

By: Hull

H.B. No. 2216

A BILL TO BE ENTITLED

1 AN ACT
2 relating to procedures and grounds related to the removal and
3 placement of children, including for terminating the parent-child
4 relationship, for taking possession of a child, and for certain
5 hearings in a suit affecting the parent-child relationship
6 involving the Department of Family and Protective Services.

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

8 SECTION 1. Section 161.001, Family Code, is amended by
9 amending Subsections (a), (b), (c), (f), and (g) and adding
10 Subsection (g-1) to read as follows:

11 (a) In this section:

12 (1) "Active efforts" has the meaning described by
13 Section 262.0001.

14 (2) "Born[~~, "born~~] addicted to alcohol or a controlled
15 substance" means a child:

16 (A) [~~(1)~~] who is born to a mother who during the
17 pregnancy used a controlled substance, as defined by Chapter 481,
18 Health and Safety Code, other than a controlled substance legally
19 obtained by prescription, or alcohol; and

20 (B) [~~(2)~~] who, after birth as a result of the
21 mother's use of the controlled substance or alcohol:

22 (i) [~~(A)~~] experiences observable
23 withdrawal from the alcohol or controlled substance;

24 (ii) [~~(B)~~] exhibits observable or harmful

1 effects in the child's physical appearance or functioning; or
2 (iii) [~~(C)~~] exhibits the demonstrable
3 presence of alcohol or a controlled substance in the child's bodily
4 fluids.

5 (b) The court may order termination of the parent-child
6 relationship if the court finds beyond a reasonable doubt [~~by clear~~
7 ~~and convincing evidence~~]:

8 (1) that the parent has:

9 (A) voluntarily left the child alone or in the
10 possession of another not the parent and expressed an intent not to
11 return;

12 (B) voluntarily left the child alone or in the
13 possession of another not the parent without expressing an intent
14 to return, without providing for the adequate support of the child,
15 and remained away for a period of at least three months;

16 (C) voluntarily left the child alone or in the
17 possession of another without providing adequate support of the
18 child and remained away for a period of at least six months;

19 (D) knowingly placed or knowingly allowed the
20 child to remain in conditions or surroundings which endanger the
21 physical or emotional well-being of the child;

22 (E) engaged in conduct or knowingly placed the
23 child with persons who engaged in conduct which endangers the
24 physical or emotional well-being of the child;

25 (F) failed to support the child in accordance
26 with the parent's ability during a period of one year ending within
27 six months of the date of the filing of the petition;

1 (G) abandoned the child without identifying the
2 child or furnishing means of identification, and the child's
3 identity cannot be ascertained by the exercise of reasonable
4 diligence;

5 (H) voluntarily, and with knowledge of the
6 pregnancy, abandoned the mother of the child beginning at a time
7 during her pregnancy with the child and continuing through the
8 birth, failed to provide adequate support or medical care for the
9 mother during the period of abandonment before the birth of the
10 child, and remained apart from the child or failed to support the
11 child since the birth;

12 (I) contumaciously refused to submit to a
13 reasonable and lawful order of a court under Subchapter D, Chapter
14 261;

15 (J) been the major cause of:

16 (i) the failure of the child to be enrolled
17 in school as required by the Education Code; or

18 (ii) the child's absence from the child's
19 home without the consent of the parents or guardian for a
20 substantial length of time or without the intent to return;

21 (K) executed before or after the suit is filed an
22 unrevoked or irrevocable affidavit of relinquishment of parental
23 rights as provided by this chapter;

24 (L) been convicted or has been placed on
25 community supervision, including deferred adjudication community
26 supervision, for being criminally responsible for the death or
27 serious injury of a child under the following sections of the Penal

1 Code, or under a law of another jurisdiction that contains elements
2 that are substantially similar to the elements of an offense under
3 one of the following Penal Code sections, or adjudicated under
4 Title 3 for conduct that caused the death or serious injury of a
5 child and that would constitute a violation of one of the following
6 Penal Code sections:

- 7 (i) Section 19.02 (murder);
- 8 (ii) Section 19.03 (capital murder);
- 9 (iii) Section 19.04 (manslaughter);
- 10 (iv) Section 21.11 (indecent with a
11 child);
- 12 (v) Section 22.01 (assault);
- 13 (vi) Section 22.011 (sexual assault);
- 14 (vii) Section 22.02 (aggravated assault);
- 15 (viii) Section 22.021 (aggravated sexual
16 assault);
- 17 (ix) Section 22.04 (injury to a child,
18 elderly individual, or disabled individual);
- 19 (x) Section 22.041 (abandoning or
20 endangering a child, elderly individual, or disabled individual);
- 21 (xi) Section 25.02 (prohibited sexual
22 conduct);
- 23 (xii) Section 43.25 (sexual performance by
24 a child);
- 25 (xiii) Section 43.26 (possession or
26 promotion of child pornography);
- 27 (xiv) Section 21.02 (continuous sexual

1 abuse of young child or disabled individual);

2 (xv) Section 20A.02(a)(7) or (8)
3 (trafficking of persons); and

4 (xvi) Section 43.05(a)(2) (compelling
5 prostitution);

6 (M) had his or her parent-child relationship
7 terminated with respect to another child based on a finding that the
8 parent's conduct was in violation of Paragraph (D) or (E) or
9 substantially equivalent provisions of the law of another state;

10 (N) constructively abandoned the child who has
11 been in the permanent or temporary managing conservatorship of the
12 Department of Family and Protective Services for not less than six
13 months, and:

14 (i) the department has made active
15 [~~reasonable~~] efforts to return the child to the parent;

16 (ii) the parent has not regularly visited
17 or maintained significant contact with the child; and

18 (iii) the parent has demonstrated an
19 inability to provide the child with a safe environment;

20 (O) failed to comply with the provisions of a
21 court order that specifically established the actions necessary for
22 the parent to obtain the return of the child who has been in the
23 permanent or temporary managing conservatorship of the Department
24 of Family and Protective Services for not less than nine months as a
25 result of the child's removal from the parent under Chapter 262 for
26 the abuse or neglect of the child;

27 (P) used a controlled substance, as defined by

1 Chapter 481, Health and Safety Code, in a manner that endangered the
2 health or safety of the child, and:

3 (i) failed to complete a court-ordered
4 substance abuse treatment program; or

5 (ii) after completion of a court-ordered
6 substance abuse treatment program, continued to abuse a controlled
7 substance;

8 (Q) knowingly engaged in criminal conduct that
9 has resulted in the parent's:

10 (i) conviction of an offense; and

11 (ii) confinement or imprisonment and
12 inability to care for the child for not less than two years from the
13 date of filing the petition;

