

By: Klick

H.B. No. 3379

A BILL TO BE ENTITLED

AN ACT

relating to the Preparation for Adult Living Program and other services for foster children transitioning to independent living.

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

SECTION 1. Section 264.121, Family Code, is amended by amending Subsections (a), (a-3), (a-5), (e), (e-1), (e-2), and (g) and adding Subsections (a-7), (a-8), (e-3), (e-4), (e-5), and (e-6) to read as follows:

(a) The department shall address the unique challenges facing foster children in the conservatorship of the department who must transition to independent living by:

(1) expanding efforts to improve transition planning and increasing the availability of transitional family group decision-making to each ~~[all]~~ youth age 14 or older in the department's permanent managing conservatorship, including enrolling the youth in the Preparation for Adult Living Program as soon as possible after the youth reaches 14 years of ~~[before the]~~ age ~~[of 16]~~;

(2) making appropriate accommodations to address any barrier to participation in the Preparation for Adult Living Program for a youth who has a disability to allow the youth to meaningfully participate in the program and documenting the accommodations in the youth's case file;

(3) coordinating with the commission to obtain

1 authority, to the extent allowed by federal law, the state Medicaid
2 plan, the Title IV-E state plan, and any waiver or amendment to
3 either plan, necessary to:

4 (A) extend foster care eligibility and
5 transition services for youth up to age 21 and develop policy to
6 permit eligible youth to return to foster care as necessary to
7 achieve the goals of the Transitional Living Services Program; and

8 (B) extend Medicaid coverage for foster care
9 youth and former foster care youth up to age 21 with a single
10 application at the time the youth leaves foster care; and

11 (4) ~~[(3)]~~ entering into cooperative agreements with
12 the Texas Workforce Commission and local workforce development
13 boards to further the objectives of the Preparation for Adult
14 Living Program. The department, the Texas Workforce Commission,
15 and the local workforce development boards shall ensure that
16 services are prioritized and targeted to meet the needs of foster
17 care and former foster care children and that such services will
18 include, where feasible, referrals for short-term stays for youth
19 needing housing.

20 (a-3) The department shall conduct an independent living
21 skills assessment for all youth in the department's conservatorship
22 not later than the 45th day after the date the youth reaches 14 ~~[who~~
23 ~~are 16]~~ years of age. The department shall place the assessment
24 results in each youth's case file ~~[or older]~~.

25 (a-5) The department shall annually update the assessment
26 for each youth assessed under Subsection ~~[Subsections]~~ (a-3) ~~[and~~
27 ~~(a-4)]~~ to determine the independent living skills the youth learned

1 during the preceding year to ensure that the department's
2 obligation to prepare the youth for independent living has been
3 met. The department shall conduct the annual update through the
4 youth's plan of service in coordination with the youth, the youth's
5 caseworker, the staff of the Preparation for Adult Living Program,
6 and the youth's caregiver.

7 (a-7) Not later than the 45th day after the date a youth
8 reaches 14 years of age, the department shall hold a transition
9 planning meeting to prepare the youth's transition plan and assist
10 the youth in developing skills to support the youth's specific
11 strengths and address the youth's needs in preparation for
12 independence. The department must hold additional transition
13 planning meetings at least once every four months until the youth
14 leaves foster care.

15 (a-8) The department shall ensure that before a youth leaves
16 foster care, each youth who is 14 years of age or older has an e-mail
17 address through which the youth may receive encrypted copies of
18 personal documents and records.

19 (e) The department shall ensure that each youth, on or
20 before the date on which the youth turns 16 years of age, acquires:

21 (1) a copy and a certified copy of the youth's birth
22 certificate;

23 (2) [~~7~~] a social security card or replacement social
24 security card, as appropriate;

25 (3) [~~7~~ and] a personal identification certificate
26 under Chapter 521, Transportation Code;

27 (4) a copy of the youth's most current high school

1 transcript;

2 (5) a copy of the record of the youth's most recent
3 physical medical examination and dental examinations;

4 (6) a copy of the youth's immunization record; and

5 (7) a copy of any identifying information the youth
6 needs to enroll in Medicaid.

7 (e-1) The youth's caseworker shall assist the youth with
8 developing a plan for keeping the documents described by Subsection
9 (e) in a safe place.

10 (e-2) The youth and the youth's caseworker shall sign a
11 document acknowledging the youth's receipt of the documents
12 described by Subsection (e) and describing the youth's plan
13 developed under Subsection (e-1) for keeping the documents in a
14 safe place. The department shall place the acknowledgment in the
15 youth's case file~~[, on or before the date on which the youth turns~~
16 ~~16 years of age]~~.

