

By: Kolchorst
(Oliverson, Johnson of Dallas, Hinojosa, Rose)

S.B. No. 1575

A BILL TO BE ENTITLED

AN ACT

relating to assessment and oversight of children placed by the Department of Family and Protective Services in a qualified residential treatment program and a study regarding residential treatment center placements.

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

SECTION 1. Subchapter A, Chapter 263, Family Code, is amended by adding Section 263.00201 to read as follows:

Sec. 263.00201. REVIEW OF PLACEMENT IN QUALIFIED RESIDENTIAL TREATMENT PROGRAM. (a) In this section, "qualified residential treatment program" has the meaning assigned by 42 U.S.C. Section 672(k)(4).

(b) Not later than the 60th day after the date the department places a child in a qualified residential treatment program, a court shall:

(1) consider any assessment, determination, and documentation made by a qualified individual in accordance with 42 U.S.C. Section 675a(c) regarding the child's placement;

(2) determine whether the child's needs can be met through placement in a foster home and, if not, whether:

(A) placing the child in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment; and

(B) placement in a qualified residential

1 treatment program is consistent with the short-term and long-term
2 goals for the child, as specified in the child's permanency plan;
3 and

4 (3) approve or disapprove the placement.

5 (c) Any written documentation prepared for the review of the
6 child's placement under this section and any documentation
7 regarding the determination and approval or disapproval of the
8 placement in a qualified residential treatment program by the court
9 under Subsection (b) shall be included in and made part of the
10 child's permanency plan.

11 (d) As long as a child remains in a qualified residential
12 treatment program, the department shall at the status review
13 hearing and each permanency hearing held with respect to the child
14 provide the court with information:

15 (1) demonstrating that:

16 (A) ongoing assessment of the strengths and needs
17 of the child continues to support the determination that the needs
18 of the child cannot be met through placement in a foster home;

19 (B) placement in a qualified residential
20 treatment program provides the most effective and appropriate level
21 of care for the child in the least restrictive environment; and

22 (C) the placement is consistent with the
23 short-term and long-term goals for the child, as specified in the
24 child's permanency plan;

25 (2) documenting the specific treatment or service
26 needs that will be met for the child in the placement and the length
27 of time the child is expected to need the treatment or services; and

1 (3) documenting the efforts made by the department to
2 prepare the child to return home or to be placed in a foster home or
3 with a fit and willing relative, legal guardian, or adoptive
4 parent.

5 (e) The department may include the information required by
6 Subsection (d) in any report the department is required to provide
7 to the court before the hearing.

8 (f) The review of a child's placement in a qualified
9 residential treatment program may be conducted through a remote
10 proceeding. For purposes of this subsection, "remote proceeding"
11 means a proceeding before a court in which one or more of the
12 participants, including a judge, party, attorney, witness, court
13 reporter, child, or other individual, attends the proceeding
14 remotely through the use of technology and the Internet.

15 SECTION 2. Section 264.018(a)(5), Family Code, is amended
16 to read as follows:

17 (5) "Significant event" means:

18 (A) a placement change, including failure by the
19 department to locate an appropriate placement for at least one
20 night;

21 (B) a significant change in medical condition;

22 (C) an initial prescription of a psychotropic
23 medication or a change in dosage of a psychotropic medication;

24 (D) a major change in school performance or a
25 serious disciplinary event at school; ~~or~~

26 (E) a placement in a qualified residential
27 treatment program as that term is defined by 42 U.S.C. Section

1 672(k)(4); or

2 (F) any event determined to be significant under
3 department rule.

4 SECTION 3. Subchapter B, Chapter 264, Family Code, is
5 amended by adding Section 264.1077 to read as follows:

6 Sec. 264.1077. STUDY REGARDING RESIDENTIAL TREATMENT
7 CENTER PLACEMENT. (a) The Supreme Court of Texas Children's
8 Commission, in collaboration with the department, shall establish
9 and oversee a work group to examine the oversight of and best
10 practices related to residential treatment center placements,
11 including placements in qualified residential treatment programs
12 as that term is defined by 42 U.S.C. Section 672(k)(4). The work
13 group shall consider topics and changes to current practices the
14 work group determines necessary to ensure the appropriate use of
15 and to improve the transition into and out of residential treatment
16 center placements, including:

17 (1) statutorily required judicial review of
18 residential treatment center placements;

19 (2) fiscal implications of additional judicial review
20 for residential treatment center placements;

21 (3) methods for improving the state's practices
22 regarding the duration of residential treatment center placements,
23 including best practices for transition planning and involving
24 family and other relevant participants in preparing the child for a
25 subsequent placement;

26 (4) proposed statutory changes regarding appropriate
27 judicial findings, evidence required to be submitted by the

1 department, and recommendations for information to be gathered from
2 the child's attorney or guardian ad litem; and

3 (5) model court orders determined to be appropriate
4 for the legal requirements for a particular placement.

5 (b) Not later than October 1, 2022, the Supreme Court of
6 Texas Children's Commission shall submit a report to the
7 legislature regarding the findings and recommendations from the
8 work group established by Subsection (a).

9 (c) This section expires September 1, 2023.

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