apply only to a suit affecting the parent-child relationship pending in a trial court on the effective date of this Act or filed on or after the effective date of this Act. A suit affecting the parent-child relationship in which a final order is rendered before the effective date of this Act is governed by the law in effect on the date the order was rendered, and the former law is continued in effect for that purpose.

(c) Except as otherwise provided by this section, the changes in law made by this Act apply only to a suit affecting the parent-child relationship filed on or after the effective date of this Act. A suit affecting the parent-child relationship filed before the effective date of this Act is subject to the law in effect at the time the suit was filed, and the former law is continued in effect for that purpose.

(d) Except as otherwise provided by this section, the changes in law made by this Act apply only to a contract for the provision of health care services under the STAR Health program between the Health and Human Services Commission and a managed care organization under Chapter 533, Government Code, that is entered into or renewed on or after the effective date of this Act.

(e) If before implementing Section 533.0056, Government Code, as added by this Act, the Health and Human Services Commission determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the health and human services agency affected by

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under Chapter 263, Family Code, on or after January 1, 2018. A hearing held before that date is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(b) The changes made by this Act to Section 263.401, Family Code, apply only to a suit affecting the parent-child relationship pending in a trial court on the effective date of this Act or filed on or after the effective date of this Act. A suit affecting the parent-child relationship in which a final order is rendered before the effective date of this Act is governed by the law in effect on the date the order was rendered, and the former law is continued in effect for that purpose.

(c) Except as otherwise provided by this section, the changes in law made by this Act apply only to a suit affecting the parent-child relationship filed on or after the effective date of this Act. A suit affecting the parent-child relationship filed before the effective date of this Act is subject to the law in effect at the time the suit was filed, and the former law is continued in effect for that purpose.

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the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 45. The changes in law made by this Act apply to a suit affecting the parent-child relationship filed before, on, or after the effective date of this Act.

SECTION 46. The Health and Human Services Commission shall adopt rules establishing the criteria for awarding a grant to counties to establish a family drug court under Section 122.006, Government Code, as added by this Act, not later than January 1, 2018.

SECTION 47. To the extent of any conflict, this Act prevails over another Act of the 85th Legislature, Regular Session, 2017, relating to nonsubstantive additions to and corrections in enacted codes.

No equivalent provision.

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No equivalent provision.

No equivalent provision.

No equivalent provision.

SECTION 35. Subchapter F, Chapter 261, Family Code, as added by this Act, Section 262.206, Family Code, as added by this Act, Section 572.001, Health and Safety Code, as amended by this Act, and Section 25.07(a), Penal Code, as amended by this Act, take effect only if a specific appropriation for the implementation of those sections is provided in a general appropriations act of the 85th Legislature.

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SECTION 48. This Act takes effect September 1, 2017.

No equivalent provision.

No equivalent provision.

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SECTION 36. ~~Except as otherwise provided by this Act,~~ this Act takes effect September 1, 2017.

SECTION __. Section 109.331(d), Alcoholic Beverage Code, is amended to read as follows:

(d) This section does not apply to a [~~foster group home, foster family home,~~ family home, specialized child-care [~~agency group~~] home, or agency foster home as those terms are defined by Section 42.002, Human Resources Code. [FA5]

SECTION __. Section 29.081(d), Education Code, is amended to read as follows:

(d) For purposes of this section, "student at risk of dropping out of school" includes each student who is under 26 years of age and who:

- (1) was not advanced from one grade level to the next for one or more school years;
- (2) if the student is in grade 7, 8, 9, 10, 11, or 12, did not maintain an average equivalent to 70 on a scale of 100 in two or more subjects in the foundation curriculum during a semester in the preceding or current school year or is not maintaining such an average in two or more subjects in the foundation curriculum in the current semester;
- (3) did not perform satisfactorily on an assessment instrument administered to the student under Subchapter B, Chapter 39, and who has not in the previous or current school year subsequently performed on that instrument or another appropriate instrument at a level equal to at least 110 percent of the level of satisfactory performance on that instrument;
- (4) if the student is in prekindergarten, kindergarten, or grade

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1, 2, or 3, did not perform satisfactorily on a readiness test or assessment instrument administered during the current school year;

(5) is pregnant or is a parent;

(6) has been placed in an alternative education program in accordance with Section 37.006 during the preceding or current school year;

(7) has been expelled in accordance with Section 37.007 during the preceding or current school year;

(8) is currently on parole, probation, deferred prosecution, or other conditional release;

(9) was previously reported through the Public Education Information Management System (PEIMS) to have dropped out of school;

(10) is a student of limited English proficiency, as defined by Section 29.052;

(11) is in the custody or care of the Department of Family and Protective ~~[and Regulatory]~~ Services or has, during the current school year, been referred to the department by a school official, officer of the juvenile court, or law enforcement official;

(12) is homeless, as defined by 42 U.S.C. Section 11302, and its subsequent amendments; or

(13) resided in the preceding school year or resides in the current school year in a residential placement facility in the district, including a detention facility, substance abuse treatment facility, emergency shelter, psychiatric hospital, halfway house, cottage home operation, specialized child-care home, or general residential operation [~~foster group home~~].

[FA5]

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No equivalent provision.

