

House Bill 3390
Senate Amendments
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SECTION 1. Section 107.002(b), Family Code, is 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; and
- (6) seek to elicit in a developmentally appropriate manner the name of any adult, particularly an adult residing in the child's community, who could be a relative or designated caregiver for the child and immediately provide the names of those individuals to the Department of Family and Protective Services.

SECTION 2. Section 107.003(a), Family Code, is amended to read as follows:

(a) An attorney ad litem appointed to represent a child or an amicus attorney appointed to assist the court:

- (1) shall:
 - (A) subject to Rules 4.02, 4.03, and 4.04, Texas Disciplinary

SENATE VERSION (CS)

No equivalent provision. *(But see SECTION 1 below.)*

No equivalent provision. *(But see SECTION 2 below.)*

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Rules of Professional Conduct, and within a reasonable time after the appointment, interview:

- (i) the child in a developmentally appropriate manner, if the child is four years of age or older;
 - (ii) each person who has significant knowledge of the child's history and condition, including any foster parent of the child; and
 - (iii) the parties to the suit;
- (B) seek to elicit in a developmentally appropriate manner the child's expressed objectives of representation;
- (C) consider the impact on the child in formulating the attorney's presentation of the child's expressed objectives of representation to the court;
- (D) investigate the facts of the case to the extent the attorney considers appropriate;
- (E) obtain and review copies of relevant records relating to the child as provided by Section 107.006;
- (F) participate in the conduct of the litigation to the same extent as an attorney for a party;
- (G) take any action consistent with the child's interests that the attorney considers necessary to expedite the proceedings;
- (H) encourage settlement and the use of alternative forms of dispute resolution; ~~and~~
- (I) review and sign, or decline to sign, a proposed or agreed order affecting the child; and
- (J) seek to elicit in a developmentally appropriate manner the name of any adult, particularly an adult residing in the child's community, who could be a relative or designated caregiver for the child and immediately provide the names of those individuals to the Department of Family and Protective Services;
- (2) must be trained in child advocacy or have experience

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- determined by the court to be equivalent to that training; and
- (3) is entitled to:
- (A) request clarification from the court if the role of the attorney is ambiguous;
 - (B) request a hearing or trial on the merits;
 - (C) consent or refuse to consent to an interview of the child by another attorney;
 - (D) receive a copy of each pleading or other paper filed with the court;
 - (E) receive notice of each hearing in the suit;
 - (F) participate in any case staffing concerning the child conducted by the Department of Family and Protective Services; and
 - (G) attend all legal proceedings in the suit.

No equivalent provision. *(But see SECTION 1 above.)*

SENATE VERSION (CS)

SECTION 1. Section 107.002(b-1), Family Code, is amended to read as follows:

(b-1) In addition to the duties required by Subsection (b), a guardian ad litem appointed for a child in a proceeding under Chapter 262 or 263 shall:

- (1) review the medical care provided to the child;
- (2) in a developmentally appropriate manner, seek to elicit the child's opinion on the medical care provided; ~~and~~
- (3) for a child at least 16 years of age, ascertain whether the child has received the following documents:
 - (A) a certified copy of 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; and
 - (D) any other personal document the Department of Family

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and Protective Services determines appropriate; and
(4) seek to elicit in a developmentally appropriate manner the name of any adult, particularly an adult residing in the child's community, who could be a relative or designated caregiver for the child and immediately provide the names of those individuals to the Department of Family and Protective Services.

No equivalent provision. *(But see SECTION 2 above.)*

SECTION 2. Section 107.003(b), Family Code, is amended to read as follows:

(b) In addition to the duties required by Subsection (a), an attorney ad litem appointed for a child in a proceeding under Chapter 262 or 263 shall:

- (1) review the medical care provided to the child;
- (2) in a developmentally appropriate manner, seek to elicit the child's opinion on the medical care provided; ~~and~~
- (3) for a child at least 16 years of age:
 - (A) advise the child of the child's right to request the court to authorize the child to consent to the child's own medical care under Section 266.010; and
 - (B) ascertain whether the child has received the following documents:
 - (i) a certified copy of the child's birth certificate;
 - (ii) a social security card or a replacement social security card;
 - (iii) a driver's license or personal identification certificate under Chapter 521, Transportation Code; and
 - (iv) any other personal document the Department of Family and Protective Services determines appropriate; and
- (4) seek to elicit in a developmentally appropriate manner the name of any adult, particularly an adult residing in the child's

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community, who could be a relative or designated caregiver for the child and immediately provide the names of those individuals to the Department of Family and Protective Services.

SECTION 3. The heading to Section 261.307, Family Code, is amended to read as follows:

Sec. 261.307. INFORMATION RELATING TO INVESTIGATION PROCEDURE AND CHILD PLACEMENT RESOURCES.

SECTION 3. Same as House version.

