

By: Gervin-Hawkins

H.B. No. 4157

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the notification of certain persons concerning certain
3 events related to children in the managing conservatorship of the
4 Department of Family and Protective Services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (1) the department cannot locate the parent; or

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

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

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