

By: Noble

H.B. No. 2864

A BILL TO BE ENTITLED

AN ACT

1
2 relating to applying an active efforts standard for the removal of
3 certain children in the managing conservatorship of the Department
4 of Family and Protective Services.

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

6 SECTION 1. Sections 161.001(a), (b), (f), and (g), Family
7 Code, are amended to read as follows:

8 (a) In this section:

9 (1) "Active efforts" has the meaning described by
10 Section 262.0001.

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

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

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

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

21 (ii) [~~(B)~~] exhibits observable or harmful
22 effects in the child's physical appearance or functioning; or

23 (iii) [~~(C)~~] exhibits the demonstrable
24 presence of alcohol or a controlled substance in the child's bodily

1 fluids.

2 (b) The court may order termination of the parent-child
3 relationship if the court finds by clear and convincing evidence:

4 (1) that the parent has:

5 (A) voluntarily left the child alone or in the
6 possession of another not the parent and expressed an intent not to
7 return;

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

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

15 (D) knowingly placed or knowingly allowed the
16 child to remain in conditions or surroundings which endanger the
17 physical or emotional well-being of the child;

18 (E) engaged in conduct or knowingly placed the
19 child with persons who engaged in conduct which endangers the
20 physical or emotional well-being of the child;

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

24 (G) abandoned the child without identifying the
25 child or furnishing means of identification, and the child's
26 identity cannot be ascertained by the exercise of reasonable
27 diligence;

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

8 (I) contumaciously refused to submit to a
9 reasonable and lawful order of a court under Subchapter D, Chapter
10 261;

11 (J) been the major cause of:

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

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

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

20 (L) been convicted or has been placed on
21 community supervision, including deferred adjudication community
22 supervision, for being criminally responsible for the death or
23 serious injury of a child under the following sections of the Penal
24 Code, or under a law of another jurisdiction that contains elements
25 that are substantially similar to the elements of an offense under
26 one of the following Penal Code sections, or adjudicated under
27 Title 3 for conduct that caused the death or serious injury of a

1 child and that would constitute a violation of one of the following
2 Penal Code sections:

- 3 (i) Section 19.02 (murder);
- 4 (ii) Section 19.03 (capital murder);
- 5 (iii) Section 19.04 (manslaughter);
- 6 (iv) Section 21.11 (indecent with a
7 child);
- 8 (v) Section 22.01 (assault);
- 9 (vi) Section 22.011 (sexual assault);
- 10 (vii) Section 22.02 (aggravated assault);
- 11 (viii) Section 22.021 (aggravated sexual
12 assault);
- 13 (ix) Section 22.04 (injury to a child,
14 elderly individual, or disabled individual);
- 15 (x) Section 22.041 (abandoning or
16 endangering a child, elderly individual, or disabled individual);
- 17 (xi) Section 25.02 (prohibited sexual
18 conduct);
- 19 (xii) Section 43.25 (sexual performance by
20 a child);
- 21 (xiii) Section 43.26 (possession or
22 promotion of child pornography);
- 23 (xiv) Section 21.02 (continuous sexual
24 abuse of young child or disabled individual);
- 25 (xv) Section 20A.02(a)(7) or (8)
26 (trafficking of persons); and
- 27 (xvi) Section 43.05(a)(2) (compelling

1 prostitution);

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

6 (N) constructively abandoned the child who has
7 been in the permanent or temporary managing conservatorship of the
8 Department of Family and Protective Services for not less than six
9 months, and:

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

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

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

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

23 (P) used a controlled substance, as defined by
24 Chapter 481, Health and Safety Code, in a manner that endangered the
25 health or safety of the child, and:

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

1 (ii) after completion of a court-ordered
2 substance abuse treatment program, continued to abuse a controlled
3 substance;

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

6 (i) conviction of an offense; and

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

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

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

16 (T) been convicted of:

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

23 (ii) criminal attempt under Section 15.01,
24 Penal Code, or under a law of another state, federal law, the law of
25 a foreign country, or the Uniform Code of Military Justice that
26 contains elements that are substantially similar to the elements of
27 an offense under Section 15.01, Penal Code, to commit the offense

1 described by Subparagraph (i);

