

By: Giddings

H.B. No. 825

A BILL TO BE ENTITLED

AN ACT

relating to procedures for identifying any Native American heritage of children in certain hearings in suits affecting the parent-child relationship.

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

SECTION 1. Section 262.201, Family Code, is amended by adding Subsection (a-4) to read as follows:

(a-4) The court shall ask all parties present at the full adversary hearing whether the child or the child's family has a Native American heritage and identify any Native American tribe with which the child may be associated.

SECTION 2. Section 263.202, Family Code, is amended by adding Subsection (f-1) to read as follows:

(f-1) The court shall ask all parties present at the status hearing whether the child or the child's family has a Native American heritage and identify any Native American tribe with which the child may be associated.

SECTION 3. Section 263.306(a), Family Code, as amended by Chapters 191 (S.B. 352), 204 (H.B. 915), and 688 (H.B. 2619), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

(a) At each permanency hearing the court shall:

(1) identify all persons or parties present at the hearing or those given notice but failing to appear;

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

3                   (A) attempting to locate all necessary persons;

4                   (B) requesting service of citation; and

5                   (C) obtaining the assistance of a parent in  
6 providing information necessary to locate an absent parent, alleged  
7 father, or relative of the child;

8           (3) review the efforts of each custodial parent,  
9 alleged father, or relative of the child before the court in  
10 providing information necessary to locate another absent parent,  
11 alleged father, or relative of the child;

12           (4) review any visitation plan or amended plan  
13 required under Section 263.107 and render any orders for visitation  
14 the court determines necessary;

15           (5) return the child to the parent or parents if the  
16 child's parent or parents are willing and able to provide the child  
17 with a safe environment and the return of the child is in the  
18 child's best interest;

19           (6) place the child with a person or entity, other than  
20 a parent, entitled to service under Chapter 102 if the person or  
21 entity is willing and able to provide the child with a safe  
22 environment and the placement of the child is in the child's best  
23 interest;

24           (7) evaluate the department's efforts to identify  
25 relatives who could provide the child with a safe environment, if  
26 the child is not returned to a parent or another person or entity  
27 entitled to service under Chapter 102;

1           (8) evaluate the parties' compliance with temporary  
2 orders and the service plan;

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

6           (10) identify an education decision-maker for the  
7 child if one has not previously been identified;

8           (11) review the medical care provided to the child as  
9 required by Section 266.007;

10          (12) [~~(9)~~] ensure the child has been provided the  
11 opportunity, in a developmentally appropriate manner, to express  
12 the child's opinion on the medical care provided;

13          (13) [~~(10)~~] for a child receiving psychotropic  
14 medication, determine whether the child:

15               (A) has been provided appropriate psychosocial  
16 therapies, behavior strategies, and other non-pharmacological  
17 interventions; and

18               (B) has been seen by the prescribing physician,  
19 physician assistant, or advanced practice nurse at least once every  
20 90 days for purposes of the review required by Section 266.011;

21          (14) [~~(11)~~] determine whether:

22               (A) the child continues to need substitute care;

23               (B) the child's current placement is appropriate  
24 for meeting the child's needs, including with respect to a child who  
25 has been placed outside of the state, whether that placement  
26 continues to be in the best interest of the child; and

27               (C) other plans or services are needed to meet

the child's special needs or circumstances;

(15) [~~(12)~~] if the child is placed in institutional care, determine whether efforts have been made to ensure placement of the child in the least restrictive environment consistent with the best interest and special needs of the child;

(16) [~~(13)~~] if the child is 16 years of age or older, order services that are needed to assist the child in making the transition from substitute care to independent living if the services are available in the community;

(17) [~~(14)~~] determine plans, services, and further temporary orders necessary to ensure that a final order is rendered before the date for dismissal of the suit under this chapter;

(18) [~~(15)~~] if the child is committed to the Texas Juvenile Justice Department or released under supervision by the Texas Juvenile Justice Department, determine whether the child's needs for treatment, rehabilitation, and education are being met; and

(19) [~~(16)~~] determine the date for dismissal of the suit under this chapter and give notice in open court to all parties of:

(A) the dismissal date;

(B) the date of the next permanency hearing; and

(C) the date the suit is set for trial.

SECTION 4. The changes in law made by this Act to Sections 262.201, 263.202, and 263.306, Family Code, apply only to a hearing held on or after the effective date of this Act.

SECTION 5. To the extent of any conflict, this Act prevails

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1 over another Act of the 84th Legislature, Regular Session, 2015,  
2 relating to nonsubstantive additions to and corrections in enacted  
3 codes.

4 SECTION 6. This Act takes effect September 1, 2015.