14 (R) been the cause of the child being born
15 addicted to alcohol or a controlled substance, other than a
16 controlled substance legally obtained by prescription;

17 (S) voluntarily delivered the child to a
18 designated emergency infant care provider under Section 262.302
19 without expressing an intent to return for the child;

20 (T) been convicted of:

21 (i) the murder of the other parent of the
22 child under Section 19.02 or 19.03, Penal Code, or under a law of
23 another state, federal law, the law of a foreign country, or the
24 Uniform Code of Military Justice that contains elements that are
25 substantially similar to the elements of an offense under Section
26 19.02 or 19.03, Penal Code;

27 (ii) criminal attempt under Section 15.01,

1 Penal Code, or under a law of another state, federal law, the law of
2 a foreign country, or the Uniform Code of Military Justice that
3 contains elements that are substantially similar to the elements of
4 an offense under Section 15.01, Penal Code, to commit the offense
5 described by Subparagraph (i);

6 (iii) criminal solicitation under Section
7 15.03, Penal Code, or under a law of another state, federal law, the
8 law of a foreign country, or the Uniform Code of Military Justice
9 that contains elements that are substantially similar to the
10 elements of an offense under Section 15.03, Penal Code, of the
11 offense described by Subparagraph (i); or

12 (iv) the sexual assault of the other parent
13 of the child under Section 22.011 or 22.021, Penal Code, or under a
14 law of another state, federal law, or the Uniform Code of Military
15 Justice that contains elements that are substantially similar to
16 the elements of an offense under Section 22.011 or 22.021, Penal
17 Code;

18 (U) been placed on community supervision,
19 including deferred adjudication community supervision, or another
20 functionally equivalent form of community supervision or
21 probation, for being criminally responsible for the sexual assault
22 of the other parent of the child under Section 22.011 or 22.021,
23 Penal Code, or under a law of another state, federal law, or the
24 Uniform Code of Military Justice that contains elements that are
25 substantially similar to the elements of an offense under Section
26 22.011 or 22.021, Penal Code; or

27 (V) been convicted of:

1 (i) criminal solicitation of a minor under
2 Section 15.031, Penal Code, or under a law of another state, federal
3 law, the law of a foreign country, or the Uniform Code of Military
4 Justice that contains elements that are substantially similar to
5 the elements of an offense under Section 15.031, Penal Code; or

6 (ii) online solicitation of a minor under
7 Section 33.021, Penal Code, or under a law of another state, federal
8 law, the law of a foreign country, or the Uniform Code of Military
9 Justice that contains elements that are substantially similar to
10 the elements of an offense under Section 33.021, Penal Code; and

11 (2) that termination is in the best interest of the
12 child.

13 (c) Evidence of one or more of the following does not
14 constitute [~~clear and convincing~~] evidence beyond a reasonable
15 doubt sufficient for a court to make a finding under Subsection (b)
16 and order termination of the parent-child relationship:

17 (1) the parent homeschooled the child;

18 (2) the parent is economically disadvantaged;

19 (3) the parent has been charged with a nonviolent
20 misdemeanor offense other than:

21 (A) an offense under Title 5, Penal Code;

22 (B) an offense under Title 6, Penal Code; or

23 (C) an offense that involves family violence, as
24 defined by Section 71.004 of this code;

25 (4) the parent provided or administered low-THC
26 cannabis to a child for whom the low-THC cannabis was prescribed
27 under Chapter 169, Occupations Code;

1 (5) the parent declined immunization for the child for
2 reasons of conscience, including a religious belief;

3 (6) the parent sought an opinion from more than one
4 medical provider relating to the child's medical care, transferred
5 the child's medical care to a new medical provider, or transferred
6 the child to another health care facility; or

7 (7) the parent allowed the child to engage in
8 independent activities that are appropriate and typical for the
9 child's level of maturity, physical condition, developmental
10 abilities, or culture.

11 (f) In a suit for termination of the parent-child
12 relationship filed by the Department of Family and Protective
13 Services, the court may not order termination of the parent-child
14 relationship under Subsection (b)(1) unless the court finds beyond
15 a reasonable doubt [~~by clear and convincing evidence~~] and describes
16 in writing with specificity in a separate section of the order
17 that[+]

18 [~~(1)~~] the department made active [~~reasonable~~] efforts
19 to return the child to the parent before commencement of a trial on
20 the merits and despite those active [~~reasonable~~] efforts, a
21 continuing danger remains in the home that prevents the return of
22 the child to the parent[~~, or~~

23 [~~(2) reasonable efforts to return the child to the~~
24 ~~parent, including the requirement for the department to provide a~~
25 ~~family service plan to the parent, have been waived under Section~~
26 ~~262.2015~~].

27 (g) In a suit for termination of the parent-child

1 relationship filed by the Department of Family and Protective
2 Services in which the department made active [~~reasonable~~] efforts
3 to return the child to the child's home but a continuing danger in
4 the home prevented the child's return, the court shall include in a
5 separate section of its order written findings describing with
6 specificity:

7 (1) the active [~~reasonable~~] efforts the department
8 made to return the child to the child's home; and

9 (2) evidence of a causal relationship between the
10 particular conditions in the home and the likelihood that
11 continuation of the parent-child relationship will result in
12 serious emotional or physical injury to the child.

13 (g-1) For the purposes of Subsection (g)(2), evidence of the
14 existence of one or more of the following factors by itself does not
15 constitute evidence beyond a reasonable doubt that continuation of
16 the parent-child relationship is likely to result in serious
17 emotional or physical injury to the child:

18 (1) community or family poverty;

19 (2) crowded or inadequate housing;

20 (3) the child's residence in a single-parent
21 household;

22 (4) the parent's age;

23 (5) substance abuse by the parent;

24 (6) nonconforming social behavior by the parent; or

25 (7) the parent's isolation of the child from social
26 interactions with family, friends, or members of the community.

27 SECTION 2. Section 161.003, Family Code, is amended by

1 amending Subsection (a) and adding Subsection (a-1) to read as
2 follows:

3 (a) The court may order termination of the parent-child
4 relationship in a suit filed by the Department of Family and
5 Protective Services if the court finds that:

6 (1) the parent has a mental or emotional illness or a
7 mental deficiency that renders the parent unable to provide for the
8 physical, emotional, and mental needs of the child;

9 (2) the illness or deficiency, in all reasonable
10 probability, proved by ~~[clear and convincing]~~ evidence beyond a
11 reasonable doubt, will continue to render the parent unable to
12 provide for the child's needs until the 18th birthday of the child;

13 (3) the department has been the temporary or sole
14 managing conservator of the child of the parent for at least six
15 months preceding the date of the hearing on the termination held in
16 accordance with Subsection (c);

17 (4) the department has made active ~~[reasonable]~~
18 efforts to return the child to the parent; and

19 (5) the termination is in the best interest of the
20 child.