2 (iii) criminal solicitation under Section
3 15.03, Penal Code, or under a law of another state, federal law, the
4 law of a foreign country, or the Uniform Code of Military Justice
5 that contains elements that are substantially similar to the
6 elements of an offense under Section 15.03, Penal Code, of the
7 offense described by Subparagraph (i); or

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

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

23 (V) been convicted of:

24 (i) criminal solicitation of a minor under
25 Section 15.031, Penal Code, or under a law of another state, federal
26 law, the law of a foreign country, or the Uniform Code of Military
27 Justice that contains elements that are substantially similar to

1 the elements of an offense under Section 15.031, Penal Code; or

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

7 (2) that termination is in the best interest of the
8 child.

9 (f) In a suit for termination of the parent-child
10 relationship filed by the Department of Family and Protective
11 Services, the court may not order termination of the parent-child
12 relationship under Subsection (b)(1) unless the court finds by
13 clear and convincing evidence and describes in writing with
14 specificity in a separate section of the order that:

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

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

24 (g) In a suit for termination of the parent-child
25 relationship filed by the Department of Family and Protective
26 Services in which the department made active [~~reasonable~~] efforts
27 to return the child to the child's home but a continuing danger in

1 the home prevented the child's return, the court shall include in a
2 separate section of its order written findings describing with
3 specificity the active [~~reasonable~~] efforts the department made to
4 return the child to the child's home.

5 SECTION 2. Section 161.003, Family Code, is amended by
6 amending Subsection (a) and adding Subsection (a-1) to read as
7 follows:

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

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

14 (2) the illness or deficiency, in all reasonable
15 probability, proved by clear and convincing evidence, will continue
16 to render the parent unable to provide for the child's needs until
17 the 18th birthday of the child;

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

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

24 (5) the termination is in the best interest of the
25 child.

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

1 SECTION 3. Subchapter A, Chapter 262, Family Code, is
2 amended by adding Section 262.0001 to read as follows:

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

7 (b) In cases in which the Department of Family and
8 Protective Services is involved in a suit affecting the
9 parent-child relationship, the department's active efforts must
10 involve assisting the parents through the steps of a case plan and
11 with accessing or developing the resources necessary to satisfy the
12 case plan. The department must tailor the active efforts to the
13 facts and circumstances of each case, including by:

14 (1) conducting a comprehensive assessment of the
15 circumstances of the child's family, with a focus on safe
16 reunification as the most desirable goal;

17 (2) identifying appropriate services and helping the
18 parents to overcome barriers, including actively assisting the
19 parents in obtaining such services;

20 (3) conducting or causing to be conducted a diligent
21 search for the child's extended family members, and contacting and
22 consulting with extended family members to provide family structure
23 and support for the child and the child's parents;

24 (4) taking steps to keep siblings together whenever
25 possible;

26 (5) supporting regular visits with parents in the most
27 natural setting possible as well as trial home visits of the child

1 during any period of removal, consistent with the need to ensure the
2 health, safety, and welfare of the child;

3 (6) identifying community resources including
4 housing, financial, transportation, mental health, substance
5 abuse, and peer support services and actively assisting the child's
6 parents or, when appropriate, the child's family, in using and
7 accessing those resources;

8 (7) monitoring progress and participation in
9 services;

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

13 (9) providing post-reunification services and
14 monitoring.

15 SECTION 4. Section 262.001(b), Family Code, is amended to
16 read as follows:

17 (b) In determining the active ~~reasonable~~ efforts that are
18 required to be made with respect to preventing or eliminating the
19 need to remove a child from the child's home or to make it possible
20 to return a child to the child's home, the child's health and safety
21 is the paramount concern.

22 SECTION 5. Section 262.101(a), Family Code, is amended to
23 read as follows:

24 (a) An original suit filed by a governmental entity that
25 requests permission to take possession of a child without prior
26 notice and a hearing must be supported by an affidavit sworn to by a
27 person with personal knowledge and stating facts sufficient to

1 satisfy a person of ordinary prudence and caution that:

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

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

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

10 (4) 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 (5) 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 (6) 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 the removal of the child.