SECTION __. Section 101.0133, Family Code, is amended to read as follows:

Sec. 101.0133. FOSTER CARE. "Foster care" means the placement of a child who is in the conservatorship of the Department of Family and Protective Services and in care outside the child's home in a residential child-care facility, including an [agency foster group home,] agency foster home, specialized child-care [foster group] home, cottage [foster] home operation, general residential operation, or another facility licensed or certified under Chapter 42, Human Resources Code, in which care is provided for 24 hours a day. [FA5]

No equivalent provision.

SECTION __. Section 101.017, Family Code, is amended to read as follows:

Sec. 101.017. LICENSED CHILD PLACING AGENCY. "Licensed child placing agency" means a person, including an organization or corporation, licensed or certified under Chapter 42, Human Resources Code, by the Department of Family and Protective Services to place a child in an adoptive home or a residential child-care facility, including a child-care facility, agency foster home, cottage home operation, or general residential operation [agency foster group home, or adoptive home]. [FA5]

No equivalent provision.

SECTION __. Section 262.011, Family Code, as added by Chapter 338 (H.B. 418), Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

Sec. 262.011. PLACEMENT IN SECURE AGENCY FOSTER HOME [~~OR SECURE AGENCY FOSTER GROUP~~

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~~HOME~~]. A court in an emergency, initial, or full adversary hearing conducted under this chapter may order that the child who is the subject of the hearing be placed in a secure agency foster home [~~or secure agency foster group home~~] verified in accordance with Section 42.0531, Human Resources Code, if the court finds that:

- (1) the placement is in the best interest of the child; and
- (2) the child's physical health or safety is in danger because the child has been recruited, harbored, transported, provided, or obtained for forced labor or commercial sexual activity, including any child subjected to an act specified in Section 20A.02 or 20A.03, Penal Code. [FA5]

No equivalent provision.

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

- (1) "Agency foster [~~group~~] home[;]" and [~~"agency foster home,"~~] "facility[;]" [~~"foster group home," and "foster home"~~] have the meanings assigned by Section 42.002, Human Resources Code. [FA5]

No equivalent provision.

SECTION __. Section 263.008(e), Family Code, is amended to read as follows:

- (e) An [~~agency foster group home,~~] agency foster home[; ~~foster group home, foster home,~~] or other residential child-care facility in which a child is placed in foster care shall provide a copy of the foster children's bill of rights to a child on the child's request. The foster children's bill of rights must be printed in English and in a second language. [FA5]

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No equivalent provision.

SECTION __. Section 264.0111(a), Family Code, is amended to read as follows:

(a) A child for whom the department has been appointed managing conservator and who has been placed by the department in a residential ~~[foster home or]~~ child-care facility ~~[institution]~~ as defined by Chapter 42, Human Resources Code, is entitled to keep any money earned by the child during the time of the child's placement. [FA5]

No equivalent provision.

SECTION __. Sections 264.751(1) and (3), Family Code, are amended to read as follows:

(1) "Designated caregiver" means an individual who has a longstanding and significant relationship with a child for whom the department has been appointed managing conservator and who:

(A) is appointed to provide substitute care for the child, but is not ~~[licensed by the department or]~~ verified by a licensed child-placing agency ~~[or the department]~~ to operate an ~~[a foster home, foster group home,]~~ agency foster home~~[, or agency foster group home]~~ under Chapter 42, Human Resources Code; or

(B) is subsequently appointed permanent managing conservator of the child after providing the care described by Paragraph (A).

(3) "Relative caregiver" means a relative who:

(A) provides substitute care for a child for whom the department has been appointed managing conservator, but who is not ~~[licensed by the department or]~~ verified by a licensed child-placing agency ~~[or the department]~~ to operate an ~~[a foster home, foster group home,]~~ agency foster home~~[, or agency foster group home]~~ under Chapter 42, Human

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Resources Code; or
(B) is subsequently appointed permanent managing conservator of the child after providing the care described by Paragraph (A). [FA5]

No equivalent provision.

SECTION __. Section 264.760, Family Code, is amended to read as follows:
Sec. 264.760. ELIGIBILITY FOR FOSTER CARE PAYMENTS AND PERMANENCY CARE ASSISTANCE. Notwithstanding any other provision of this subchapter, a relative or other designated caregiver who becomes [~~licensed by the department or~~] verified by a licensed child-placing agency [~~or the department~~] to operate an [~~a foster home, foster group home,~~] agency foster home[, ~~or agency foster group home~~] under Chapter 42, Human Resources Code, may receive foster care payments in lieu of the benefits provided by this subchapter, beginning with the first month in which the relative or other designated caregiver becomes licensed or is verified. [FA5]

No equivalent provision.

SECTION __. Section 264.8521, Family Code, is amended to read as follows:
Sec. 264.8521. NOTICE TO APPLICANTS. At the time a person applies to become [~~licensed by the department or~~] verified by a licensed child-placing agency [~~or the department~~] to provide foster care in order to qualify for the permanency care assistance program, the department or the child-placing agency shall:
(1) notify the applicant that a background check, including a criminal history record check, will be conducted on the

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individual; and

(2) inform the applicant about criminal convictions that:

(A) preclude an individual from becoming a ~~[licensed foster home or]~~ verified agency foster home; and

(B) may also be considered in evaluating the individual's application. [FA5]

No equivalent provision.

