

1-1 By: Minjarez, Miller (Senate Sponsor - Alvarado) H.B. No. 1884
1-2 (In the Senate - Received from the House May 6, 2019;
1-3 May 7, 2019, read first time and referred to Committee on Health &
1-4 Human Services; May 17, 2019, reported favorably by the following
1-5 vote: Yeas 9, Nays 0; May 17, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the information provided to relative and other
1-20 designated caregivers of children in the conservatorship of the
1-21 Department of Family and Protective Services.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 261.3071(c), Family Code, is amended to
1-24 read as follows:

1-25 (c) Information provided in the manuals must be in both
1-26 English and Spanish and must include, as appropriate:

1-27 (1) useful indexes of information such as telephone
1-28 numbers;

1-29 (2) the information required to be provided under
1-30 Section 261.307(a)(1);

1-31 (3) information describing the rights and duties of a
1-32 relative or designated caregiver;

1-33 (4) information regarding:

1-34 (A) the relative and other designated caregiver
1-35 program under Subchapter I, Chapter 264, and the option for the
1-36 relative or other designated caregiver to become verified by a
1-37 licensed child-placing agency to operate an agency foster home, if
1-38 applicable; and

1-39 (B) the permanency care assistance program under
1-40 Subchapter K, Chapter 264; and

1-41 (5) information regarding the role of a voluntary
1-42 caregiver, including information on how to obtain any documentation
1-43 necessary to provide for a child's needs.

1-44 SECTION 2. Section 262.201, Family Code, is amended by
1-45 adding Subsection (n-1) to read as follows:

1-46 (n-1) For a child placed with a relative of the child, the
1-47 court shall inform the relative of:

1-48 (1) the option to become verified by a licensed
1-49 child-placing agency to operate an agency foster home, if
1-50 applicable; and

1-51 (2) the permanency care assistance program under
1-52 Subchapter K, Chapter 264.

1-53 SECTION 3. Section 263.202, Family Code, is amended by
1-54 adding Subsection (i) to read as follows:

1-55 (i) For a child placed with a relative of the child, the
1-56 court shall inform the relative of:

1-57 (1) the option to become verified by a licensed
1-58 child-placing agency to operate an agency foster home, if
1-59 applicable; and

1-60 (2) the permanency care assistance program under
1-61 Subchapter K, Chapter 264.

2-1 SECTION 4. Section 263.306(c), Family Code, is amended to
 2-2 read as follows:

2-3 (c) In addition to the requirements of Subsection (a-1), at
 2-4 each permanency hearing before a final order is rendered the court
 2-5 shall review the department's efforts to:

2-6 (1) ensure that the child has regular, ongoing
 2-7 opportunities to engage in age-appropriate normalcy activities,
 2-8 including activities not listed in the child's service plan; and

2-9 (2) for a child placed with a relative of the child or
 2-10 other designated caregiver, inform the caregiver of:

2-11 (A) the option to become verified by a licensed
 2-12 child-placing agency to operate an agency foster home, if
 2-13 applicable; and

2-14 (B) the permanency care assistance program under
 2-15 Subchapter K, Chapter 264.

2-16 SECTION 5. Section 263.5031, Family Code, is amended to
 2-17 read as follows:

2-18 Sec. 263.5031. PERMANENCY HEARINGS FOLLOWING FINAL
 2-19 ORDER. At each permanency hearing after the court renders a final
 2-20 order, the court shall:

2-21 (1) identify all persons and parties present at the
 2-22 hearing;

2-23 (2) review the efforts of the department or other
 2-24 agency in notifying persons entitled to notice under Section
 2-25 263.0021; ~~and~~

2-26 (3) for a child placed with a relative of the child or
 2-27 other designated caregiver, review the efforts of the department to
 2-28 inform the caregiver of:

2-29 (A) the option to become verified by a licensed
 2-30 child-placing agency to operate an agency foster home, if
 2-31 applicable; and

2-32 (B) the permanency care assistance program under
 2-33 Subchapter K, Chapter 264; and

2-34 (4) review the permanency progress report to
 2-35 determine:

2-36 (A) the safety and well-being of the child and
 2-37 whether the child's needs, including any medical or special needs,
 2-38 are being adequately addressed;

2-39 (B) whether the department placed the child with
 2-40 a relative or other designated caregiver and the continuing
 2-41 necessity and appropriateness of the placement of the child,
 2-42 including with respect to a child who has been placed outside of
 2-43 this state, whether the placement continues to be in the best
 2-44 interest of the child;

2-45 (C) if the child is placed in institutional care,
 2-46 whether efforts have been made to ensure that the child is placed in
 2-47 the least restrictive environment consistent with the child's best
 2-48 interest and special needs;

