

By: Minjarez, Miller

H.B. No. 1884

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the information provided to relative and other
3 designated caregivers of children in the conservatorship of the
4 Department of Family and Protective Services.

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

6 SECTION 1. Section 261.3071(c), Family Code, is amended to
7 read as follows:

8 (c) Information provided in the manuals must be in both
9 English and Spanish and must include, as appropriate:

10 (1) useful indexes of information such as telephone
11 numbers;

12 (2) the information required to be provided under
13 Section 261.307(a)(1);

14 (3) information describing the rights and duties of a
15 relative or designated caregiver;

16 (4) information regarding:

17 (A) the relative and other designated caregiver
18 program under Subchapter I, Chapter 264, and the option for the
19 relative or other designated caregiver to become verified by a
20 licensed child-placing agency to operate an agency foster home, if
21 applicable; and

22 (B) the permanency care assistance program under
23 Subchapter K, Chapter 264; and

24 (5) information regarding the role of a voluntary

1 caregiver, including information on how to obtain any documentation
2 necessary to provide for a child's needs.

3 SECTION 2. Section 262.201, Family Code, is amended by
4 adding Subsection (n-1) to read as follows:

5 (n-1) For a child placed with a relative of the child, the
6 court shall inform the relative of:

7 (1) the option to become verified by a licensed
8 child-placing agency to operate an agency foster home, if
9 applicable; and

10 (2) the permanency care assistance program under
11 Subchapter K, Chapter 264.

12 SECTION 3. Section 263.202, Family Code, is amended by
13 adding Subsection (i) to read as follows:

14 (i) For a child placed with a relative of the child, the
15 court shall inform the relative of:

16 (1) the option to become verified by a licensed
17 child-placing agency to operate an agency foster home, if
18 applicable; and

19 (2) the permanency care assistance program under
20 Subchapter K, Chapter 264.

21 SECTION 4. Section 263.306(c), Family Code, is amended to
22 read as follows:

23 (c) In addition to the requirements of Subsection (a-1), at
24 each permanency hearing before a final order is rendered the court
25 shall review the department's efforts to:

26 (1) ensure that the child has regular, ongoing
27 opportunities to engage in age-appropriate normalcy activities,

1 including activities not listed in the child's service plan; and
2 (2) for a child placed with a relative of the child or
3 other designated caregiver, inform the caregiver of:

4 (A) the option to become verified by a licensed
5 child-placing agency to operate an agency foster home, if
6 applicable; and

7 (B) the permanency care assistance program under
8 Subchapter K, Chapter 264.

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

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

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

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

19 (3) for a child placed with a relative of the child or
20 other designated caregiver, review the efforts of the department to
21 inform the caregiver of:

22 (A) the option to become verified by a licensed
23 child-placing agency to operate an agency foster home, if
24 applicable; and

25 (B) the permanency care assistance program under
26 Subchapter K, Chapter 264; and

27 (4) review the permanency progress report to

1 determine:

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

5 (B) whether the department placed the child with
6 a relative or other designated caregiver and the continuing
7 necessity and appropriateness of the placement of the child,
8 including with respect to a child who has been placed outside of
9 this state, whether the placement continues to be in the best
10 interest of the child;

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

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

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

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

27 (E) for a child whose permanency goal is another

1 planned permanent living arrangement:

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

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

8 (a) return home;

9 (b) be placed for adoption;

10 (c) be placed with a legal guardian;

11 or

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

14 (iii) whether the department has conducted
15 an independent living skills assessment under Section
16 [264.121\(a-3\)](#);

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

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

25 (vi) if the youth is 18 years of age or
26 older or has had the disabilities of minority removed, whether
27 there is evidence that the department has provided the youth with

1 the documents and information listed in Section 264.121(e-1);

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

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

10 (H) for a child receiving psychotropic
11 medication, whether the child:

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

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

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

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

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

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

6 (a) in the best interest of the child;
7 and

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

10 (K) whether the department has identified a
11 family or other caring adult who has made a permanent commitment to
12 the child.

13 SECTION 6. Section 264.7541, Family Code, is amended by
14 adding Subsection (c) to read as follows:

15 (c) Once a child is placed with a relative or other
16 designated caregiver, the department shall inform the caregiver of:

17 (1) the option to become verified by a licensed
18 child-placing agency to operate an agency foster home, if
19 applicable; and

20 (2) the permanency care assistance program under
21 Subchapter K.

22 SECTION 7. Section 264.755, Family Code, is amended by
23 adding Subsection (a-1) to read as follows:

24 (a-1) When a relative or other designated caregiver enters
25 into a caregiver assistance agreement under Subsection (a), the
26 department shall inform the caregiver of:

27 (1) the option to become verified by a licensed

1 child-placing agency to operate an agency foster home, if
2 applicable; and

3 (2) the permanency care assistance program under
4 Subchapter K.

5 SECTION 8. This Act takes effect September 1, 2019.