SECTION __. Section 531.151(3), Government Code, is amended to read as follows:

(3) "Institution" means:

(A) an ICF-IID, as defined by Section 531.002, Health and Safety Code;

(B) a group home operated under the authority of the commission ~~[Department of Aging and Disability Services]~~, including a residential service provider under a Medicaid waiver program authorized under Section 1915(c) of the federal Social Security Act (42 U.S.C. Section 1396n), as amended, that provides services at a residence other than the child's home or agency foster home;

(C) ~~[a foster group home or an agency foster group home as defined by Section 42.002, Human Resources Code;~~

~~[(D)]~~ a nursing facility;

(D) ~~[(E)]~~ a general residential operation for children with an intellectual disability that is licensed by the commission ~~[Department of Family and Protective Services]~~; or

(E) ~~[(F)]~~ another residential arrangement other than a foster home as defined by Section 42.002, Human Resources Code, that provides care to four or more children who are unrelated to each other. [FA5]

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No equivalent provision.

SECTION __. Section 31.002(b), Human Resources Code, is amended to read as follows:

(b) In this chapter, the term "dependent child" also applies to a child:

(1) who meets the specifications set forth in Subsections (a)(1)-(4);

(2) who has been removed from the home of a relative specified in Subsection (a)(5) as a result of a judicial determination that the child's residence there is contrary to his or her welfare;

(3) whose placement and care are the responsibility of the Department of Family and Protective Services or an agency with which the Department of Family and Protective Services has entered into an agreement for the care and supervision of the child;

(4) who has been placed in a residential [~~foster home or~~] child-care facility [~~institution~~] by the Department of Family and Protective Services; and

(5) for whom the state may receive federal funds for the purpose of providing foster care in accordance with rules promulgated by the executive commissioner. [FA5]

No equivalent provision.

SECTION __. Section 31.008(d), Human Resources Code, is amended to read as follows:

(d) The commission may make payments on behalf of a dependent child residing in a residential [~~foster family home or a~~] child-care facility [~~institution~~] in accordance with the provisions of this chapter and commission rules. [FA5]

No equivalent provision.

SECTION __. Section 42.002, Human Resources Code, is

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amended by amending Subdivisions (4), (5), (6), (10), (11), (12), (13), and (19) and adding Subdivision (24) to read as follows:

(4) "General residential operation" means a child-care facility that provides care for seven or more [~~than 12~~] children for 24 hours a day, including facilities known as [~~children's homes, halfway houses,~~] residential treatment centers and[~~;~~] emergency shelters[~~, and therapeutic camps~~].

(5) "Continuum-of-care residential operation" means a group of residential child-care facilities that operate under the same license or certification to provide a continuum of services to children [~~"Foster group home" means a child-care facility that provides care for 7 to 12 children for 24 hours a day~~].

(6) "Cottage [~~Foster~~] home operation" means cottage family homes that:

(A) are identified on the operation's license;

(B) share a child-care administrator who is responsible for oversight for all homes within the operation; and

(C) are all in or near the same location as defined by department rule [~~a child-care facility that provides care for not more than six children for 24 hours a day~~].

(10) "Cottage family home" means a family residential setting with one or more homes operating under the license of a cottage home operation and in which:

(A) each home has at least one houseparent who lives at the home while children are in care; and

(B) based on the size of the home and the children's needs, each home cares for not more than six children [~~"Agency foster group home" means a facility that provides care for seven to 12 children for 24 hours a day, is used only by a licensed child placing agency, and meets department standards~~].

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(11) "Agency foster home" means a facility that provides care for not more than six children for 24 hours a day, is used only by a licensed child-placing agency or continuum-of-care residential operation, and meets department standards.

(12) "Child-placing agency" means a person, including an organization, other than the natural parents or guardian of a child who plans for the placement of or places a child in a child-care facility, agency foster home, [~~agency foster group home,~~] or adoptive home.

(13) "Facilities" includes child-care facilities, [~~and~~] child-placing agencies, and continuum-of-care residential operations.

(19) "Residential child-care facility" means a facility licensed or certified by the department that operates for all of the 24-hour day. The term includes general residential operations, child-placing agencies, specialized child-care [~~foster group~~] homes, cottage home operations [~~foster homes~~], continuum-of-care residential operations [~~agency foster group homes~~], and agency foster homes.

(24) "Specialized child-care home" means a child-care facility that:

(A) based on the size of the home and the children's needs, provides care for not more than six children for 24 hours a day; and

(B) has a director and has at least one houseparent who lives at the home while children are in care. [FA5]

No equivalent provision.

SECTION __. Subchapter A, Chapter 42, Human Resources Code, is amended by adding Section 42.0031 to read as follows:

Sec. 42.0031. REFERENCE TO PART OF CONTINUUM-

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OF-CARE OPERATION. With respect to a continuum-of-care operation, a reference in this code or in any other law to a type of residential child-care facility that is a part of a continuum-of-care operation shall be construed as a reference to that portion of the continuum-of-care operation, and the department may take all regulatory action with respect to the continuum-of-care operation that the department could take with respect to the type of residential child-care facility, as further specified in department rule. [FA5]

No equivalent provision.