26 SECTION 6. Section 262.101(b), Family Code, as amended by
27 Chapters 672 (H.B. 968) and 675 (H.B. 1087), Acts of the 88th

1 Legislature, Regular Session, 2023, is reenacted and amended to
2 read as follows:

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

8 SECTION 7. Sections 262.102(a) and (e), Family Code, are
9 amended to read as follows:

10 (a) Before a court may, without prior notice and a hearing,
11 issue a temporary order for the conservatorship of a child under
12 Section 105.001(a)(1) or a temporary restraining order or
13 attachment of a child authorizing a governmental entity to take
14 possession of a child in a suit brought by a governmental entity,
15 the court must find 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 and the nature of the emergency, for a
23 full adversary hearing under 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 removal of the child.

13 (e) The temporary order, temporary restraining order, or
14 attachment of a child rendered by the court under Subsection (a)
15 must describe with specificity in a separate section the active
16 [~~reasonable~~] efforts, consistent with the circumstances and
17 providing for the safety of the child, that were made to prevent or
18 eliminate the need for the removal of the child as required by
19 Subsection (a)(4).

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

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

26 (1) based on the affiant's personal knowledge or on
27 information furnished by another person corroborated by the

1 affiant's personal knowledge, one of the following circumstances
2 existed at the time the child was taken into possession:

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

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

7 (C) the parent or person who had possession of
8 the child was using a controlled substance as defined by Chapter
9 481, Health and Safety Code, and the use constituted an immediate
10 danger to the physical health or safety of the child; or

11 (D) the parent or person who had possession of
12 the child permitted the child to remain on premises used for the
13 manufacture of methamphetamine; and

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

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

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

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

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

27 (i) was offered but refused;

1 (ii) was not possible because there was no
2 time, consistent with the physical health or safety of the child and
3 the nature of the emergency, to conduct the caregiver evaluation;
4 or

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

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

10 SECTION 9. Section 262.105(c), Family Code, as amended by
11 Chapters 672 (H.B. 968) and 675 (H.B. 1087), Acts of the 88th
12 Legislature, Regular Session, 2023, is reenacted and amended to
13 read as follows:

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

19 SECTION 10. Sections 262.107(a) and (c), Family Code, are
20 amended to read as follows:

21 (a) The court shall order the return of the child at the
22 initial hearing regarding a child taken in possession without a
23 court order by a governmental entity unless the court is satisfied
24 that:

25 (1) the evidence shows that one of the following
26 circumstances exists:

27 (A) there is a continuing danger to the physical

1 health or safety of the child if the child is returned to the
2 parent, managing conservator, possessory conservator, guardian,
3 caretaker, or custodian who is presently entitled to possession of
4 the child;

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

10 (C) the parent or person who has possession of
11 the child is currently using a controlled substance as defined by
12 Chapter 481, Health and Safety Code, and the use constitutes an
13 immediate danger to the physical health or safety of the child; or

14 (D) the parent or person who has possession of
15 the child has permitted the child to remain on premises used for the
16 manufacture of methamphetamine;

17 (2) continuation of the child in the home would be
18 contrary to the child's welfare;

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

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

26 (A) was offered but refused;

27 (B) was not possible because there was no time,

1 consistent with the physical health or safety of the child and the
2 nature of the emergency, to conduct the caregiver evaluation; or

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

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

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

14 SECTION 11. Sections [262.201\(g\)](#), (g-1), and (g-2), Family
15 Code, are amended to read as follows:

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

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

1 the welfare of the child;

2 (2) the urgent need for protection required the
3 immediate removal of the child and active [~~reasonable~~] efforts,
4 consistent with the circumstances and providing for the safety of
5 the child, were made to eliminate or prevent the child's removal;
6 and

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

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

20 (1) the person cannot be located after the exercise of
21 due diligence by the Department of Family and Protective Services,
22 or the person is unable or unwilling to take possession of the
23 child; or

24 (2) active [~~reasonable~~] efforts have been made to
25 enable the person's possession of the child, but possession by that
26 person presents a continuing danger to the physical health or
27 safety of the child caused by an act or failure to act of the person,

1 including a danger that the child would be a victim of trafficking
2 under Section 20A.02 or 20A.03, Penal Code.