21 (a-1) In this section, "active efforts" has the meaning
22 described by Section 262.0001.

23 SECTION 3. Section 161.101, Family Code, is amended to read
24 as follows:

25 Sec. 161.101. PETITION ALLEGATIONS; PETITION AND MOTION
26 REQUIREMENTS. (a) A petition or motion for the termination of the
27 parent-child relationship must specify ~~[is sufficient without the~~

1 ~~necessity of specifying~~] the underlying facts that support [~~if the~~
2 ~~petition alleges in~~] the statutory [~~language the~~] ground for the
3 termination of the parent-child relationship [~~and that termination~~
4 ~~is in the best interest of the child~~].

5 (b) A petition or motion filed by the Department of Family
6 and Protective Services in a suit for termination of the
7 parent-child relationship:

8 (1) is subject to Chapter 10, Civil Practice and
9 Remedies Code, and Rule 13, Texas Rules of Civil Procedure; and

10 (2) must specify evidence of a causal relationship
11 between the particular conditions in the home and the likelihood
12 that continuation of the parent-child relationship will result in
13 serious emotional or physical injury to the child.

14 (c) For the purposes of Subsection (b)(2), evidence of the
15 existence of one or more of the following factors by itself does not
16 constitute evidence beyond a reasonable doubt that continuation of
17 the parent-child relationship is likely to result in serious
18 emotional or physical injury to the child:

19 (1) community or family poverty;

20 (2) crowded or inadequate housing;

21 (3) the child's residence in a single-parent
22 household;

23 (4) the parent's age;

24 (5) substance abuse by the parent;

25 (6) nonconforming social behavior by the parent; or

26 (7) the parent's isolation of the child from social
27 interactions with family, friends, or members of the community.

1 SECTION 4. Sections 161.206(a) and (a-1), Family Code, are
2 amended to read as follows:

3 (a) If the court finds [~~by clear and convincing evidence~~]
4 grounds for termination of the parent-child relationship beyond a
5 reasonable doubt, it shall render an order terminating the
6 parent-child relationship.

7 (a-1) In a suit filed by the Department of Family and
8 Protective Services seeking termination of the parent-child
9 relationship for more than one parent of the child, the court may
10 order termination of the parent-child relationship for the parent
11 only if the court finds [~~by clear and convincing evidence~~] grounds
12 for the termination of the parent-child relationship for that
13 parent beyond a reasonable doubt.

14 SECTION 5. Subchapter A, Chapter 262, Family Code, is
15 amended by adding Section 262.0001 to read as follows:

16 Sec. 262.0001. DEFINITION; ACTIVE EFFORTS. (a) In this
17 chapter, "active efforts" means affirmative, active, thorough, and
18 timely efforts intended primarily to maintain or reunite a child
19 with the child's family.

20 (b) In cases in which the Department of Family and
21 Protective Services is involved in a suit affecting the
22 parent-child relationship, the department's active efforts must
23 involve assisting the parents through the steps of a case plan and
24 with accessing or developing the resources necessary to satisfy the
25 case plan. The department must tailor the active efforts to the
26 facts and circumstances of each case, including by:

27 (1) conducting a comprehensive assessment of the

1 circumstances of the child's family, with a focus on safe
2 reunification as the most desirable goal;

3 (2) identifying appropriate services and helping the
4 parents to overcome barriers, including actively assisting the
5 parents in obtaining such services;

6 (3) conducting or causing to be conducted a diligent
7 search for the child's extended family members, and contacting and
8 consulting with extended family members to provide family structure
9 and support for the child and the child's parents;

10 (4) taking steps to keep siblings together whenever
11 possible;

12 (5) supporting regular visits with parents in the most
13 natural setting possible as well as trial home visits of the child
14 during any period of removal, consistent with the need to ensure the
15 health, safety, and welfare of the child;

16 (6) identifying community resources including
17 housing, financial, transportation, mental health, substance
18 abuse, and peer support services and actively assisting the child's
19 parents or, when appropriate, the child's family, in using and
20 accessing those resources;

21 (7) monitoring progress and participation in
22 services;

23 (8) considering alternative ways to address the needs
24 of the child's parents and, where appropriate, the family, if the
25 optimum services do not exist or are not available; and

26 (9) providing post-reunification services and
27 monitoring.

1 SECTION 6. Section 262.001(b), Family Code, is amended to
2 read as follows:

3 (b) In determining the active ~~[reasonable]~~ efforts that are
4 required to be made with respect to preventing or eliminating the
5 need to remove a child from the child's home or to make it possible
6 to return a child to the child's home, the child's health and safety
7 is the paramount concern.

8 SECTION 7. Section 262.014, Family Code, is amended to read
9 as follows:

10 Sec. 262.014. DISCLOSURE OF CERTAIN EVIDENCE. In ~~[On the~~
11 ~~request of the attorney for a parent who is a party in]~~ a suit
12 affecting the parent-child relationship filed under this chapter
13 ~~by[, or the attorney ad litem for the parent's child,]~~ the
14 Department of Family and Protective Services, the department shall,
15 as soon as practicable but not later than the seventh day before the
16 full adversary hearing, provide electronically to the parent who is
17 a party to the suit, the attorney for the parent who is a party to
18 the suit, and the attorney ad litem for the parent's child:

19 (1) the name of any person, excluding a department
20 employee, whom the department will call as a witness to any of the
21 allegations contained in the petition filed by the department;

22 (2) a copy of any offense report relating to the
23 allegations contained in the petition filed by the department that
24 will be used in court to refresh a witness's memory; ~~[and]~~

25 (3) a copy of any photograph, video, or recording that
26 will be presented as evidence;

27 (4) a copy of any medical, psychological, or

1 educational records related to the suit and submitted to the
2 department from any source, including exculpatory records,
3 regardless of whether the department will use the records in court;
4 and

5 (5) a copy of any records relating to consultations
6 under Section 261.3017 regarding a child who is the subject of the
7 suit, including exculpatory consultation records, regardless of
8 whether the department will use the records in court.