17 (e-3) The department shall designate one or more employees
18 in the Preparation for Adult Living Program as the contact person to
19 assist a youth who has not been able to obtain the documents
20 described by Subsection (e) ~~[this subsection]~~ in a timely manner
21 from the youth's primary caseworker. The department shall ensure
22 that:

23 (1) all youth who are age 16 or older are provided with
24 the contact information for the designated employees; and

25 (2) a youth who misplaces a document provided under
26 this subsection receives assistance in obtaining a replacement
27 document or information on how to obtain a duplicate copy, as

1 appropriate.

2 (e-4) Before a youth leaves foster care, the department
3 shall take all reasonable measures, including completing an
4 application for the youth, to assist the youth in obtaining
5 Medicaid coverage, and shall document those measures in the youth's
6 case file.

7 (e-5) [~~(e-1)~~] If, at the time a youth is discharged from
8 foster care, the youth is at least 18 years of age or has had the
9 disabilities of minority removed, the department shall provide to
10 the youth, not later than the 30th day before the date the youth is
11 discharged from foster care, the following information and
12 documents unless the youth already has the information or document:

13 (1) the youth's birth certificate;
14 (2) the youth's immunization records;
15 (3) the information contained in the youth's health
16 passport;

17 (4) a personal identification certificate under
18 Chapter 521, Transportation Code;

19 (5) a social security card or a replacement social
20 security card, if appropriate; ~~and~~

21 (6) a copy of the youth's most current high school
22 transcript; and

23 (7) proof of enrollment in Medicaid, if appropriate.

24 (e-6) [~~(e-2)~~] When providing a youth with a document
25 required by Subsection (e-5) [~~(e-1)~~], the department shall provide
26 the youth with a copy and a certified copy of the document or with
27 the original document, as applicable.

(g) For a youth taking prescription medication, the department shall ensure that the youth's transition plan includes provisions to assist the youth in managing the use of the medication and in managing the child's long-term physical and mental health needs after leaving foster care, including:

(1) provisions that inform the youth about:

(A) [~~(1)~~] the use of the medication;

(B) [~~(2)~~] the resources that are available to assist the youth in managing the use of the medication; and

(C) [~~(3)~~] informed consent and the provision of medical care in accordance with Section 266.010(1); and

(2) for each youth who is 17 years of age or older and preparing to leave foster care, a program supervised by a health care professional to assist the youth with independently managing the youth's medication.

SECTION 2. Section 264.1211, Family Code, as added by Chapter 333 (H.B. 928), Acts of the 85th Legislature, Regular Session, 2017, is amended by adding Subsections (d) and (e) to read as follows:

(d) The department, in coordination with the Texas Education Agency and the Texas Higher Education Coordinating Board, shall annually collect information regarding the utilization of tuition and fee waivers, including the number of foster children or former foster children who:

(1) are eligible for exemption from the payment of tuition and fees at an institution of higher education under Section 54.366, Education Code;

1 (2) receive information developed under Section
2 54.366(b), Education Code; and

3 (3) are enrolled in an institution of higher education
4 and are exempt from the payment of tuition and fees under Section
5 54.366, Education Code.

6 (e) Not later than November 1 of each even-numbered year,
7 the department shall prepare and submit a biennial report with the
8 information collected under Subsection (d) to the standing
9 committees of the senate and house of representatives with
10 jurisdiction over child protective services.

11 SECTION 3. Subchapter B, Chapter 264, Family Code, is
12 amended by adding Sections 264.1214, 264.1215, 264.1216, and
13 264.1217 to read as follows:

14 Sec. 264.1214. EXPUNGEMENT OF CRIMINAL OR JUVENILE RECORDS.

15 (a) The department shall ensure that the caseworker for a youth in
16 the managing conservatorship of the department, in consultation
17 with the youth's attorney ad litem, develops a plan to facilitate
18 the sealing or expungement of any eligible criminal or juvenile
19 records for offenses for which the youth was adjudicated or
20 convicted before the date the youth ages out of care.

21 (b) The department shall record all actions taken under this
22 section in the youth's case file.

23 Sec. 264.1215. PLAN FOR ACCESSING BENEFITS FOR YOUTH AGING
24 OUT OF FOSTER CARE. Not later than the day a youth in the managing
25 conservatorship of the department turns 18 years of age, the
26 youth's caseworker shall create a plan detailing the steps the
27 youth will take to access benefits for which the youth is eligible

1 after the youth leaves foster care, including the transitional
2 living allowance, Social Security Disability Insurance benefits,
3 aftercare room and board assistance, and education and training
4 vouchers. The caseworker shall document the plan in the youth's
5 case file.

