

By: Leo Wilson, et al.

H.B. No. 2399

Substitute the following for H.B. No. 2399:

By: Schofield

C.S.H.B. No. 2399

A BILL TO BE ENTITLED

AN ACT

relating to the requirements for certain court orders in a suit affecting the parent-child relationship filed by the Department of Family and Protective Services.

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

SECTION 1. Section 263.002, Family Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) The court shall include in a separate section of its order written findings describing with specificity the factual basis for the court's determination under Subsection (c). Citing the record of the proceedings or incorporating the record by reference is insufficient to meet the requirements of this subsection. This section of the court's order may not be admitted into evidence in a final trial in a suit affecting the parent-child relationship.

SECTION 2. Section 263.306, Family Code, is amended by amending Subsection (a-1) and adding Subsection (a-2) to read as follows:

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

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

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

1 (A) locating and requesting service of citation
2 on all persons entitled to service of citation under Section
3 102.009; and

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

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

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

15 (5) review the permanency progress report to
16 determine:

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

20 (B) the continuing necessity and appropriateness
21 of the placement of the child, including with respect to a child who
22 has been placed outside of this state, whether the placement
23 continues to be in the best interest of the child;

24 (C) the appropriateness of the primary and
25 alternative permanency goals for the child developed in accordance
26 with department rule and whether the department has made reasonable
27 efforts to finalize the permanency plan, including the concurrent

1 permanency goals, in effect for the child;

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

5 (E) whether the child has been provided the
6 opportunity, in a developmentally appropriate manner, to identify
7 any adults, particularly an adult residing in the child's
8 community, who could be a relative or designated caregiver for the
9 child;

10 (F) for a child receiving psychotropic
11 medication, whether the child:

12 (i) has been provided appropriate
13 nonpharmacological interventions, therapies, or strategies to meet
14 the child's needs; or

15 (ii) has been seen by the prescribing
16 physician, physician assistant, or advanced practice nurse at least
17 once every 90 days;

18 (G) whether an education decision-maker for the
19 child has been identified, the child's education needs and goals
20 have been identified and addressed, and there have been major
21 changes in the child's school performance or there have been
22 serious disciplinary events;

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

27 (I) for a child whose permanency goal is another

1 planned permanent living arrangement:

2 (i) the desired permanency outcome for the
3 child, by asking the child;

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

8 (a) return home;

9 (b) be placed for adoption;

10 (c) be placed with a legal guardian;

11 or

12 (d) be placed with a fit and willing
13 relative;

14 (iii) whether the department has conducted
15 an independent living skills assessment under Section
16 [264.121\(a-3\)](#);

17 (iv) whether the department has addressed
18 the goals identified in the child's permanency plan, including the
19 child's housing plan, and the results of the independent living
20 skills assessment;

21 (v) if the youth is 16 years of age or
22 older, whether there is evidence that the department has provided
23 the youth with the documents and information listed in Section
24 [264.121\(e\)](#); and

25 (vi) if the youth is 18 years of age or
26 older or has had the disabilities of minority removed, whether
27 there is evidence that the department has provided the youth with

1 the documents and information listed in Section 264.121(e-1);

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

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

8 (6) determine whether to return the child to the
9 child's parents in accordance with Section 263.002(c) ~~[if the~~
10 ~~child's parents are willing and able to provide the child with a~~
11 ~~safe environment and the return of the child is in the child's best~~
12 ~~interest]~~;

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

16 (8) announce in open court the dismissal date and the
17 date of any upcoming hearings.

18 (a-2) If the court determines under Subsection (a-1)(6) not
19 to return the child to the child's parents in accordance with
20 Section 263.002(c), the court shall include in a separate section
21 of its order written findings describing with specificity the
22 factual basis for the court's determination. Citing the record of
23 the proceedings or incorporating the record by reference is
24 insufficient to meet the requirements of this subsection.

25 SECTION 3. Section 263.002(d), Family Code, is repealed.

26 SECTION 4. The change in law made by this Act applies to a
27 suit affecting the parent-child relationship that is pending in a

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1 trial court on the effective date of this Act or that is filed on or
2 after the effective date of this Act.

3 SECTION 5. This Act takes effect September 1, 2025.