9 SECTION 8. Section 262.101(a), Family Code, is amended to
10 read as follows:

11 (a) An original suit filed by a governmental entity that
12 requests permission to take possession of a child without prior
13 notice and a hearing must be supported by an affidavit sworn to by a
14 person with personal knowledge and stating facts sufficient to
15 satisfy a person of ordinary prudence and caution that:

16 (1) there is an immediate danger to the physical
17 health or safety of the child or the child has been a victim of
18 neglect or sexual abuse;

19 (2) continuation in the home would be contrary to the
20 child's welfare;

21 (3) there is no time, consistent with the physical
22 health or safety of the child, for a full adversary hearing under
23 Subchapter C;

24 (4) the child would not be adequately protected in the
25 child's home with an order for the removal of the alleged
26 perpetrator under Section 262.1015 or 262.1016 or a protective
27 order issued under Title 4;

1 (5) placing the child with a relative or designated
2 caregiver or with a caregiver under a parental child safety
3 placement agreement authorized by Subchapter L, Chapter 264:

4 (A) was offered but refused;

5 (B) was not possible because there was no time,
6 consistent with the physical health or safety of the child and the
7 nature of the emergency, to conduct the caregiver evaluation; or

8 (C) would pose an immediate danger to the
9 physical health or safety of the child; and

10 (6) active [~~reasonable~~] efforts, consistent with the
11 circumstances and providing for the safety of the child, were made
12 to prevent or eliminate the need for the removal of the child.

13 SECTION 9. Section 262.101(b), Family Code, as added by
14 Chapters 672 (H.B. 968) and 675 (H.B. 1087), Acts of the 88th
15 Legislature, Regular Session, 2023, is reenacted and amended to
16 read as follows:

17 (b) The affidavit required by Subsection (a) must describe
18 with specificity in a separate section all active [~~reasonable~~]
19 efforts, consistent with the circumstances and providing for the
20 safety of the child, that were made to prevent or eliminate the need
21 for the removal of the child.

22 SECTION 10. Sections 262.102(a) and (e), Family Code, are
23 amended to read as follows:

24 (a) Before a court may, without prior notice and a hearing,
25 issue a temporary order for the conservatorship of a child under
26 Section 105.001(a)(1) or a temporary restraining order or
27 attachment of a child authorizing a governmental entity to take

1 possession of a child in a suit brought by a governmental entity,
2 the court must find that:

3 (1) there is an immediate danger to the physical
4 health or safety of the child or the child has been a victim of
5 neglect or sexual abuse;

6 (2) continuation in the home would be contrary to the
7 child's welfare;

8 (3) there is no time, consistent with the physical
9 health or safety of the child and the nature of the emergency, for a
10 full adversary hearing under Subchapter C;

11 (4) the child would not be adequately protected in the
12 child's home with an order for the removal of the alleged
13 perpetrator under Section 262.1015 or 262.1016 or a protective
14 order issued under Title 4;

15 (5) placing the child with a relative or designated
16 caregiver or with a caregiver under a parental child safety
17 placement agreement authorized by Subchapter L, Chapter 264:

18 (A) was offered but refused;

19 (B) was not possible because there was no time,
20 consistent with the physical health or safety of the child and the
21 nature of the emergency, to conduct the caregiver evaluation; or

22 (C) would pose an immediate danger to the
23 physical health or safety of the child; and

24 (6) active [~~reasonable~~] efforts, consistent with the
25 circumstances and providing for the safety of the child, were made
26 to prevent or eliminate the need for removal of the child.

27 (e) The temporary order, temporary restraining order, or

1 attachment of a child rendered by the court under Subsection (a)
2 must describe with specificity in a separate section the active
3 [~~reasonable~~] efforts, consistent with the circumstances and
4 providing for the safety of the child, that were made to prevent or
5 eliminate the need for the removal of the child as required by
6 Subsection (a)(6) [~~(a)(4)~~].

7 SECTION 11. Section 262.105(b), Family Code, is amended to
8 read as follows:

9 (b) An original suit filed by a governmental entity after
10 taking possession of a child under Section 262.104 must be
11 supported by an affidavit stating facts sufficient to satisfy a
12 person of ordinary prudence and caution that:

13 (1) based on the affiant's personal knowledge or on
14 information furnished by another person corroborated by the
15 affiant's personal knowledge, one of the following circumstances
16 existed at the time the child was taken into possession:

17 (A) there was an immediate danger to the physical
18 health or safety of the child;

19 (B) the child was the victim of sexual abuse or of
20 trafficking under Section 20A.02 or 20A.03, Penal Code;

21 (C) the parent or person who had possession of
22 the child was using a controlled substance as defined by Chapter
23 481, Health and Safety Code, and the use constituted an immediate
24 danger to the physical health or safety of the child; or

25 (D) the parent or person who had possession of
26 the child permitted the child to remain on premises used for the
27 manufacture of methamphetamine; and

1 (2) based on the affiant's personal knowledge:

2 (A) continuation of the child in the home would
3 have been contrary to the child's welfare;

4 (B) there was no time, consistent with the
5 physical health or safety of the child, for a full adversary hearing
6 under Subchapter C;

7 (C) the child would not be adequately protected
8 in the child's home with an order for the removal of the alleged
9 perpetrator under Section 262.1015 or 262.1016 or a protective
10 order issued under Title 4;

11 (D) placing the child with a relative or
12 designated caregiver or with a caregiver under a parental child
13 safety placement agreement authorized by Subchapter L, Chapter 264:

14 (i) was offered but refused;

15 (ii) was not possible because there was no
16 time, consistent with the physical health or safety of the child and
17 the nature of the emergency, to conduct the caregiver evaluation;
18 or

19 (iii) would pose an immediate danger to the
20 physical health or safety of the child; and

21 (E) active [~~reasonable~~] efforts, consistent with
22 the circumstances and providing for the safety of the child, were
23 made to prevent or eliminate the need for the removal of the child.

24 SECTION 12. Section 262.105(c), Family Code, as added by
25 Chapters 672 (H.B. 968) and 675 (H.B. 1087), Acts of the 88th
26 Legislature, Regular Session, 2023, is reenacted and amended to
27 read as follows:

1 (c) The affidavit required by Subsection (b) must describe
2 with specificity in a separate section all active [~~reasonable~~]
3 efforts, consistent with the circumstances and providing for the
4 safety of the child, that were made to prevent or eliminate the need
5 for the removal of the child.