SECTION __. Section 42.041(b), Human Resources Code, is amended to read as follows:

- (b) This section does not apply to:
- (1) a state-operated facility;
 - (2) an agency foster home [~~or agency foster group home~~];
 - (3) a facility that is operated in connection with a shopping center, business, religious organization, or establishment where children are cared for during short periods while parents or persons responsible for the children are attending religious services, shopping, or engaging in other activities, including retreats or classes for religious instruction, on or near the premises, that does not advertise as a child-care facility or day-care center, and that informs parents that it is not licensed by the state;
 - (4) a school or class for religious instruction that does not last longer than two weeks and is conducted by a religious organization during the summer months;
 - (5) a youth camp licensed by the Department of State Health Services;
 - (6) a facility licensed, operated, certified, or registered by another state agency;

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(7) an educational facility that is accredited by the Texas Education Agency, the Southern Association of Colleges and Schools, or an accreditation body that is a member of the Texas Private School Accreditation Commission and that operates primarily for educational purposes for prekindergarten and above, a before-school or after-school program operated directly by an accredited educational facility, or a before-school or after-school program operated by another entity under contract with the educational facility, if the Texas Education Agency, the Southern Association of Colleges and Schools, or the other accreditation body, as applicable, has approved the curriculum content of the before-school or after-school program operated under the contract;

(8) an educational facility that operates solely for educational purposes for prekindergarten through at least grade two, that does not provide custodial care for more than one hour during the hours before or after the customary school day, and that is a member of an organization that promulgates, publishes, and requires compliance with health, safety, fire, and sanitation standards equal to standards required by state, municipal, and county codes;

(9) a kindergarten or preschool educational program that is operated as part of a public school or a private school accredited by the Texas Education Agency, that offers educational programs through grade six, and that does not provide custodial care during the hours before or after the customary school day;

(10) a family home, whether registered or listed;

(11) an educational facility that is integral to and inseparable from its sponsoring religious organization or an educational facility both of which do not provide custodial care for more than two hours maximum per day, and that offers an

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educational program in one or more of the following:
prekindergarten through at least grade three, elementary grades, or secondary grades;

(12) an emergency shelter facility, other than a facility that would otherwise require a license as a child-care facility under this section, that provides shelter or care to a minor and the minor's child or children, if any, under Section 32.201, Family Code, if the facility:

(A) is currently under a contract with a state or federal agency; or

(B) meets the requirements listed under Section 51.005(b)(3);

(13) a juvenile detention facility certified under Section 51.12, Family Code, a juvenile correctional facility certified under Section 51.125, Family Code, a juvenile facility providing services solely for the Texas Juvenile Justice Department, or any other correctional facility for children operated or regulated by another state agency or by a political subdivision of the state;

(14) an elementary-age (ages 5-13) recreation program operated by a municipality provided the governing body of the municipality annually adopts standards of care by ordinance after a public hearing for such programs, that such standards are provided to the parents of each program participant, and that the ordinances shall include, at a minimum, staffing ratios, minimum staff qualifications, minimum facility, health, and safety standards, and mechanisms for monitoring and enforcing the adopted local standards; and further provided that parents be informed that the program is not licensed by the state and the program may not be advertised as a child-care facility;

(15) an annual youth camp held in a municipality with a population of more than 1.5 million that operates for not more

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than three months and that has been operated for at least 10 years by a nonprofit organization that provides care for the homeless;

(16) a food distribution program that:

(A) serves an evening meal to children two years of age or older; and

(B) is operated by a nonprofit food bank in a nonprofit, religious, or educational facility for not more than two hours a day on regular business days;

(17) a child-care facility that operates for less than three consecutive weeks and less than 40 days in a period of 12 months;

(18) a program:

(A) in which a child receives direct instruction in a single skill, talent, ability, expertise, or proficiency;

(B) that does not provide services or offerings that are not directly related to the single talent, ability, expertise, or proficiency;

(C) that does not advertise or otherwise represent that the program is a child-care facility, day-care center, or licensed before-school or after-school program or that the program offers child-care services;

(D) that informs the parent or guardian:

(i) that the program is not licensed by the state; and

(ii) about the physical risks a child may face while participating in the program; and

(E) that conducts background checks for all program employees and volunteers who work with children in the program using information that is obtained from the Department of Public Safety;

(19) an elementary-age (ages 5-13) recreation program that:

(A) adopts standards of care, including standards relating to

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staff ratios, staff training, health, and safety;

(B) provides a mechanism for monitoring and enforcing the standards and receiving complaints from parents of enrolled children;

(C) does not advertise as or otherwise represent the program as a child-care facility, day-care center, or licensed before-school or after-school program or that the program offers child-care services;

(D) informs parents that the program is not licensed by the state;

(E) is organized as a nonprofit organization or is located on the premises of a participant's residence;

(F) does not accept any remuneration other than a nominal annual membership fee;

(G) does not solicit donations as compensation or payment for any good or service provided as part of the program; and

(H) conducts background checks for all program employees and volunteers who work with children in the program using information that is obtained from the Department of Public Safety;

(20) a living arrangement in a caretaker's home involving one or more children or a sibling group, excluding children who are related to the caretaker, in which the caretaker:

(A) had a prior relationship with the child or sibling group or other family members of the child or sibling group;

(B) does not care for more than one unrelated child or sibling group;

(C) does not receive compensation or solicit donations for the care of the child or sibling group; and

