

By: Klick

H.B. No. 1846

A BILL TO BE ENTITLED

AN ACT

relating to age-appropriate normalcy activities for children in the managing conservatorship of the state.

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

SECTION 1. 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;

(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

1 interest of the child;

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

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

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

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

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

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

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

26 (a) return home;

27 (b) be placed for adoption;

1 (c) be placed with a legal guardian;

2 or

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

5 (iii) whether the department has conducted  
6 an independent living skills assessment under Section  
7 [264.121\(a-3\)](#);

8 (iv) whether the department has addressed  
9 the goals identified in the child's permanency plan, including the  
10 child's housing plan, and the results of the independent living  
11 skills assessment;

12 (v) if the youth is 16 years of age or  
13 older, whether there is evidence that the department has provided  
14 the youth with the documents and information listed in Section  
15 [264.121\(e\)](#); and

16 (vi) if the youth is 18 years of age or  
17 older or has had the disabilities of minority removed, whether  
18 there is evidence that the department has provided the youth with  
19 the documents and information listed in Section [264.121\(e-1\)](#);

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

24 (G) whether the child is receiving appropriate  
25 medical care and has been provided the opportunity, in a  
26 developmentally appropriate manner, to express the child's opinion  
27 on any medical care provided;

1                   (H) for a child receiving psychotropic  
2 medication, whether the child:

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

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

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

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

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

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

24                   (a) in the best interest of the child;  
25 and

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

1                   (K) whether the department has identified a  
2 family or other caring adult who has made a permanent commitment to  
3 the child.

4           (b) In addition to the requirements of Subsection (a), at  
5 each permanency hearing after the court renders a final order, the  
6 court shall review the department's efforts to ensure the child has  
7 regular, ongoing opportunities to engage in age-appropriate  
8 normalcy activities, including activities not listed in the child's  
9 service plan.

10           SECTION 2. Section 263.503(c), Family Code, is repealed.

11           SECTION 3. The changes in law made by this Act to Section  
12 263.5031, Family Code, apply only to a permanency hearing conducted  
13 under Chapter 263, Family Code, on or after the effective date of  
14 this Act. A permanency hearing conducted before the effective date  
15 of this Act is governed by the law in effect on the date the hearing  
16 was conducted, and the former law is continued in effect for that  
17 purpose.

18           SECTION 4. This Act takes effect September 1, 2019.