6 SECTION 13. Section 262.107, Family Code, is amended by
7 amending Subsections (a) and (c) and adding Subsection (a-1) to
8 read as follows:

9 (a) The court shall order the return of the child at the
10 initial hearing regarding a child taken in possession without a
11 court order by a governmental entity unless the court is satisfied
12 that:

13 (1) clear and convincing [~~the~~] evidence shows that one
14 of the following circumstances exists:

15 (A) there is a continuing danger to the physical
16 health or safety of the child if the child is returned to the
17 parent, managing conservator, possessory conservator, guardian,
18 caretaker, or custodian who is presently entitled to possession of
19 the child;

20 (B) the child has been the victim of sexual abuse
21 or of trafficking under Section 20A.02 or 20A.03, Penal Code, on one
22 or more occasions and that there is a substantial risk that the
23 child will be the victim of sexual abuse or of trafficking in the
24 future;

25 (C) the parent or person who has possession of
26 the child is currently using a controlled substance as defined by
27 Chapter 481, Health and Safety Code, and the use constitutes an

1 immediate danger to the physical health or safety of the child; or

2 (D) the parent or person who has possession of
3 the child has permitted the child to remain on premises used for the
4 manufacture of methamphetamine;

5 (2) continuation of the child in the home would be
6 contrary to the child's welfare based on evidence of a causal
7 relationship between the particular conditions in the home and the
8 likelihood that continuation of the child in the home will result in
9 serious emotional or physical injury to the child;

10 (3) the child would not be adequately protected in the
11 child's home with an order for the removal of the alleged
12 perpetrator under Section 262.1015 or 262.1016 or a protective
13 order issued under Title 4;

14 (4) placing the child with a relative or designated
15 caregiver or with a caregiver under a parental child safety
16 placement agreement authorized by Subchapter L, Chapter 264:

17 (A) was offered but refused;

18 (B) was not possible because there was no time,
19 consistent with the physical health or safety of the child and the
20 nature of the emergency, to conduct the caregiver evaluation; or

21 (C) would pose an immediate danger to the
22 physical health or safety of the child; and

23 (5) active [~~reasonable~~] efforts, consistent with the
24 circumstances and providing for the safety of the child, were made
25 to prevent or eliminate the need for removal of the child.

26 (a-1) Evidence of the existence of one or more of the
27 following factors by itself does not constitute clear and

1 convincing evidence that continuation of the child in the home is
2 likely to result in serious emotional or physical injury to the
3 child:

4 (1) community or family poverty;

5 (2) crowded or inadequate housing;

6 (3) the child's residence in a single-parent
7 household;

8 (4) the parent's age;

9 (5) substance abuse by the parent;

10 (6) nonconforming social behavior by the parent; or

11 (7) the parent's isolation of the child from social
12 interactions with family, friends, or members of the community.

13 (c) If the court does not order the return of the child at an
14 initial hearing under Subsection (a), the court must describe in
15 writing and in a separate section the active [~~reasonable~~] efforts,
16 consistent with the circumstances and providing for the safety of
17 the child, that were made to prevent or eliminate the need for the
18 removal of the child.

19 SECTION 14. Section 262.114, Family Code, is amended by
20 amending Subsections (b) and (d) and adding Subsection (e) to read
21 as follows:

22 (b) The department shall [~~may~~] place a child with a relative
23 or other designated caregiver identified on the proposed child
24 placement resources form, including any adult identified by the
25 child, if the department determines that the placement is in the
26 best interest of the child. The department must complete the
27 background and criminal history check and conduct a preliminary

1 evaluation of the relative or other designated caregiver's home
2 before the child is placed with the relative or other designated
3 caregiver. The department may place the child with the relative or
4 designated caregiver before conducting the home study required
5 under Subsection (a). Not later than 48 hours after the time that
6 the child is placed with the relative or other designated
7 caregiver, the department shall begin the home study of the
8 relative or other designated caregiver. The department shall
9 complete the home study as soon as possible unless otherwise
10 ordered by a court. The department shall provide a copy of an
11 informational manual required under Section 261.3071 to the
12 relative or other designated caregiver at the time of the child's
13 placement.

14 (d) In making a placement decision for a child, the
15 department shall give preference to persons in the following order
16 unless there is good cause shown to deviate from the order:

17 (1) a person related to the child by blood, marriage,
18 or adoption;

19 (2) a person with whom the child has a long-standing
20 and significant relationship;

21 (3) a foster parent with whom the child previously
22 successfully resided while in the temporary managing
23 conservatorship of the department;

24 (4) a foster home; and

25 (5) [~~4~~] a general residential operation.

26 (e) In making a determination of whether there is good cause
27 shown to deviate from the preferred placement order under

1 Subsection (d), the department may not consider as part of the best
2 interest determination:

3 (1) the socioeconomic status of the individuals with
4 whom the department is considering placing the child; or

5 (2) ordinary bonding between the child and a previous
6 caregiver related to time spent in a non-preferred placement.

7 SECTION 15. Subchapter B, Chapter 262, Family Code, is
8 amended by adding Section 262.1141 to read as follows:

9 Sec. 262.1141. RIGHT TO INTERVENE. (a) In a suit filed
10 under Section 262.101 or 262.105 in which the Department of Family
11 and Protective Services is appointed as the temporary managing
12 conservator of a child who is the subject of the suit, a person who
13 qualifies as a placement preference for the child under Section
14 262.114(d)(1) may file a motion to intervene in the suit if the
15 department did not place the child with the person.

16 (b) The court shall grant a person's motion to intervene
17 under this section if the court finds:

18 (1) the person qualifies for a placement preference
19 under Section 262.114(d)(1); and

20 (2) the department, without good cause, placed the
21 child with a person with a lower preference under Section
22 262.114(d).

23 (c) The department shall notify a person described by
24 Subsection (a) in writing of the person's right to intervene.

25 SECTION 16. Sections 262.201(c), (d), (e), (e-1),
26 (g), (g-1), (g-2), and (h), Family Code, are amended to read as
27 follows:

1 (c) As soon as practicable before [~~Before~~] commencement of
2 the full adversary hearing, the court must inform each parent not
3 represented by an attorney of:

4 (1) the right to be represented by an attorney; and

5 (2) if a parent is indigent [~~and appears in opposition~~
6 ~~to the suit~~], the right to a court-appointed attorney.

7 (d) If a parent claims indigence [~~and requests the~~
8 ~~appointment of an attorney before the full adversary hearing~~], the
9 court shall require the parent to complete and file with the court
10 an affidavit of indigence. The court may consider additional
11 evidence to determine whether the parent is indigent, including
12 evidence relating to the parent's income, source of income, assets,
13 property ownership, benefits paid in accordance with a federal,
14 state, or local public assistance program, outstanding
15 obligations, and necessary expenses and the number and ages of the
16 parent's dependents. If the appointment of an attorney for the
17 parent is required [~~requested~~], the court shall make a
18 determination of indigence before commencement of the full
19 adversary hearing. If the court determines the parent is indigent,
20 the court shall appoint an attorney to represent the parent.

21 (e) The court shall [~~may~~], for good cause shown, postpone
22 the full adversary hearing for not more than 30 [~~seven~~] days from
23 the date of the attorney's appointment to provide the attorney time
24 to respond to the petition and prepare for the hearing. The court
25 may shorten or lengthen the extension granted under this subsection
26 if the parent and the appointed attorney agree in writing. If the
27 court postpones the full adversary hearing, the court shall extend

1 a temporary order, temporary restraining order, or attachment
2 issued by the court under Section 262.102(a) for the protection of
3 the child until the date of the rescheduled full adversary hearing.