(D) has a written agreement with the parent to care for the child or sibling group;

(21) a living arrangement in a caretaker's home involving one

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or more children or a sibling group, excluding children who are related to the caretaker, in which:

(A) the department is the managing conservator of the child or sibling group;

(B) the department placed the child or sibling group in the caretaker's home; and

(C) the caretaker had a long-standing and significant relationship with the child or sibling group before the child or sibling group was placed with the caretaker;

(22) a living arrangement in a caretaker's home involving one or more children or a sibling group, excluding children who are related to the caretaker, in which the child is in the United States on a time-limited visa under the sponsorship of the caretaker or of a sponsoring organization; ~~[or]~~

(23) a facility operated by a nonprofit organization that:

(A) does not otherwise operate as a child-care facility that is required to be licensed under this section;

(B) provides emergency shelter and care for not more than 15 days to children 13 years of age or older but younger than 18 years of age who are victims of human trafficking alleged under Section 20A.02, Penal Code;

(C) is located in a municipality with a population of at least 600,000 that is in a county on an international border; and

(D) meets one of the following criteria:

(i) is licensed by, or operates under an agreement with, a state or federal agency to provide shelter and care to children; or

(ii) meets the eligibility requirements for a contract under Section 51.005(b)(3); or

(24) a facility that provides respite care exclusively for a local mental health authority under a contract with the local mental health authority. [FA5]

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SECTION __. Section 42.042, Human Resources Code, is amended by amending Subsections (e-1), (g), and (h-1) and adding Subsection (s) to read as follows:

(e-1) The department may not prohibit possession of lawfully permitted firearms and ammunition in [~~a foster home of any type, including a foster group home, a foster home, an agency foster group home, and~~] an agency foster home. Minimum standards may be adopted under this section relating to safety and proper storage of firearms and ammunition, including standards requiring firearms and ammunition to be stored separately in locked locations.

(g) In promulgating minimum standards the executive commissioner may recognize and treat differently the types of services provided by the following:

- (1) registered family homes;
- (2) child-care facilities, including general residential operations, cottage home operations [~~foster group homes~~], specialized child-care [~~foster~~] homes, group day-care homes, and day-care centers;
- (3) child-placing agencies;
- (4) agency foster homes;
- (5) continuum-of-care residential operations [~~agency foster group homes~~];
- (6) before-school or after-school programs; and
- (7) school-age programs.

(h-1) The executive commissioner shall adopt rules governing:

- (1) the placement and care of children by a child-placing agency, as necessary to ensure the health and safety of those children;
- (2) the verification and monitoring of agency foster homes[~~, agency foster group homes,~~] and adoptive homes by a child-

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placing agency; and
(3) if appropriate, child-placing agency staffing levels, office locations, and administration.
(s) A continuum-of-care residential operation shall ensure that each residential child-care facility operating under the operation's license complies with this chapter and any standards and rules adopted under this chapter that apply to the facility. The executive commissioner by rule may prescribe the actions a continuum-of-care residential operation must take to comply with the minimum standards for each facility type. [FA5]

No equivalent provision.

SECTION __. Section 42.0421(e), Human Resources Code, is amended to read as follows:
(e) In addition to other training required by this section, the executive commissioner by rule shall require an owner, operator, or employee of a day-care center, group day-care home, registered family home, general residential operation, cottage home operation [~~foster group home~~], or specialized child-care [~~agency foster group~~] home who transports a child under the care of the facility whose chronological or developmental age is younger than nine years of age to complete at least two hours of annual training on transportation safety. [FA5]

No equivalent provision.

SECTION __. Section 42.044(e), Human Resources Code, is amended to read as follows:
(e) In addition to the department's responsibility to investigate an agency foster home [~~or agency foster group home~~] under Subsection (c), the department shall:

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- (1) periodically conduct inspections of a random sample of agency foster homes [~~and agency foster group homes~~];
- (2) investigate any report of a serious incident in an agency foster home [~~or agency foster group home~~] that pertains to a child under the age of six;
- (3) investigate any alleged violation of a minimum standard by an agency foster home [~~or agency foster group home~~] that poses a high degree of risk to a child in the care of the home who is under the age of six; and
- (4) conduct at least one annual enforcement team conference for each child-placing agency to thoroughly review the investigations or inspections of the child-placing agency and all of its agency foster homes to monitor and enforce compliance by a child-placing agency with rules and standards established under Section 42.042. [FA5]

No equivalent provision.

SECTION __. Section 42.0448, Human Resources Code, is amended to read as follows:

Sec. 42.0448. NOTIFICATION OF FAMILY VIOLENCE CALLS. The department shall notify a child-placing agency or a continuum-of-care residential operation that includes a child-placing agency of each family violence report the department receives under Article 5.05, Code of Criminal Procedure, that:

- (1) occurred at an agency foster home [~~verified by the child-placing agency~~]; or
- (2) involves a person who resides at an agency foster home [~~verified by the child-placing agency~~]. [FA5]

No equivalent provision.

