

By: Campos

H.B. No. 4904

A BILL TO BE ENTITLED

AN ACT

relating to the emancipation of certain children in the conservatorship of the Department of Family and Protective Services.

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

SECTION 1. Chapter 31 of the Family Code is amended to add section 31.0011 to read as follows:

31.0011 REMOVAL OF DISABILITIES OF MINORITY FOR A CHILD IN THE
MANAGING CONSERVATORSHIP OF THE DEPARTMENT

(a) Notwithstanding the requirements of section 31.001, the Department of Family and Protective Services may file a petition to have the disabilities of minority removed for a child in its conservatorship if the child:

(1) is at least 17 years old; and

(2) has refused services from the department for a sixty-day period prior to the filing of the petition; or

(3) has been consistently absent from the child's placement, including an unlicensed setting for temporary emergency care under Section 264.107(g) for a sixty-day period prior to the filing of the petition.

(b) The petition under this section must be accompanied by sworn affidavit describing the efforts made by the department to engage the child in services and return the child to the possession of the department.

1 (c) An order removing the disabilities of minority under this
2 section is for the limited purpose of beginning a period of trial
3 independence pursuant to section 263.601 and other limited purposes
4 ordered by the court. An order for the removal of the disabilities
5 of minority for general purposes must meet the requirements of
6 section 31.001.

7 SECTION 2. Section 31.003 of the Family Code is amended to
8 read as follows:

9 (a) The petitioner shall file the petition in the county in
10 which the petitioner resides.

11 (b) A petition for emancipation of a child in the permanent
12 managing conservatorship of the department under section 31.0011
13 shall be filed in the court of continuing exclusive jurisdiction.

14 SECTION 3. Section 263.601 of the Family Code is amended to
15 read as follows:

16 (4) "Young adult" means a person who was in the
17 conservatorship of the department on the day before the person's
18 18th birthday or who had the disabilities of minority removed
19 pursuant to section 31.0011.

20 SECTION 4. Section 263.6015 of the Family Code is amended to
21 read as follows:

22 (a) A young adult is assigned trial independence status when
23 the young adult:

24 (1) does not enter extended foster care at the time of
25 the young adult's 18th birthday or upon having the disabilities of
26 minority removed pursuant to section 31.011; or

27 (2) exits extended foster care before the young adult's

1 21st birthday.

2 (b) Except as provided by Subsection (c), a court order is
3 not required for a young adult to be assigned trial independence
4 status. Trial independence is mandatory for a period of at least
5 six months beginning on:

6 (1) the date of the young adult's 18th birthday for a
7 young adult described by Subsection (a)(1); or

8 (2) the date the young adult exits extended foster
9 care.

10 (b-1) Trial independence for a young adult who had the
11 disabilities of minority removed pursuant to section 31.0011 is
12 mandatory for a period beginning on the date the young adult's
13 disabilities of minority were removed by court order and continue
14 for a period of six months or until the young adult's 18th birthday,
15 whichever date is later, unless the young adult is cooperating with
16 the department and the court orders another six month of trial
17 independence not to exceed one year as described in subsection(c).

18 (c) A court may order trial independence status extended for
19 a period that exceeds the mandatory period under Subsection (b) but
20 does not exceed one year from the date the period under Subsection
21 (b) commences.

22 (d) Except as provided by Subsection (e), a young adult who
23 enters or reenters extended foster care after a period of trial
24 independence must complete a new period of trial independence as
25 provided by Subsection (b)(2).

26 (e) The trial independence status of a young adult ends on
27 the young adult's 21st birthday.

1 SECTION 5. This Act takes effect September 1, 2023.