4 (e-1) If a parent who is not indigent appears in opposition
5 to the suit, the court shall [~~may~~], for good cause shown, postpone
6 the full adversary hearing for not more than 30 [~~seven~~] days from
7 the date of the parent's appearance to allow the parent to hire an
8 attorney or to provide the parent's attorney time to respond to the
9 petition and prepare for the hearing. A postponement under this
10 subsection is subject to the limits and requirements prescribed by
11 Subsection (e) and Section 155.207.

12 (g) In a suit filed under Section 262.101 or 262.105, at the
13 conclusion of the full adversary hearing, the court shall order the
14 return of the child to the parent, managing conservator, possessory
15 conservator, guardian, caretaker, or custodian entitled to
16 possession from whom the child is removed unless the court finds
17 clear and convincing [~~sufficient~~] evidence [~~to satisfy a person of~~
18 ~~ordinary prudence and caution~~] that:

19 (1) there was a danger to the physical health or safety
20 of the child, including a danger that the child would be a victim of
21 trafficking under Section 20A.02 or 20A.03, Penal Code, which was
22 caused by an act or failure to act of the person entitled to
23 possession and for the child to remain in the home is contrary to
24 the welfare of the child;

25 (2) the urgent need for protection required the
26 immediate removal of the child and active [~~reasonable~~] efforts,
27 consistent with the circumstances and providing for the safety of

1 the child, were made to eliminate or prevent the child's removal;
2 and

3 (3) active [~~reasonable~~] efforts have been made to
4 enable the child to return home, but there is a substantial risk of
5 a continuing danger if the child is returned home.

6 (g-1) In a suit filed under Section 262.101 or 262.105, if
7 the court does not order the return of the child under Subsection
8 (g) and finds that another parent, managing conservator, possessory
9 conservator, guardian, caretaker, or custodian entitled to
10 possession did not cause the immediate danger to the physical
11 health or safety of the child or was not the perpetrator of the
12 neglect or abuse alleged in the suit, the court shall order
13 possession of the child by that person unless the court finds
14 sufficient evidence to satisfy a person of ordinary prudence and
15 caution that, specific to each person entitled to possession:

16 (1) the person cannot be located after the exercise of
17 due diligence by the Department of Family and Protective Services,
18 or the person is unable or unwilling to take possession of the
19 child; or

20 (2) active [~~reasonable~~] efforts have been made to
21 enable the person's possession of the child, but possession by that
22 person presents a continuing danger to the physical health or
23 safety of the child caused by an act or failure to act of the person,
24 including a danger that the child would be a victim of trafficking
25 under Section 20A.02 or 20A.03, Penal Code.

26 (g-2) If, at the conclusion of a full adversary hearing, the
27 court renders an order under Subsection (g) or (g-1), the court must

1 describe in writing and in a separate section:

2 (1) the active [~~reasonable~~] efforts that were made to
3 enable the child to return home and the substantial risk of a
4 continuing danger if the child is returned home, as required by
5 Subsection (g)(3); or

6 (2) the active [~~reasonable~~] efforts that were made to
7 enable a person's possession of the child and the continuing danger
8 to the physical health or safety of the child as required by
9 Subsection (g-1)(2).

10 (h) In a suit filed under Section 262.101 or 262.105, if the
11 court finds clear and convincing [~~sufficient~~] evidence to make the
12 applicable finding under Subsection (g) or (g-1), the court shall
13 issue an appropriate temporary order under Chapter 105.

14 SECTION 17. Sections 262.2015(a), (b), and (c), Family
15 Code, are amended to read as follows:

16 (a) The court may not waive the requirement of a service
17 plan and the requirement to make active [~~reasonable~~] efforts to
18 return the child to a parent. The court [~~and~~] may accelerate the
19 trial schedule to result in a final order for a child under the care
20 of the Department of Family and Protective Services at an earlier
21 date than provided by Subchapter D, Chapter 263, if the court finds
22 that the parent has subjected the child to aggravated
23 circumstances.

24 (b) The court may find under Subsection (a) that a parent
25 has subjected the child to aggravated circumstances if:

26 (1) the parent abandoned the child without
27 identification or a means for identifying the child;

1 (2) the child or another child of the parent is a
2 victim of serious bodily injury or sexual abuse inflicted by the
3 parent or by another person with the parent's consent;

4 (3) the parent has engaged in conduct against the
5 child or another child of the parent that would constitute an
6 offense under the following provisions of the Penal Code:

7 (A) Section 19.02 (murder);

8 (B) Section 19.03 (capital murder);

9 (C) Section 19.04 (manslaughter);

10 (D) Section 21.11 (indecent with a child);

11 (E) Section 22.011 (sexual assault);

12 (F) Section 22.02 (aggravated assault);

13 (G) Section 22.021 (aggravated sexual assault);

14 (H) [~~Section 22.04 (injury to a child, elderly~~
15 ~~individual, or disabled individual)~~];

16 [~~(I) Section 22.041 (abandoning or endangering a~~
17 ~~child, elderly individual, or disabled individual)~~];

18 [~~(J)~~] Section 25.02 (prohibited sexual conduct);

19 (I) [~~(K)~~] Section 43.25 (sexual performance by a
20 child);

21 (J) [~~(L)~~] Section 43.26 (possession or promotion
22 of child pornography);

23 (K) [~~(M)~~] Section 21.02 (continuous sexual abuse
24 of young child or disabled individual);

25 (L) [~~(N)~~] Section 43.05(a)(2) (compelling
26 prostitution); or

27 (M) [~~(O)~~] Section 20A.02(a)(7) or (8)

1 (trafficking of persons);

2 (4) the parent voluntarily left the child alone or in
3 the possession of another person not the parent of the child for at
4 least six months without expressing an intent to return and without
5 providing adequate support for the child;

6 (5) the parent has been convicted for:

7 (A) the murder of another child of the parent and
8 the offense would have been an offense under 18 U.S.C. Section
9 1111(a) if the offense had occurred in the special maritime or
10 territorial jurisdiction of the United States;

11 (B) the voluntary manslaughter of another child
12 of the parent and the offense would have been an offense under 18
13 U.S.C. Section 1112(a) if the offense had occurred in the special
14 maritime or territorial jurisdiction of the United States;

15 (C) aiding or abetting, attempting, conspiring,
16 or soliciting an offense under Paragraph (A) or (B); or

17 (D) the felony assault of the child or another
18 child of the parent that resulted in serious bodily injury to the
19 child or another child of the parent; or

20 (6) the parent is required under any state or federal
21 law to register with a sex offender registry.

