

By: Zaffirini

S.B. No. 52

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to age-appropriate normalcy activities for children in the  
3 managing conservatorship of the state.

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

5 SECTION 1. Section 263.5031, Family Code, is amended to  
6 read as follows:

7 Sec. 263.5031. PERMANENCY HEARINGS FOLLOWING FINAL ORDER.

8 (a) At each permanency hearing after the court renders a final  
9 order, the court shall:

10 (1) identify all persons and parties present at the  
11 hearing;

12 (2) review the efforts of the department or other  
13 agency in notifying persons entitled to notice under Section  
14 263.0021;

15 (3) for a child placed with a relative of the child or  
16 other designated caregiver, review the efforts of the department to  
17 inform the caregiver of:

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

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

23 (4) review the permanency progress report to  
24 determine:

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

4 (B) whether the child has been provided the  
5 opportunity, in a developmentally appropriate manner, to identify  
6 any adult, particularly an adult residing in the child's community,  
7 who could be a relative or designated caregiver for the child;

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

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

18 (E) the appropriateness of the primary and  
19 alternative permanency goals for the child, whether the department  
20 has made reasonable efforts to finalize the permanency plan,  
21 including the concurrent permanency goals, in effect for the child,  
22 and whether:

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

27 (ii) another permanent placement,

1 including appointing a relative as permanent managing conservator  
2 or returning the child to a parent, is appropriate for the child;

3 (F) for a child whose permanency goal is another  
4 planned permanent living arrangement:

5 (i) the desired permanency outcome for the  
6 child, by asking the child;

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

11 (a) return home;

12 (b) be placed for adoption;

13 (c) be placed with a legal guardian;

14 or

15 (d) be placed with a fit and willing  
16 relative;

17 (iii) whether the department has conducted  
18 an independent living skills assessment under Section  
19 [264.121\(a-3\)](#);

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

24 (v) if the youth is 16 years of age or  
25 older, whether there is evidence that the department has provided  
26 the youth with the documents and information listed in Section  
27 [264.121\(e\)](#); and

1                   (vi) if the youth is 18 years of age or  
2 older or has had the disabilities of minority removed, whether  
3 there is evidence that the department has provided the youth with  
4 the documents and information listed in Section 264.121(e-1);

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

9                   (H) whether the child is receiving appropriate  
10 medical care and has been provided the opportunity, in a  
11 developmentally appropriate manner, to express the child's opinion  
12 on any medical care provided;

13                   (I) for a child receiving psychotropic  
14 medication, whether the child:

15                         (i) has been provided appropriate  
16 nonpharmacological interventions, therapies, or strategies to meet  
17 the child's needs; or

18                         (ii) has been seen by the prescribing  
19 physician, physician assistant, or advanced practice nurse at least  
20 once every 90 days;

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

26                   (K) for a child for whom the department has been  
27 named managing conservator in a final order that does not include

1 termination of parental rights, whether to order the department to  
2 provide services to a parent for not more than six months after the  
3 date of the permanency hearing if:

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

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

9 (a) in the best interest of the child;  
10 and

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

13 (L) whether the department has identified a  
14 family or other caring adult who has made a permanent commitment to  
15 the child.

16 (b) In addition to the requirements of Subsection (a), at  
17 each permanency hearing after the court renders a final order, the  
18 court shall review the department's efforts to ensure the child has  
19 regular, ongoing opportunities to engage in age-appropriate  
20 normalcy activities, including activities not listed in the child's  
21 service plan.

22 SECTION 2. Section 263.503, Family Code, is repealed.

23 SECTION 3. The changes in law made by this Act apply only to  
24 a permanency hearing conducted under Chapter 263, Family Code, on  
25 or after the effective date of this Act. A permanency hearing  
26 conducted before the effective date of this Act is governed by the  
27 law in effect on the date the hearing was conducted, and the former

1 law is continued in effect for that purpose.

2 SECTION 4. This Act takes effect September 1, 2021.