

By: Turner

H.B. No. 4168

A BILL TO BE ENTITLED

AN ACT

relating to requirements for the court in permanency hearings for children in the conservatorship of the Department of Family and Protective Services who are receiving transitional living services.

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

SECTION 1. Section 263.306(a-1), Family Code, is amended 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:

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

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

(3) ask all parties present 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;

(4) review the extent of the parties' compliance with

temporary orders and the service plan and the extent to which progress has been made toward alleviating or mitigating the causes necessitating the placement of the child in foster care;

(5) [~~(4)~~] review the permanency progress report to determine:

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

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

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

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

(E) for a child receiving psychotropic medication, whether the child:

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

(ii) has been seen by the prescribing physician, physician assistant, or advanced practice nurse at least

1 once every 90 days;

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

7 (G) for a child 14 years of age or older:

8 (i) ~~whether~~ whether services that are needed to
9 assist the child in transitioning from substitute care to
10 independent living are available in the child's community; and

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

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

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

19 (a) return home;

20 (b) be placed for adoption;

21 (c) be placed with a legal guardian;

22 or

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

25 (iii) whether the department has conducted
26 an independent living skills assessment under Section
27 264.121(a-3);

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

(v) whether if the child is 16 years of age or older, there is evidence that the department has provided the information and documentation listed in Section 264.121(e); and

(vi) if the child is at least 18 years of age or has had the disabilities of minority removed, that the department has provided the information listed in Section 264.121 (e-1).

(6) ~~[(5)]~~ determine whether to return the child to the child's parents if the child's parents are willing and able to provide the child with a safe environment and the return of the child is in the child's best interest;

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

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

SECTION 2. Subchapter E, Chapter 263, Family Code, is amended by adding Section 263.4041 to read as follows:

Sec. 263.4041. VERIFICATION OF TRANSITION PLAN BEFORE FINAL ORDER. Notwithstanding Section 263.401, for a suit involving a child who is 14 years of age or older and whose permanency goal is another planned permanent living arrangement, the court shall verify that:

1 (1) the department has conducted an independent living
2 skills assessment for the child as provided under Section
3 264.121(a-3);

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

8 (3) if the child is 16 years of age or older, there is
9 evidence that the department has provided the child with the
10 information and documentation in Section 264.121(e); and

11 (4) if the child is at least 18 years of age or has had
12 the disabilities of minority removed, that the department has
13 provided the information listed in Section 264.121(e-1).

14 SECTION 3. Section 263.5031, Family Code, is amended to
15 read as follows:

16 Sec. 263.5031. PERMANENCY HEARINGS FOLLOWING FINAL ORDER.
17 At each permanency hearing after the court renders a final order,
18 the court shall:

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

21 (2) review the efforts of the department or other
22 agency in notifying persons entitled to notice under Section
23 263.0021; and

24 (3) review the permanency progress report to
25 determine:

26 (A) the safety and well-being of the child and
27 whether the child's needs, including any medical or special needs,

1 are being adequately addressed;

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

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

10 (D) the appropriateness of the primary and
11 alternative permanency goals for the child, whether the department
12 has made reasonable efforts to finalize the permanency plan,
13 including the concurrent permanency goals, in effect for the child,
14 and whether:

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

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

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

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

26 (ii) whether, as of the date of the hearing,
27 another planned permanent living arrangement is the best permanency

plan for the child and, if so, provide compelling reasons why it continues to not be in the best interest of the child to:

- (a) return home;
- (b) be placed for adoption;
- (c) be placed with a legal guardian;
- or
- (d) be placed with a fit and willing relative;

(iii) whether, the department has conducted an independent living skills assessment under Section 264.121(a-3);

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

(v) whether if the child is 16 years of age or older, there is evidence that the department has provided the child with the information and documentation listed in Section 264.121(e); and

(vi) whether, if the child is at least 18 years of age or has had the disabilities of minority removed, that the department has provided the information listed in Section 264.121(e-1).

(F) if the child is 14 years of age or older:

(i) whether services that are needed to assist the child in transitioning from substitute care to independent living are available in the child's community

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

5 (H) for a child receiving psychotropic
6 medication, whether the child:

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

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

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

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

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

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

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

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

(K) whether the department has identified a
family or other caring adult who has made a permanent commitment to
the child.

SECTION 4. Section 264.121, Family Code, is amended by
adding Subsections (a-3) and (a-4) to read as follows:

(a-3) The department shall conduct an independent living
skills assessment for all youth 14 years of age or older in the
department's conservatorship. The department shall annually
update the assessment for each youth in the department's
conservatorship, to determine the independent living skills the
youth learned during the preceding year to ensure that the
department's obligation to prepare the youth for independent living
has been met.

(1) The annual update of the independent living skills
assessment shall be conducted through the child's plan of service
in coordination with the child, the caseworker, the Preparation for
Adult Living staff and the child's caregiver.

(a-4) The department shall work with outside stakeholders
to develop a plan to standardize the curriculum for the Preparation
for Adult Living Program that ensures that youth 14 years of age or
older enrolled in the program receive relevant and age-appropriate
information and training. The department shall report the plan to
the legislature not later than December 1, 2018.

1 SECTION 5. The changes in law made by this Act to Chapter
2 263, Family Code, apply to a suit affecting the parent-child
3 relationship filed before, on, or after the effective date of this
4 Act.

5 SECTION 6. To the extent of any conflict, this Act prevails
6 over another Act of the 85th Legislature, Regular Session, 2017,
7 relating to nonsubstantive additions to and corrections in enacted
8 codes.

9 SECTION 7. This Act takes effect September 1, 2017.