22 (c) On finding that the parent has subjected the child to
23 aggravated circumstances [~~reasonable efforts to make it possible~~
24 ~~for the child to safely return to the child's home are not~~
25 ~~required~~], the court shall at any time before the 30th day after the
26 date of the finding, conduct an initial permanency hearing under
27 Subchapter D, Chapter 263. Separate notice of the permanency plan

1 is not required but may be given with a notice of a hearing under
2 this section.

3 SECTION 18. Section 263.202(b), Family Code, is amended to
4 read as follows:

5 (b) Except as otherwise provided by this subchapter, a
6 status hearing shall be limited to matters related to the contents
7 and execution of the service plan filed with the court. The court
8 shall review the service plan that the department filed under this
9 chapter for reasonableness, accuracy, and compliance with
10 requirements of court orders and make findings as to whether:

11 (1) a plan that has the goal of returning the child to
12 the child's parents adequately ensures that active [~~reasonable~~]
13 efforts are made to enable the child's parents to provide a safe
14 environment for the child;

15 (2) the child's parents have reviewed and understand
16 the plan and have been advised that unless the parents are willing
17 and able to provide the child with a safe environment, even with the
18 assistance of a service plan, within the reasonable period of time
19 specified in the plan, the parents' parental and custodial duties
20 and rights may be subject to restriction or to termination under
21 this code or the child may not be returned to the parents;

22 (3) the plan is narrowly tailored to address any
23 specific issues identified by the department;

24 (4) the child's parents and the representative of the
25 department have signed the plan;

26 (5) based on the court's determination under Section
27 263.002, continued placement is appropriate if the child is placed

1 in a residential treatment center; and

2 (6) based on the court's determination under Section
3 263.00201, continued placement is appropriate if the child is
4 placed in a qualified residential treatment program.

5 SECTION 19. Section 263.306(a-1), Family Code, is amended
6 to read as follows:

7 (a-1) At each permanency hearing before a final order is
8 rendered, the court shall:

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

11 (2) review the efforts of the department or other
12 agency in:

13 (A) locating and requesting service of citation
14 on all persons entitled to service of citation under Section
15 102.009; and

16 (B) obtaining the assistance of a parent in
17 providing information necessary to locate an absent parent, alleged
18 father, relative of the child, or other adult identified by the
19 child as a potential relative or designated caregiver;

20 (3) ask all parties present whether the child or the
21 child's family has a Native American heritage and identify any
22 Native American tribe with which the child may be associated;

23 (4) review the extent of the parties' compliance with
24 temporary orders and the service plan and the extent to which
25 progress has been made toward alleviating or mitigating the causes
26 necessitating the placement of the child in foster care;

27 (5) review the permanency progress report to

1 determine:

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

5 (B) the continuing necessity and appropriateness
6 of the placement of the child, including with respect to a child who
7 has been placed outside of this state, whether the placement
8 continues to be in the best interest of the child;

9 (C) the appropriateness of the primary and
10 alternative permanency goals for the child developed in accordance
11 with department rule and whether the department has made active
12 [~~reasonable~~] efforts to finalize the permanency plan, including the
13 concurrent permanency goals, in effect for the child;

14 (D) whether the child has been provided the
15 opportunity, in a developmentally appropriate manner, to express
16 the child's opinion on any medical care provided;

17 (E) whether the child has been provided the
18 opportunity, in a developmentally appropriate manner, to identify
19 any adults, particularly an adult residing in the child's
20 community, who could be a relative or designated caregiver for the
21 child;

22 (F) for a child receiving psychotropic
23 medication, whether the child:

24 (i) has been provided appropriate
25 nonpharmacological interventions, therapies, or strategies to meet
26 the child's needs; or

27 (ii) has been seen by the prescribing

1 physician, physician assistant, or advanced practice nurse at least
2 once every 90 days;

3 (G) whether an education decision-maker for the
4 child has been identified, the child's education needs and goals
5 have been identified and addressed, and there have been major
6 changes in the child's school performance or there have been
7 serious disciplinary events;

8 (H) for a child 14 years of age or older, whether
9 services that are needed to assist the child in transitioning from
10 substitute care to independent living are available in the child's
11 community;

12 (I) for a child whose permanency goal is another
13 planned permanent living arrangement:

14 (i) the desired permanency outcome for the
15 child, by asking the child;

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

20 (a) return home;

21 (b) be placed for adoption;

22 (c) be placed with a legal guardian;

23 or

24 (d) be placed with a fit and willing
25 relative;

26 (iii) whether the department has conducted
27 an independent living skills assessment under Section

1 264.121(a-3);

2 (iv) whether the department has addressed
3 the goals identified in the child's permanency plan, including the
4 child's housing plan, and the results of the independent living
5 skills assessment;

6 (v) if the youth is 16 years of age or
7 older, whether there is evidence that the department has provided
8 the youth with the documents and information listed in Section
9 264.121(e); and

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

14 (J) based on the court's determination under
15 Section 263.002, whether continued placement is appropriate if the
16 child is placed in a residential treatment center; and

17 (K) based on the court's determination under
18 Section 263.00201, whether continued placement is appropriate if
19 the child is placed in a qualified residential treatment program;

20 (6) determine whether to return the child to the
21 child's parents if the child's parents are willing and able to
22 provide the child with a safe environment and the return of the
23 child is in the child's best interest;

24 (7) estimate a likely date by which the child may be
25 returned to and safely maintained in the child's home, placed for
26 adoption, or placed in permanent managing conservatorship; and

27 (8) announce in open court the dismissal date and the

1 date of any upcoming hearings.

2 SECTION 20. Section 263.5031(a), Family Code, is amended to
3 read as follows:

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

6 (1) identify all persons and parties present at the
7 hearing;

8 (2) review the efforts of the department or other
9 agency in notifying persons entitled to notice under Section
10 263.0021;

11 (3) for a child placed with a relative of the child or
12 other designated caregiver, review the efforts of the department to
13 inform the caregiver of:

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

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

19 (4) review the permanency progress report to
20 determine:

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

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

1 (C) whether the department placed the child with
2 a relative or designated caregiver and the continuing necessity and
3 appropriateness of the placement of the child, including with
4 respect to a child who has been placed outside of this state,
5 whether the placement continues to be in the best interest of the
6 child;

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

11 (E) the appropriateness of the primary and
12 alternative permanency goals for the child, whether the department
13 has made active [~~reasonable~~] efforts to finalize the permanency
14 plan, including the concurrent permanency goals, in effect for the
15 child, and whether:

16 (i) the department has exercised due
17 diligence in attempting to place the child for adoption if parental
18 rights to the child have been terminated and the child is eligible
19 for adoption; or

20 (ii) another permanent placement,
21 including appointing a relative as permanent managing conservator
22 or returning the child to a parent, is appropriate for the child;