SECTION 4. Section 261.307(a), Family Code, is amended to read as follows:

- (a) As soon as possible after initiating an investigation of a parent or other person having legal custody of a child, the department shall provide to the person:
 - (1) a summary that:
 - (A) is brief and easily understood;
 - (B) is written in a language that the person understands, or if the person is illiterate, is read to the person in a language that the person understands; and
 - (C) contains the following information:
 - (i) the department's procedures for conducting an investigation of alleged child abuse or neglect, including:
 - (a) a description of the circumstances under which the department would request to remove the child from the home through the judicial system; and
 - (b) an explanation that the law requires the department to refer all reports of alleged child abuse or neglect to a law enforcement agency for a separate determination of whether a

SECTION 4. Same as House version.

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criminal violation occurred;

(ii) the person's right to file a complaint with the department or to request a review of the findings made by the department in the investigation;

(iii) the person's right to review all records of the investigation unless the review would jeopardize an ongoing criminal investigation or the child's safety;

(iv) the person's right to seek legal counsel;

(v) references to the statutory and regulatory provisions governing child abuse and neglect and how the person may obtain copies of those provisions; and

(vi) the process the person may use to acquire access to the child if the child is removed from the home;

(2) if the department determines that removal of the child may be warranted, a proposed child placement resources form that:

(A) instructs the parent or other person having legal custody of the child to:

(i) complete and return the form to the department or agency;

~~and~~

(ii) identify in the form at least three individuals who could be relative caregivers or designated caregivers, as those terms are defined by Section 264.751; ~~and~~

(iii) ask the child in a developmentally appropriate manner to identify any adult, particularly an adult residing in the child's community, who could be a relative caregiver or designated caregiver for the child; and

(iv) list on the form the name of each individual identified by the child as a potential relative caregiver or designated caregiver; and

(B) informs the parent or other person of a location that is available to the parent or other person to submit the

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information in the form 24 hours a day either in person or by facsimile machine or e-mail; and
(3) an informational manual required by Section 261.3071.

SECTION 5. Section 262.0022, Family Code, is amended to read as follows:

Sec. 262.0022. REVIEW OF PLACEMENT; FINDINGS. 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 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:

(1) asked the child in a developmentally appropriate manner to identify any adult, particularly an adult residing in the child's community, who could be a relative caregiver or designated caregiver for the child; and

(2) has the option of placing the child with a relative caregiver or [other] designated caregiver.

SECTION 6. Sections 262.114(a), (a-2), and (b), Family Code, are amended to read as follows:

(a) Before a full adversary hearing under Subchapter C, the Department of Family and Protective Services must perform a background and criminal history check of the relatives or other designated individuals identified as a potential relative or designated caregiver, as defined by Section 264.751, on the proposed child placement resources form provided under Section 261.307, including any adult identified by the child.

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SECTION 5. Same as House version.

SECTION 6. Same as House version.

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The department shall evaluate each person listed on the form to determine the relative or other designated individual who would be the most appropriate substitute caregiver for the child and must complete a home study of the most appropriate substitute caregiver, if any, before the full adversary hearing. Until the department identifies a relative or other designated individual qualified to be a substitute caregiver, the department must continue to explore substitute caregiver options, including asking the child in a developmentally appropriate manner to identify any adult, particularly an adult residing in the child's community, who could be a relative or designated caregiver for the child. The time frames in this subsection do not apply to a relative or other designated individual located in another state.

(a-2) If the child has not been placed with a relative or other designated caregiver by the time of the full adversary hearing under Section 262.201, the department shall file with the court a statement that explains:

(1) the reasons why the department has not placed the child with a relative or other designated caregiver listed on the proposed child placement resources form, including any adult identified by the child; and

(2) the actions the department is taking, if any, to place the child with a relative or other designated caregiver.

(b) The department may place a child with a relative or other designated caregiver identified on the proposed child placement resources form, including any adult identified by the child, if the department determines that the placement is in the best interest of the child. The department must complete the background and criminal history check and conduct a preliminary evaluation of the relative or other designated caregiver's home before the child is placed with the relative or

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other designated caregiver. The department may place the child with the relative or designated caregiver before conducting the home study required under Subsection (a). Not later than 48 hours after the time that the child is placed with the relative or other designated caregiver, the department shall begin the home study of the relative or other designated caregiver. The department shall complete the home study as soon as possible unless otherwise ordered by a court. The department shall provide a copy of an informational manual required under Section 261.3071 to the relative or other designated caregiver at the time of the child's placement.

SECTION 7. Section 262.201, Family Code, is amended by adding Subsection (1-1) to read as follows:

(1-1) The court shall ask all parties present at the full adversary hearing whether:

(1) the child has had the opportunity, in a developmentally appropriate manner, to identify any adult, particularly an adult residing in the child's community, who could be a relative or designated caregiver for the child; and

(2) each individual identified by the child as a potential relative or designated caregiver is listed on the proposed child placement resources form.