2-49 (D) the appropriateness of the primary and
 2-50 alternative permanency goals for the child, whether the department
 2-51 has made reasonable efforts to finalize the permanency plan,
 2-52 including the concurrent permanency goals, in effect for the child,
 2-53 and whether:

2-54 (i) the department has exercised due
 2-55 diligence in attempting to place the child for adoption if parental
 2-56 rights to the child have been terminated and the child is eligible
 2-57 for adoption; or

2-58 (ii) another permanent placement,
 2-59 including appointing a relative as permanent managing conservator
 2-60 or returning the child to a parent, is appropriate for the child;

2-61 (E) for a child whose permanency goal is another
 2-62 planned permanent living arrangement:

2-63 (i) the desired permanency outcome for the
 2-64 child, by asking the child;

2-65 (ii) whether, as of the date of the hearing,
 2-66 another planned permanent living arrangement is the best permanency
 2-67 plan for the child and, if so, provide compelling reasons why it
 2-68 continues to not be in the best interest of the child to:

2-69 (a) return home;

3-1 (b) be placed for adoption;
 3-2 (c) be placed with a legal guardian;
 3-3 or
 3-4 (d) be placed with a fit and willing
 3-5 relative;
 3-6 (iii) whether the department has conducted
 3-7 an independent living skills assessment under Section
 3-8 [264.121\(a-3\)](#);
 3-9 (iv) whether the department has addressed
 3-10 the goals identified in the child's permanency plan, including the
 3-11 child's housing plan, and the results of the independent living
 3-12 skills assessment;
 3-13 (v) if the youth is 16 years of age or
 3-14 older, whether there is evidence that the department has provided
 3-15 the youth with the documents and information listed in Section
 3-16 [264.121\(e\)](#); and
 3-17 (vi) if the youth is 18 years of age or
 3-18 older or has had the disabilities of minority removed, whether
 3-19 there is evidence that the department has provided the youth with
 3-20 the documents and information listed in Section [264.121\(e-1\)](#);
 3-21 (F) if the child is 14 years of age or older,
 3-22 whether services that are needed to assist the child in
 3-23 transitioning from substitute care to independent living are
 3-24 available in the child's community;
 3-25 (G) whether the child is receiving appropriate
 3-26 medical care and has been provided the opportunity, in a
 3-27 developmentally appropriate manner, to express the child's opinion
 3-28 on any medical care provided;
 3-29 (H) for a child receiving psychotropic
 3-30 medication, whether the child:
 3-31 (i) has been provided appropriate
 3-32 nonpharmacological interventions, therapies, or strategies to meet
 3-33 the child's needs; or
 3-34 (ii) has been seen by the prescribing
 3-35 physician, physician assistant, or advanced practice nurse at least
 3-36 once every 90 days;
 3-37 (I) whether an education decision-maker for the
 3-38 child has been identified, the child's education needs and goals
 3-39 have been identified and addressed, and there are major changes in
 3-40 the child's school performance or there have been serious
 3-41 disciplinary events;
 3-42 (J) for a child for whom the department has been
 3-43 named managing conservator in a final order that does not include
 3-44 termination of parental rights, whether to order the department to
 3-45 provide services to a parent for not more than six months after the
 3-46 date of the permanency hearing if:
 3-47 (i) the child has not been placed with a
 3-48 relative or other individual, including a foster parent, who is
 3-49 seeking permanent managing conservatorship of the child; and
 3-50 (ii) the court determines that further
 3-51 efforts at reunification with a parent are:
 3-52 (a) in the best interest of the child;
 3-53 and
 3-54 (b) likely to result in the child's
 3-55 safe return to the child's parent; and
 3-56 (K) whether the department has identified a
 3-57 family or other caring adult who has made a permanent commitment to
 3-58 the child.

3-59 SECTION 6. Section [264.7541](#), Family Code, is amended by
 3-60 adding Subsection (c) to read as follows:
 3-61 (c) Once a child is placed with a relative or other
 3-62 designated caregiver, the department shall inform the caregiver of:
 3-63 (1) the option to become verified by a licensed
 3-64 child-placing agency to operate an agency foster home, if
 3-65 applicable; and
 3-66 (2) the permanency care assistance program under
 3-67 Subchapter K.

3-68 SECTION 7. Section [264.755](#), Family Code, is amended by
 3-69 adding Subsection (a-1) to read as follows:

4-1 (a-1) When a relative or other designated caregiver enters
4-2 into a caregiver assistance agreement under Subsection (a), the
4-3 department shall inform the caregiver of:

4-4 (1) the option to become verified by a licensed
4-5 child-placing agency to operate an agency foster home, if
4-6 applicable; and

4-7 (2) the permanency care assistance program under
4-8 Subchapter K.

4-9 SECTION 8. This Act takes effect September 1, 2019.

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