SECTION __. Section 42.0449, Human Resources Code, is

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amended to read as follows:

Sec. 42.0449. REQUIRED ACTIONS AFTER NOTICE OF FAMILY VIOLENCE CALL. The executive commissioner shall adopt rules specifying the actions that the department, ~~[an independent foster home, and]~~ a child-placing agency, and a continuum-of-care residential operation that includes a child-placing agency shall take after receiving notice of a family violence report under Article 5.05, Code of Criminal Procedure, or Section 42.0448 to ensure the health, safety, and welfare of each child residing in the ~~[licensed foster home or]~~ verified agency foster home. [FA5]

No equivalent provision.

SECTION __. Section 42.045(d), Human Resources Code, is amended to read as follows:

(d) A ~~[An independent foster home and a]~~ child-placing agency shall notify the department of any change of address for an ~~[a licensed foster home or a verified]~~ agency foster home. The ~~[independent foster home and]~~ child-placing agency shall notify the department of the address change within the earlier of two business days or 72 hours of the date the agency foster home changes its address. [FA5]

No equivalent provision.

SECTION __. The heading to Section 42.0451, Human Resources Code, is amended to read as follows:

Sec. 42.0451. DATABASE OF AGENCY FOSTER HOMES; INFORMATION PROVIDED TO DEPARTMENT OF PUBLIC SAFETY. [FA5]

No equivalent provision.

SECTION __. Sections 42.0451(a) and (c), Human Resources

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Code, are amended to read as follows:

(a) The department shall maintain a database of [~~licensed foster homes and verified~~] agency foster homes including the current address for each agency foster [~~licensed or verified~~] home as reported to the department. The database must be updated on a regular basis.

(c) The Department of Public Safety shall include the information provided under Subsection (b) in the Texas Crime Information Center database and establish a procedure by which a peace officer or employee of a law enforcement agency who provides the department with a street address is automatically provided information as to whether the address is [~~licensed as a foster home or~~] verified as an agency foster home under this chapter. [FA5]

No equivalent provision.

SECTION __. Section 42.0452, Human Resources Code, is amended to read as follows:

Sec. 42.0452. FOSTER PARENT RIGHTS AND RESPONSIBILITIES STATEMENT. (a) The department shall develop a statement that lists the rights and responsibilities of a foster parent in [~~a foster home or~~] an agency foster home and [~~of the department or~~] a child-placing agency, as applicable.

(b) The department shall provide a written copy of the statement developed under Subsection (a) to each foster parent in an agency [~~a~~] foster home and to each child-placing agency licensed by the department. A child-placing agency shall provide a written copy of the statement developed under Subsection (a) to each foster parent in an agency foster home verified by the child-placing agency. [FA5]

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No equivalent provision.

SECTION __. Section 42.046(a), Human Resources Code, is amended to read as follows:

(a) An applicant for a license to operate a child-care facility, ~~[or] child-placing agency, or continuum-of-care residential operation~~ or for a listing or registration to operate a family home shall submit to the department the appropriate fee prescribed by Section 42.054 and a completed application on a form provided by the department. [FA5]

No equivalent provision.

SECTION __. The heading to Section 42.0461, Human Resources Code, is amended to read as follows:

Sec. 42.0461. PUBLIC NOTICE AND HEARING ~~[IN CERTAIN COUNTIES]~~: RESIDENTIAL CHILD CARE. [FA5]

No equivalent provision.

SECTION __. Sections 42.0461(a), (d), and (e), Human Resources Code, are amended to read as follows:

(a) Before the department may issue a license or certificate for the operation or the expansion of the capacity ~~[of a foster group home or foster family home that is located in a county with a population of less than 300,000 and that provides child care for 24 hours a day at a location other than the actual residence of a child's primary caretaker or]~~ of a general residential operation, a cottage home operation, or a continuum-of-care residential operation that is located in a county with a population of less than 300,000, the applicant for the license, certificate, or expansion shall, at the applicant's expense:

(1) conduct a public hearing on the application in accordance with department rules after notifying the department of the

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date, time, and location of the hearing; and

(2) publish notice of the application in a newspaper of general circulation in the community in which the child-care services are proposed to be provided.

(d) Before issuing a license or certificate described by Subsection (a), the department shall consider written information provided by an interested party directly to the department's representative at the public hearing concerning:

(1) the amount of local resources available to support children proposed to be served by the applicant;

(2) the impact of the proposed child-care services on the ratio in the local school district of students enrolled in a special education program to students enrolled in a regular education program and the effect, if any, on the children proposed to be served by the applicant; and

(3) the impact of the proposed child-care services on the community and the effect on opportunities for social interaction for the children proposed to be served by the applicant.

(e) Based on the written information provided to the department's representative at the public hearing, the [The] department may deny the application if the department determines that:

(1) the community has insufficient resources to support children proposed to be served by the applicant;

(2) granting the application would significantly increase the ratio in the local school district of students enrolled in a special education program to students enrolled in a regular education program and the increase would adversely affect the children proposed to be served by the applicant; or

(3) granting the application would have a significant adverse impact on the community and would limit opportunities for

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social interaction for the children proposed to be served by the applicant. [FA5]

No equivalent provision.

SECTION __. Subchapter C, Chapter 42, Human Resources Code, is amended by adding Section 42.0463 to read as follows:

Sec. 42.0463. EXPANSION OF CAPACITY. (a) Notwithstanding the limitations established by Section 42.002, the department may:

(1) develop, by rule, criteria to determine when it may be appropriate to exclude children who are related to a caretaker in determining a residential child-care facility's total capacity; and

(2) issue an exception in accordance with department rules allowing an agency foster home, cottage family home, or specialized child-care home to expand its capacity and care for not more than eight children.