3 (g-2) If, at the conclusion of a full adversary hearing, the
4 court renders an order under Subsection (g) or (g-1), the court must
5 describe in writing and in a separate section:

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

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

14 SECTION 12. Sections 262.2015(a), (c), and (d), Family
15 Code, are amended to read as follows:

16 (a) The court may waive the requirement of a service plan
17 and the requirement to make active [~~reasonable~~] efforts to return
18 the child to a parent and may accelerate the trial schedule to
19 result in a final order for a child under the care of the Department
20 of Family and Protective Services at an earlier date than provided
21 by Subchapter D, Chapter 263, if the court finds that the parent has
22 subjected the child to aggravated circumstances.

23 (c) On finding that active [~~reasonable~~] efforts to make it
24 possible 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 (d) The Department of Family and Protective Services shall
4 make active [~~reasonable~~] efforts to finalize the permanent
5 placement of a child for whom the court has made the finding
6 described by Subsection (c). The court shall set the suit for
7 trial on the merits as required by Subchapter D, Chapter 263, in
8 order to facilitate final placement of the child.

9 SECTION 13. Section 263.202(b), Family Code, is amended to
10 read as follows:

11 (b) Except as otherwise provided by this subchapter, a
12 status hearing shall be limited to matters related to the contents
13 and execution of the service plan filed with the court. The court
14 shall review the service plan that the department filed under this
15 chapter for reasonableness, accuracy, and compliance with
16 requirements of court orders and make findings as to whether:

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

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

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

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

5 (5) based on the court's determination under Section
6 263.002, continued placement is appropriate if the child is placed
7 in a residential treatment center; and

8 (6) based on the court's determination under Section
9 263.00201, continued placement is appropriate if the child is
10 placed in a qualified residential treatment program.

11 SECTION 14. Section 263.306(a-1), Family Code, is amended
12 to read as follows:

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

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

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

19 (A) locating and requesting service of citation
20 on all persons entitled to service of citation under Section
21 102.009; and

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

26 (3) ask all parties present whether the child or the
27 child's family has a Native American heritage and identify any

1 Native American tribe with which the child may be associated;

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

6 (5) review the permanency progress report to
7 determine:

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

11 (B) the continuing necessity and appropriateness
12 of the placement of the child, including with respect to a child who
13 has been placed outside of this state, whether the placement
14 continues to be in the best interest of the child;

15 (C) the appropriateness of the primary and
16 alternative permanency goals for the child developed in accordance
17 with department rule and whether the department has made active
18 [~~reasonable~~] efforts to finalize the permanency plan, including the
19 concurrent permanency goals, in effect for the child;

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

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

1 (F) for a child receiving psychotropic
2 medication, whether the child:

3 (i) has been provided appropriate
4 nonpharmacological interventions, therapies, or strategies to meet
5 the child's needs; or

6 (ii) has been seen by the prescribing
7 physician, physician assistant, or advanced practice nurse at least
8 once every 90 days;

9 (G) whether an education decision-maker for the
10 child has been identified, the child's education needs and goals
11 have been identified and addressed, and there have been major
12 changes in the child's school performance or there have been
13 serious disciplinary events;

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

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

20 (i) the desired permanency outcome for the
21 child, by asking the child;

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

26 (a) return home;

27 (b) be placed for adoption;

1 (c) be placed with a legal guardian;

2 or

3 (d) be placed with a fit and willing
4 relative;

5 (iii) whether the department has conducted
6 an independent living skills assessment under Section
7 [264.121\(a-3\)](#);

8 (iv) whether the department has addressed
9 the goals identified in the child's permanency plan, including the
10 child's housing plan, and the results of the independent living
11 skills assessment;

12 (v) if the youth is 16 years of age or
13 older, whether there is evidence that the department has provided
14 the youth with the documents and information listed in Section
15 [264.121\(e\)](#); and

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

20 (J) based on the court's determination under
21 Section [263.002](#), whether continued placement is appropriate if the
22 child is placed in a residential treatment center; and

23 (K) based on the court's determination under
24 Section [263.00201](#), whether continued placement is appropriate if
25 the child is placed in a qualified residential treatment program;