6 Sec. 264.1216. DRIVER'S EDUCATION. Subject to this
7 section, the department shall develop a plan to ensure driver's
8 education classes are provided to each youth in the managing
9 conservatorship of the department who satisfies the minimum age
10 requirements to receive a learner license and chooses to take
11 driver's education. The department is not required to provide a
12 driver's education class to a youth who is not physically,
13 developmentally, or medically able to safely participate in
14 driver's education.

15 Sec. 264.1217. HOUSING FOR HOMELESS YOUTH AGING OUT OF
16 FOSTER CARE. (a) The department shall ensure that homeless youth
17 who have aged out of foster care receive aftercare housing and other
18 benefits under the Preparation for Adult Living Program for not
19 less than six months while the youth is actively seeking employment
20 or prevocational or vocational training services or other
21 educational services.

22 (b) For a youth who will voluntarily enter extended foster
23 care on the youth's 18th birthday, the youth's caseworker shall, not
24 later than six months before the youth's 18th birthday, complete
25 any necessary paperwork to ensure the youth has housing on the date
26 the youth enters extended foster care. Not later than the 90th day
27 before the youth's 18th birthday, the caseworker shall review the

1 qualifications and requirements for the youth's housing.

2 (c) If a youth intends to continue living with the youth's
3 substitute care provider after the youth's 18th birthday, the
4 department shall waive any background check otherwise required for
5 the youth to remain living with the substitute care provider.

6 (d) For a youth who continues living with the youth's
7 substitute care provider after the youth's 18th birthday, the youth
8 may share a bedroom with another youth who is 16 years of age or
9 older provided the age difference between the youths does not
10 exceed two years.

11 (e) A substitute care provider who prohibits a youth from
12 living in the facility after the youth's 18th birthday shall notify
13 the youth and the youth's caseworker of that fact in writing not
14 later than:

15 (1) the 90th day before the youth's 18th birthday if
16 the facility is a foster home; and

17 (2) six months before the youth's 18th birthday if the
18 facility is a residential treatment center or cottage home.

19 (f) The department shall assist youth living in supervised
20 independent living program arrangements to develop a rental history
21 by allowing the youth to cosign the lease for the youth's housing
22 provided the property owner does not object.

23 (g) The department by rule shall establish a protocol that
24 may be implemented for a youth to prevent the youth from aging out
25 of a residential treatment center. The protocol must be
26 implemented not later than the youth's 17th birthday.

27 (h) The department annually shall conduct a study to:

1 (1) determine the number of youth in voluntary
2 extended foster care who are unable to obtain housing as part of the
3 supervised independent living program;

4 (2) determine the type of housing the youth are trying
5 to obtain; and

6 (3) analyze the housing options available for the
7 youth.

8 SECTION 4. Section 264.125, Family Code, is amended by
9 adding Subsections (e) and (f) to read as follows:

10 (e) The department shall include a provision in each
11 contract with a residential child-care facility with which children
12 in the conservatorship of the department are placed that requires
13 the facility to provide those children with age-appropriate
14 normalcy activities and experiential life skills.

15 (f) Not later than the December 1 of each year, the
16 department shall submit to the lieutenant governor, speaker of the
17 house of representatives, and chairs of the standing committees of
18 the senate and house of representatives having primary jurisdiction
19 over child protection issues a report containing information
20 relating to normalcy activities and experiential life skills
21 provided to children in the conservatorship of the department.

22 SECTION 5. Subchapter A, Chapter 191, Health and Safety
23 Code, is amended by adding Section 191.0049 to read as follows:

24 Sec. 191.0049. BIRTH RECORD ISSUED TO FOSTER CHILD OR YOUTH
25 OR HOMELESS OR UNACCOMPANIED YOUTH. On request of a child or youth
26 described by this section, the state registrar, a local registrar,
27 or a county clerk shall issue, without fee or parental consent, a

certified copy of the child's or youth's birth record to:

(1) a homeless child or youth or an unaccompanied youth as those terms are defined by 42 U.S.C. Section 11434a;

(2) a child in the managing conservatorship of the Department of Family and Protective Services; and

(3) a young adult who:

(A) is at least 18 years of age, but younger than 21 years of age; and

(B) resides in a foster care placement, the cost of which is paid by the Department of Family and Protective Services.

SECTION 6. Subchapter E, Chapter 521, Transportation Code, is amended by adding Section 521.1015 to read as follows:

Sec. 521.1015. PERSONAL IDENTIFICATION CERTIFICATE ISSUED TO FOSTER CHILD OR YOUTH, HOMELESS CHILD OR YOUTH, OR UNACCOMPANIED YOUTH. (a) In this section:

(1) "Foster child or youth" means:

(A) a child in the managing conservatorship of the Department of Family and Protective Services; or

(B) a young adult who:

(i) is at least 18 years of age, but younger than 21 years of age; and

(ii) resides in a foster care placement, the cost of which is paid by the Department of Family and Protective Services.

