88R14260 AMF-D

By:  Gervin-Hawkins H.B. No. 4157

A BILL TO BE ENTITLED

AN ACT

relating to the notification of certain persons concerning certain events related to children in the managing conservatorship of the Department of Family and Protective Services.

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

SECTION 1.  Section 264.018, Family Code, is amended by amending Subsections (d), (e), (f), and (g) and adding Subsections (h-1) and (m) to read as follows:

(d)  Not later than 24 hours after an event described by this subsection, the department shall make a reasonable effort to notify a parent of a child in the managing conservatorship of the department and the parent's attorney, if represented by an attorney of:

(1)  a significant change in medical condition of the child;

(2)  the enrollment or participation of the child in a drug research program under Section 266.0041; [~~and~~]

(3)  an initial prescription of a psychotropic medication; and

(4)  a change in the child's placement.

(e)  Not later than 48 hours before the department changes the residential child-care facility of a child in the managing conservatorship of the department, the department shall provide notice of the change to:

(1)  the child's parent and the parent's attorney, if represented by an attorney;

(2)  an attorney ad litem appointed for the child under Chapter 107;

(3)  a guardian ad litem appointed for the child under Chapter 107;

(4)  a volunteer advocate appointed for the child under Chapter 107; and

(5)  the licensed administrator of the child-placing agency responsible for placing the child or the licensed administrator's designee.

(f)  Except as provided by Subsection (d-1), as soon as possible but not later than 48 hours [~~the 10th day~~] after [~~the date~~] the department becomes aware of a significant event affecting a child in the conservatorship of the department, the department shall provide notice of the significant event to:

(1)  the child's parent and the parent's attorney, if represented by an attorney;

(2)  an attorney ad litem appointed for the child under Chapter 107;

(3)  a guardian ad litem appointed for the child under Chapter 107;

(4)  a volunteer advocate appointed for the child under Chapter 107;

(5)  the licensed administrator of the child-placing agency responsible for placing the child or the licensed administrator's designee;

(6)  a foster parent, prospective adoptive parent, relative of the child providing care to the child, or director of the group home or general residential operation where the child is residing; and

(7)  any other person determined by a court to have an interest in the child's welfare.

(g)  For purposes of Subsection (f), if a hearing for the child is conducted during the 48-hour [~~10-day~~] notice period described by that subsection, the department shall provide notice of the significant event at the hearing.

(h-1)  Notwithstanding Subsection (h), the department shall provide notice under this section to a parent's attorney if the parent is represented by an attorney if:

(1)  the department cannot locate the parent; or

(2)  the child is in the permanent managing conservatorship of the department and the parent has not participated in the child's case for at least six months despite the department's efforts to involve the parent.

(m)  The department shall document all notifications and attempted notifications made under this section in the child's case record.

SECTION 2.  This Act takes effect September 1, 2023.