26 (6) determine whether to return the child to the
27 child's parents if the child's parents are willing and able to

1 provide the child with a safe environment and the return of the
2 child is in the child's best interest;

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

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

8 SECTION 15. Section 263.5031(a), Family Code, is amended to
9 read as follows:

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

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

14 (2) review the efforts of the department or other
15 agency in notifying persons entitled to notice under Section
16 263.0021;

17 (3) for a child placed with a relative of the child or
18 other designated caregiver, review the efforts of the department to
19 inform the caregiver of:

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

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

25 (4) review the permanency progress report to
26 determine:

27 (A) the safety and well-being of the child and

1 whether the child's needs, including any medical or special needs,
2 are being adequately addressed;

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

7 (C) whether the department placed the child with
8 a relative or designated caregiver and the continuing necessity and
9 appropriateness of the placement of the child, including with
10 respect to a child who has been placed outside of this state,
11 whether the placement continues to be in the best interest of the
12 child;

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

17 (E) the appropriateness of the primary and
18 alternative permanency goals for the child, whether the department
19 has made active [~~reasonable~~] efforts to finalize the permanency
20 plan, including the concurrent permanency goals, in effect for the
21 child, and whether:

22 (i) the department has exercised due
23 diligence in attempting to place the child for adoption if parental
24 rights to the child have been terminated and the child is eligible
25 for adoption; or

26 (ii) another permanent placement,
27 including appointing a relative as permanent managing conservator

1 or returning the child to a parent, is appropriate for the child;

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

4 (i) the desired permanency outcome for the
5 child, by asking the child;

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

10 (a) return home;

11 (b) be placed for adoption;

12 (c) be placed with a legal guardian;

13 or

14 (d) be placed with a fit and willing
15 relative;

16 (iii) whether the department has conducted
17 an independent living skills assessment under Section
18 [264.121\(a-3\)](#);

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

23 (v) if the youth is 16 years of age or
24 older, whether there is evidence that the department has provided
25 the youth with the documents and information listed in Section
26 [264.121\(e\)](#); and

27 (vi) if the youth is 18 years of age or

1 older or has had the disabilities of minority removed, whether
2 there is evidence that the department has provided the youth with
3 the documents and information listed in Section 264.121(e-1);

4 (G) if the child is 14 years of age or older,
5 whether services that are needed to assist the child in
6 transitioning from substitute care to independent living are
7 available in the child's community;

8 (H) whether the child is receiving appropriate
9 medical care and has been provided the opportunity, in a
10 developmentally appropriate manner, to express the child's opinion
11 on any medical care provided;

12 (I) for a child receiving psychotropic
13 medication, whether the child:

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

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

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

25 (K) for a child for whom the department has been
26 named managing conservator in a final order that does not include
27 termination of parental rights, whether to order the department to

1 provide services to a parent for not more than six months after the
2 date of the permanency hearing if:

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

6 (ii) the court determines that further
7 efforts at reunification with a parent are:

8 (a) in the best interest of the child;
9 and

10 (b) likely to result in the child's
11 safe return to the child's parent;

12 (L) whether the department has identified a
13 family or other caring adult who has made a permanent commitment to
14 the child;

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

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

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

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

27 (1) whether the young adult's living arrangement is

1 safe and appropriate and whether the department has made active
2 [~~reasonable~~] efforts to place the young adult in the least
3 restrictive environment necessary to meet the young adult's needs;

4 (2) whether the department is making active
5 [~~reasonable~~] efforts to finalize the permanency plan that is in
6 effect for the young adult, including a permanency plan for
7 independent living;

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

10 (A) the young adult participated in the
11 development of the plan of service;

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

15 (C) the young adult continues to make reasonable
16 progress in developing the skills needed to achieve independence by
17 the projected date; and

18 (4) whether additional services that the department is
19 authorized to provide are needed to meet the needs of the young
20 adult.

21 SECTION 17. To the extent of any conflict, this Act prevails
22 over another Act of the 89th Legislature, Regular Session, 2025,
23 relating to nonsubstantive additions to and corrections in enacted
24 codes.

25 SECTION 18. This Act takes effect September 1, 2025.