(b) The department may include children who are related to a caretaker when determining under Subsection (a)(1) whether a residential child-care facility complies with the standards relating to total capacity or child-to-caregiver ratios for the facility. [FA5]

No equivalent provision.

SECTION __. Section 42.048(e), Human Resources Code, is amended to read as follows:

(e) A license issued under this chapter is not transferable and applies only to the operator and facility location stated in the license application. Except as provided by this subsection, a change in location or ownership automatically revokes a license. A change in location of a child-placing agency does

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not automatically revoke the license to operate the child-placing agency. A residential child-care facility operating under the license of a continuum-of-care residential operation that changes location may not continue to operate under that license unless the department approves the new location after the continuum-of-care residential operation meets all requirements related to the new location. [FA5]

No equivalent provision.

SECTION __. Section 42.053, Human Resources Code, is amended to read as follows:

Sec. 42.053. AGENCY FOSTER HOMES [~~AND AGENCY FOSTER GROUP HOMES~~]. (a) An agency foster home [~~or agency foster group home~~] is considered part of the child-placing agency that operates the agency foster home [~~or agency foster group home~~] for purposes of licensing.

(b) The operator of a licensed agency shall display a copy of the license in a prominent place in the agency foster home [~~or agency foster group home~~] used by the agency.

(c) An agency foster home [~~or agency foster group home~~] shall comply with all provisions of this chapter and all department rules and standards that apply to a child-care facility caring for a similar number of children for a similar number of hours each day.

(d) The department shall revoke or suspend the license of a child-placing agency if an agency foster home [~~or agency foster group home~~] operated by the licensed agency fails to comply with Subsection (c).

(e) Before verifying an agency foster home, a child-placing agency may issue a provisional verification to the home. The executive commissioner by rule may establish the criteria for a child-placing agency to issue a provisional verification to a

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prospective agency foster home.

(f) If a child-placing agency under contract with the division to provide services as an integrated care coordinator places children with caregivers described by Subchapter I, Chapter 264, Family Code, those caregivers are not considered a part of the child-placing agency for purposes of licensing. [FA5]

No equivalent provision.

SECTION __. Section 42.0531, Human Resources Code, is amended to read as follows:

Sec. 42.0531. SECURE AGENCY FOSTER HOMES [~~AND SECURE AGENCY FOSTER GROUP HOMES~~]. (a) The commissioners court of a county or governing body of a municipality may contract with a child-placing agency to verify a secure agency foster home [~~or secure agency foster group home~~] to provide a safe and therapeutic environment tailored to the needs of children who are victims of trafficking.

(b) A child-placing agency may not verify a secure agency foster home [~~or secure agency foster group home~~] to provide services under this section unless the child-placing agency holds a license issued under this chapter that authorizes the agency to provide services to victims of trafficking in accordance with department standards adopted under this chapter for child-placing agencies.

(c) A secure agency foster home [~~or secure agency foster group home~~] verified under this section must provide:

(1) mental health and other services specifically designed to assist children who are victims of trafficking under Section 20A.02 or 20A.03, Penal Code, including:

(A) victim and family counseling;

(B) behavioral health care;

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- (C) treatment and intervention for sexual assault;
- (D) education tailored to the child's needs;
- (E) life skills training;
- (F) mentoring; and
- (G) substance abuse screening and treatment as needed;
- (2) individualized services based on the trauma endured by a child, as determined through comprehensive assessments of the service needs of the child;
- (3) 24-hour services; and
- (4) appropriate security through facility design, hardware, technology, and staffing. [FA5]

No equivalent provision.

SECTION __. Sections 42.0535(a), (b), (d), and (e), Human Resources Code, are amended to read as follows:

(a) A child-placing agency that seeks to verify an agency foster home [~~or an agency group home~~] shall request background information about the agency foster home [~~or group home~~] from a child-placing agency that has previously verified the home as an [~~that~~] agency foster home or agency foster group home.

(b) Notwithstanding Section 261.201, Family Code, a child-placing agency that has verified an agency foster home or an agency foster group home is required to release to another child-placing agency background information requested under Subsection (a).

(d) For purposes of this section, background information means the home study under which the agency foster home or agency foster group home was verified by the previous child-placing agency and any record of noncompliance with state minimum standards received and the resolution of any such noncompliance by the previous child-placing agency.

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(e) The executive commissioner by rule shall develop a process by which a child-placing agency shall report to the department:

(1) the name of any agency ~~[verified]~~ foster home ~~[or foster group home]~~ that has been closed for any reason, including a voluntary closure;

(2) information regarding the reasons for the closure of the agency foster home ~~[or foster group home]~~; and

(3) the name and other contact information of a person who may be contacted by another child-placing agency to obtain the records relating to the closed agency foster home ~~[or foster group home]~~ that are required to be maintained and made available under this section. [FA5]

No equivalent provision.

SECTION __. Sections 42.054(a), (b), (d), and (g), Human Resources Code, are amended to read as follows:

(a) The department shall charge an applicant a nonrefundable application fee for an initial license to operate a child-care facility, ~~[or]~~ a child-placing agency, or a continuum-of-care residential operation.