SECTION 8. Section 263.002(b), Family Code, is amended to read as follows:

(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

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SECTION 7. Same as House version.

SECTION 8. Same as House version.

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Section 264.751. The court shall include in its findings a statement whether the department:

(1) asked the child in a developmentally appropriate manner to identify any adult, particularly an adult residing in the child's community, who could be a relative or designated caregiver for the child; and

(2) placed the child with a relative or ~~other~~ designated caregiver.

SECTION 9. Section 263.202(h), Family Code, is amended to read as follows:

(h) If a proposed child placement resources form as described by Section 261.307 has not been submitted, the court shall require each parent, alleged father, or other person to whom the department is required to provide a form to submit a completed form. The court shall ask all parties present at the status hearing whether:

(1) the child has had the opportunity, in a developmentally appropriate manner, to identify any adult, particularly an adult residing in the child's community, who could be a relative or designated caregiver for the child; and

(2) each individual identified by the child as a potential relative or designated caregiver is listed on the proposed child placement resources form.

SECTION 10. Section 263.306(a-1), Family Code, is amended 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;

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SECTION 10. Same as House version.

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- (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, [ø] relative of the child, or other adult identified by the child as a potential relative or designated caregiver;
- (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) 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) whether the child has been provided the opportunity, in a

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developmentally appropriate manner, to identify any adults, particularly an adult residing in the child's community, who could be a relative or designated caregiver for the child;

~~(F)~~ 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;

~~(G)~~ ~~(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;

~~(H)~~ ~~(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

~~(I)~~ ~~(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;

(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;

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- (iii) whether the department has conducted an independent living skills assessment under Section 264.121(a-3);
- (iv) whether the department has addressed the goals identified in the child's permanency plan, including the child's housing plan, and the results of the independent living skills assessment;
- (v) if the youth is 16 years of age or older, whether there is evidence that the department has provided the youth with the documents and information listed in Section 264.121(e); and
- (vi) if the youth is 18 years of age or older or has had the disabilities of minority removed, whether there is evidence that the department has provided the youth with the documents and information listed in Section 264.121(e-1);
- (6) 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) 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) announce in open court the dismissal date and the date of any upcoming hearings.

SECTION 11. 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

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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 child has been provided the opportunity, in a developmentally appropriate manner, to identify any adult, particularly an adult residing in the child's community, who could be a relative or designated caregiver for the child;

(C) 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 the child;

(D) [~~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;

(E) [~~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;

(F) [~~E~~] for a child whose permanency goal is another

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planned permanent living arrangement:

- (i) the desired permanency outcome for the child, by asking the child;
- (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;
- (iii) whether the department has conducted an independent living skills assessment under Section 264.121(a-3);
- (iv) whether the department has addressed the goals identified in the child's permanency plan, including the child's housing plan, and the results of the independent living skills assessment;
- (v) if the youth is 16 years of age or older, whether there is evidence that the department has provided the youth with the documents and information listed in Section 264.121(e); and
- (vi) if the youth is 18 years of age or older or has had the disabilities of minority removed, whether there is evidence that the department has provided the youth with the documents and information listed in Section 264.121(e-1);
- (G) [~~(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;
- (H) [~~(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;

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(I) [~~(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;

(J) [~~(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;

(K) [~~(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

(L) [~~(K)~~] whether the department has identified a family or other caring adult who has made a permanent commitment to the child.

SECTION 12. Section 264.751(1), Family Code, is amended

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to read as follows:

(1) "Designated caregiver" means an individual who has a longstanding and significant relationship with a child or the family of 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 verified by a licensed child-placing agency to operate an agency foster 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).

SECTION 13. Section 42.041(b), Human Resources Code, as amended by Chapters 244 (H.B. 871) and 317 (H.B. 7), Acts of the 85th Legislature, Regular Session, 2017, is reenacted and amended to read as follows:

(b) This section does not apply to:

(1) a state-operated facility;

(2) an agency foster 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

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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;

(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;

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- (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 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

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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 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

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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 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;

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- (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 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, or the family of 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;
- (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

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(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; or
(25) ~~(24)~~ a living arrangement in a caretaker's home involving one or more children or a sibling group in which the caretaker:
(A) has a written authorization agreement under Chapter 34, Family Code, with the parent of each child or sibling group to care for each child or sibling group;
(B) does not care for more than six children, excluding children who are related to the caretaker; and
(C) does not receive compensation for caring for any child or sibling group.

SECTION 14. As soon as practicable after the effective date of this Act, the commissioner of the Department of Family and Protective Services shall adopt rules necessary to implement the changes in law made by this Act.

No equivalent provision.

SECTION 15. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If

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SECTION 14. Same as House version.

SECTION 15. To the extent of any conflict, this Act prevails over another Act of the 86th Legislature, Regular Session, 2019, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 16. Same as House version.

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this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

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