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

25 (i) the desired permanency outcome for the
26 child, by asking the child;

27 (ii) whether, as of the date of the hearing,

1 another planned permanent living arrangement is the best permanency
2 plan for the child and, if so, provide compelling reasons why it
3 continues to not be in the best interest of the child to:

- 4 (a) return home;
- 5 (b) be placed for adoption;
- 6 (c) be placed with a legal guardian;
- 7 or
- 8 (d) be placed with a fit and willing
9 relative;

10 (iii) whether the department has conducted
11 an independent living skills assessment under Section
12 [264.121\(a-3\)](#);

13 (iv) whether the department has addressed
14 the goals identified in the child's permanency plan, including the
15 child's housing plan, and the results of the independent living
16 skills assessment;

17 (v) if the youth is 16 years of age or
18 older, whether there is evidence that the department has provided
19 the youth with the documents and information listed in Section
20 [264.121\(e\)](#); and

21 (vi) if the youth is 18 years of age or
22 older or has had the disabilities of minority removed, whether
23 there is evidence that the department has provided the youth with
24 the documents and information listed in Section [264.121\(e-1\)](#);

25 (G) if the child is 14 years of age or older,
26 whether services that are needed to assist the child in
27 transitioning from substitute care to independent living are

1 available in the child's community;

2 (H) whether the child is receiving appropriate
3 medical care and has been provided the opportunity, in a
4 developmentally appropriate manner, to express the child's opinion
5 on any medical care provided;

6 (I) for a child receiving psychotropic
7 medication, whether the child:

8 (i) has been provided appropriate
9 nonpharmacological interventions, therapies, or strategies to meet
10 the child's needs; or

11 (ii) has been seen by the prescribing
12 physician, physician assistant, or advanced practice nurse at least
13 once every 90 days;

14 (J) whether an education decision-maker for the
15 child has been identified, the child's education needs and goals
16 have been identified and addressed, and there are major changes in
17 the child's school performance or there have been serious
18 disciplinary events;

19 (K) for a child for whom the department has been
20 named managing conservator in a final order that does not include
21 termination of parental rights, whether to order the department to
22 provide services to a parent for not more than six months after the
23 date of the permanency hearing if:

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

27 (ii) the court determines that further

1 efforts at reunification with a parent are:

2 (a) in the best interest of the child;

3 and

4 (b) likely to result in the child's
5 safe return to the child's parent;

6 (L) whether the department has identified a
7 family or other caring adult who has made a permanent commitment to
8 the child;

9 (M) based on the court's determination under
10 Section 263.002, whether continued placement is appropriate if the
11 child is placed in a residential treatment center; and

12 (N) based on the court's determination under
13 Section 263.00201, whether continued placement is appropriate if
14 the child is placed in a qualified residential treatment program.

15 SECTION 21. Section 263.602(b), Family Code, is amended to
16 read as follows:

17 (b) A court with extended jurisdiction over a young adult in
18 extended foster care shall conduct extended foster care review
19 hearings every six months for the purpose of reviewing and making
20 findings regarding:

21 (1) whether the young adult's living arrangement is
22 safe and appropriate and whether the department has made active
23 [~~reasonable~~] efforts to place the young adult in the least
24 restrictive environment necessary to meet the young adult's needs;

25 (2) whether the department is making active
26 [~~reasonable~~] efforts to finalize the permanency plan that is in
27 effect for the young adult, including a permanency plan for

1 independent living;

2 (3) whether, for a young adult whose permanency plan
3 is independent living:

4 (A) the young adult participated in the
5 development of the plan of service;

6 (B) the young adult's plan of service reflects
7 the independent living skills and appropriate services needed to
8 achieve independence by the projected date; and

9 (C) the young adult continues to make reasonable
10 progress in developing the skills needed to achieve independence by
11 the projected date; and

12 (4) whether additional services that the department is
13 authorized to provide are needed to meet the needs of the young
14 adult.

15 SECTION 22. Section 264.0091, Family Code, is amended to
16 read as follows:

17 Sec. 264.0091. USE OF TELECONFERENCING AND
18 VIDEOCONFERENCING TECHNOLOGY. The [~~Subject to the availability of~~
19 ~~funds, the~~] department, in cooperation with district and county
20 courts, shall expand the use of teleconferencing and
21 videoconferencing to facilitate participation by families, medical
22 experts, children, and other individuals in court proceedings,
23 including children for whom the department or a licensed
24 child-placing agency has been appointed managing conservator and
25 who are committed to the Texas Juvenile Justice Department.

26 SECTION 23. Subchapter A, Chapter 264, Family Code, is
27 amended by adding Section 264.020 to read as follows:

1 Sec. 264.020. PLACEMENT OF CHILDREN IN CONSERVATORSHIP OF
2 DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES. (a) In this section,
3 "child" means a person who:

4 (1) is younger than 22 years of age and for whom the
5 department has been appointed managing conservator of the child
6 before the child's 18th birthday; or

7 (2) is the responsibility of an agency with which the
8 department has entered into an agreement to provide care and
9 supervision of the child.

10 (b) In making the initial or a subsequent placement decision
11 for a child, the department shall give preference to persons in the
12 following order:

13 (1) a person related to the child by blood, marriage,
14 or adoption;

15 (2) a person with whom the child has a long-standing
16 and significant relationship;

17 (3) a foster parent with whom the child previously
18 successfully resided while in the temporary managing
19 conservatorship of the department;

20 (4) a foster home; and

21 (5) a general residential operation.

22 SECTION 24. The following provisions of the Family Code are
23 repealed:

24 (1) Section 161.004; and

25 (2) Section 262.114(c).

26 SECTION 25. Section 161.101, Family Code, as amended by
27 this Act, applies only to a petition or motion filed by the

1 Department of Family and Protective Services on or after the
2 effective date of this Act. A petition or motion filed by the
3 department before that date is governed by the law in effect on the
4 date the petition or motion was filed, and the former law is
5 continued in effect for that purpose.

6 SECTION 26. The changes in law made by this Act apply to a
7 suit affecting the parent-child relationship that is filed on or
8 after the effective date of this Act. A suit filed before the
9 effective date of this Act is governed by the law in effect on the
10 date that the suit is filed, and the former law is continued in
11 effect for that purpose.

12 SECTION 27. Section 264.020, Family Code, as added by this
13 Act, applies only to an initial or subsequent placement decision
14 made by the Department of Family and Protective Services on or after
15 the effective date of this Act.

16 SECTION 28. To the extent of any conflict, this Act prevails
17 over another Act of the 89th Legislature, Regular Session, 2025,
18 relating to nonsubstantive additions to and corrections in enacted
19 codes.

20 SECTION 29. This Act takes effect September 1, 2025.