(b) The department shall charge each child-care facility a fee for an initial license. The department shall charge each child-placing agency and continuum-of-care residential operation a fee for an initial license.

(d) The department shall charge each licensed child-placing agency and continuum-of-care residential operation an annual license fee. The fee is due on the date on which the department issues the ~~[child-placing agency's]~~ initial license to the child-placing agency or continuum-of-care residential operation and on the anniversary of that date.

(g) The provisions of Subsections (b) through (f) do not apply

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to:

- (1) ~~[licensed foster homes and licensed foster group homes;~~
[~~(2)~~] nonprofit facilities regulated under this chapter that provided 24-hour care for children in the managing conservatorship of the department during the 12-month period immediately preceding the anniversary date of the facility's license;
- (2) [~~(3)~~] facilities operated by a nonprofit corporation or foundation that provides 24-hour residential care and does not charge for the care provided; or
- (3) [~~(4)~~] a family home listed under Section 42.0523 in which the relative child-care provider cares for the child in the child's own home. [FA5]

No equivalent provision.

SECTION __. Section 42.0561, Human Resources Code, is amended to read as follows:

Sec. 42.0561. INFORMATION RELATING TO FAMILY VIOLENCE REPORTS. Before ~~[the department may issue a license or registration for a foster home or]~~ a child-placing agency may issue a verification certificate for an agency foster home, the ~~[department or]~~ child-placing agency must obtain information relating to each family violence report at the applicant's residence to which a law enforcement agency responded during the 12 months preceding the date of the application. The applicant shall provide the information on a form prescribed by the department. [FA5]

No equivalent provision.

SECTION __. Section 42.063(d), Human Resources Code, is amended to read as follows:

- (d) An employee or volunteer of a general residential

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operation, child-placing agency, continuum-of-care residential operation, cottage home operation [~~foster home~~], or specialized child-care [~~foster group~~] home shall report any serious incident directly to the department if the incident involves a child under the care of the operation, agency, or home. [FA5]

No equivalent provision.

SECTION __. Sections 42.0461(f) and (g), Human Resources Code, are repealed. [FA5]

No equivalent provision.

SECTION __. Subject to an appropriation of funds for this purpose, the executive commissioner of the Health and Human Services Commission shall adopt minimum standards related to continuum-of-care operations, cottage home operations, and specialized child-care homes as provided by Section 42.042, Human Resources Code, as amended by this Act, as soon as practicable after the effective date of this Act. [FA5]

No equivalent provision.

SECTION __. (a) The executive commissioner of the Health and Human Services Commission shall develop and implement a procedure by which a residential child-care facility that holds a license or certification issued under Chapter 42, Human Resources Code, may convert the license or certification to a new type of residential child-care facility license or certification created by this Act.
(b) With respect to a residential child-care facility converting a license or certification under Subsection (a) of this section, the Health and Human Services Commission may waive

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requirements for an initial inspection, an initial background and criminal history check, or a family violence report, or for notice and hearing if the commission determines that previous inspections, background and criminal history checks, family violence reports, or notice and hearing, as applicable, were conducted and are sufficient to ensure the safety of children receiving care at the residential child-care facility converting a license or certification. [FA5]

No equivalent provision.

SECTION __. (a) The executive commissioner of the Health and Human Services Commission shall develop and implement a procedure that requires a foster home or a foster group home that holds a license issued by the Department of Family and Protective Services under Chapter 42, Human Resources Code, before September 1, 2017, to convert the license to another residential child-care facility license issued under Chapter 42, Human Resources Code, or relinquish the license.

(b) With respect to a foster home or foster group home converting a license under Subsection (a) of this section, the Health and Human Services Commission may waive requirements for an initial inspection, an initial background and criminal history check, or a family violence report, or for notice and hearing if the commission determines that previous inspections, background and criminal history checks, family violence reports, or notice and hearing, as applicable, were conducted and are sufficient to ensure the safety of children receiving care at the foster home or foster group home converting a license or certification.

(c) The Department of Family and Protective Services may not issue a license or certification to a foster home or foster

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group home after August 31, 2017.

(d) A foster home or a foster group home that was licensed by the department before September 1, 2017, may continue to operate under the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose, until each foster home and foster group home has been converted to another residential child-care facility license or the license has been relinquished. [FA5]

No equivalent provision.

SECTION __. (a) The executive commissioner of the Health and Human Services Commission shall develop and implement a procedure that requires a child-placing agency that verified, before September 1, 2017, an agency foster group home according to the Minimum Standards for Child-Placing Agencies to convert the agency foster group home to an agency foster home or to close the agency foster group home.

(b) With respect to a child-placing agency converting an agency foster group home under Subsection (a) of this section, the Health and Human Services Commission may waive requirements for an initial inspection, an initial background and criminal history check, or a family violence report, if the commission determines that previous inspections, background and criminal history checks, or family violence reports, as applicable, were conducted and are sufficient to ensure the safety of children receiving care at the agency foster home.

(c) A child-placing agency may not verify an agency foster group home after August 31, 2017.

(d) An agency foster group home that was verified by a child-placing agency before September 1, 2017, may continue to operate under the child-placing agency that verified the home

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and under the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose, until each agency foster group home has been converted to a verified foster home or has been closed.
[FA5]