(2) "Homeless child or youth" has the meaning assigned by 42 U.S.C. Section 11434a.

1 (3) "Unaccompanied youth" has the meaning assigned by
2 42 U.S.C. Section 11434a.

3 (b) This section applies to the application for a personal
4 identification certificate only for a foster child or youth, a
5 homeless child or youth, or an unaccompanied youth.

6 (c) Notwithstanding Section 521.101, Section 521.1426, or
7 any other provision of this chapter, a child or youth described by
8 Subsection (b) may, in applying for a personal identification
9 certificate:

10 (1) provide a copy of the child's or youth's birth
11 certificate as proof of the child's or youth's identity and United
12 States citizenship, as applicable; and

13 (2) if the child or youth does not have a residence or
14 domicile:

15 (A) provide a letter certifying the child or
16 youth is a homeless child or youth or an unaccompanied youth issued
17 by:

18 (i) the school district in which the child
19 or youth is enrolled;

20 (ii) the director of an emergency shelter
21 or transitional housing program funded by the United States
22 Department of Housing and Urban Development; or

23 (iii) the director of:

24 (a) a basic center for runaway and
25 homeless youth; or

26 (b) a transitional living program; or

27 (B) use the address of the regional office where

1 the Department of Family and Protective Services caseworker for the
2 child or youth is based.

3 (d) A child or youth described by Subsection (b) may apply
4 for and the department may issue a personal identification
5 certificate without the signature or presence of or permission from
6 a parent or guardian of the child or youth.

7 (e) A child or youth described by Subsection (b) is exempt
8 from the payment of any fee for the issuance of a personal
9 identification certificate under this chapter.

10 SECTION 7. Section 521.1811, Transportation Code, is
11 amended to read as follows:

12 Sec. 521.1811. WAIVER OF FEES FOR FOSTER CHILD OR YOUTH,
13 HOMELESS CHILD OR YOUTH, OR UNACCOMPANIED ~~[CARE]~~ YOUTH. A person is
14 exempt from the payment of any fee for the issuance of a driver's
15 license, as provided under this chapter, if that person is:

16 (1) younger than 18 years of age and in the managing
17 conservatorship of the Department of Family and Protective
18 Services; ~~[or]~~

19 (2) at least 18 years of age, but younger than 21 years
20 of age, and resides in a foster care placement, the cost of which is
21 paid by the Department of Family and Protective Services; or

22 (3) a homeless child or youth or an unaccompanied
23 youth as those terms are defined by 42 U.S.C. Section 11434a.

24 SECTION 8. Sections 264.121(a-4) and (a-6), Family Code,
25 are repealed.

26 SECTION 9. (a) As soon as practicable after the effective
27 date of this Act, the Department of Family and Protective Services

1 shall identify all youth in the department's conservatorship who
2 are 14 years of age or older who have not:

3 (1) received a life skills assessment or a Circles of
4 Support or Transition Plan Meeting; or

5 (2) had the youth's transition plan updated:

6 (A) within the preceding six months if the youth
7 is 16 years of age or older; or

8 (B) within the preceding 12 months if the youth
9 is 14 years of age or older.

10 (b) The Department of Family and Protective Services shall
11 ensure that all youth who have been identified under Subsection (a)
12 of this section immediately receive the required services.

13 SECTION 10. As soon as practicable after the effective date
14 of this Act, the Department of Family and Protective Services shall
15 identify each youth in the department's permanent managing
16 conservatorship who has not been assigned an attorney ad litem and
17 request the court to appoint an attorney ad litem for the youth.

18 SECTION 11. Not later than November 1, 2020, the Department
19 of Family and Protective Services shall submit to the standing
20 committees of the senate and house of representatives with
21 jurisdiction over child protective services the initial report
22 required by Section 264.1211(e), Family Code, as added by this Act.

23 SECTION 12. The changes in law made by this Act to Chapter
24 191, Health and Safety Code, and Chapter 521, Transportation Code,
25 apply to an application for a driver's license, personal
26 identification certificate, or birth record submitted on or after
27 the effective date of this Act. An application for a driver's

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1 license, personal identification certificate, or birth record
2 submitted before the effective date of this Act is governed by the
3 law in effect on the date the application was submitted, and the
4 former law is continued in effect for that purpose.

5 SECTION 13. This Act takes effect September 1, 2019.