

1-1 By: Giddings, White of Bell H.B. No. 825
 1-2 (Senate Sponsor - Uresti)
 1-3 (In the Senate - Received from the House May 4, 2015;
 1-4 May 11, 2015, read first time and referred to Committee on State
 1-5 Affairs; May 21, 2015, reported favorably by the following vote:
 1-6 Yeas 9, Nays 0; May 21, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 A BILL TO BE ENTITLED
 1-19 AN ACT

1-20 relating to procedures for identifying any Native American heritage
 1-21 of children in certain hearings in suits affecting the parent-child
 1-22 relationship.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 262.201, Family Code, is amended by
 1-25 adding Subsection (a-4) to read as follows:

1-26 (a-4) The court shall ask all parties present at the full
 1-27 adversary hearing whether the child or the child's family has a
 1-28 Native American heritage and identify any Native American tribe
 1-29 with which the child may be associated.

1-30 SECTION 2. Section 263.202, Family Code, is amended by
 1-31 adding Subsection (f-1) to read as follows:

1-32 (f-1) The court shall ask all parties present at the status
 1-33 hearing whether the child or the child's family has a Native
 1-34 American heritage and identify any Native American tribe with which
 1-35 the child may be associated.

1-36 SECTION 3. Section 263.306(a), Family Code, as amended by
 1-37 S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is
 1-38 amended to read as follows:

1-39 (a) At each permanency hearing the court shall:

1-40 (1) identify all persons or parties present at the
 1-41 hearing or those given notice but failing to appear;

1-42 (2) review the efforts of the department in:

1-43 (A) attempting to locate all necessary persons;

1-44 (B) requesting service of citation; and

1-45 (C) obtaining the assistance of a parent in
 1-46 providing information necessary to locate an absent parent, alleged
 1-47 father, or relative of the child;

1-48 (3) review the efforts of each custodial parent,
 1-49 alleged father, or relative of the child before the court in
 1-50 providing information necessary to locate another absent parent,
 1-51 alleged father, or relative of the child;

1-52 (4) review any visitation plan or amended plan
 1-53 required under Section 263.107 and render any orders for visitation
 1-54 the court determines necessary;

1-55 (5) return the child to the parent or parents if the
 1-56 child's parent or parents are willing and able to provide the child
 1-57 with a safe environment and the return of the child is in the
 1-58 child's best interest;

1-59 (6) place the child with a person or entity, other than
 1-60 a parent, entitled to service under Chapter 102 if the person or
 1-61 entity is willing and able to provide the child with a safe

2-1 environment and the placement of the child is in the child's best
2-2 interest;

2-3 (7) evaluate the department's efforts to identify
2-4 relatives who could provide the child with a safe environment, if
2-5 the child is not returned to a parent or another person or entity
2-6 entitled to service under Chapter 102;

2-7 (8) evaluate the parties' compliance with temporary
2-8 orders and the service plan;

2-9 (9) ask all parties present whether the child or the
2-10 child's family has a Native American heritage and identify any
2-11 Native American tribe with which the child may be associated;

2-12 (10) identify an education decision-maker for the
2-13 child if one has not previously been identified;

2-14 (11) [~~10~~] review the medical care provided to the
2-15 child as required by Section 266.007;

2-16 (12) [~~11~~] ensure the child has been provided the
2-17 opportunity, in a developmentally appropriate manner, to express
2-18 the child's opinion on the medical care provided;

2-19 (13) [~~12~~] for a child receiving psychotropic
2-20 medication, determine whether the child:

2-21 (A) has been provided appropriate psychosocial
2-22 therapies, behavior strategies, and other non-pharmacological
2-23 interventions; and

2-24 (B) has been seen by the prescribing physician,
2-25 physician assistant, or advanced practice nurse at least once every
2-26 90 days for purposes of the review required by Section 266.011;

2-27 (14) [~~13~~] determine whether:

2-28 (A) the child continues to need substitute care;

2-29 (B) the child's current placement is appropriate
2-30 for meeting the child's needs, including with respect to a child who
2-31 has been placed outside of the state, whether that placement
2-32 continues to be in the best interest of the child; and

2-33 (C) other plans or services are needed to meet
2-34 the child's special needs or circumstances;

2-35 (15) [~~14~~] if the child is placed in institutional
2-36 care, determine whether efforts have been made to ensure placement
2-37 of the child in the least restrictive environment consistent with
2-38 the best interest and special needs of the child;

2-39 (16) [~~15~~] if the child is 16 years of age or older,
2-40 order services that are needed to assist the child in making the
2-41 transition from substitute care to independent living if the
2-42 services are available in the community;

2-43 (17) [~~16~~] determine plans, services, and further
2-44 temporary orders necessary to ensure that a final order is rendered
2-45 before the date for dismissal of the suit under this chapter;

2-46 (18) [~~17~~] if the child is committed to the Texas
2-47 Juvenile Justice Department or released under supervision by the
2-48 Texas Juvenile Justice Department, determine whether the child's
2-49 needs for treatment, rehabilitation, and education are being met;
2-50 and

2-51 (19) [~~18~~] determine the date for dismissal of the
2-52 suit under this chapter and give notice in open court to all parties
2-53 of:

2-54 (A) the dismissal date;

2-55 (B) the date of the next permanency hearing; and

2-56 (C) the date the suit is set for trial.

2-57 SECTION 4. The changes in law made by this Act to Sections
2-58 262.201, 263.202, and 263.306, Family Code, apply only to a hearing
2-59 held on or after the effective date of this Act.

2-60 SECTION 5. To the extent of any conflict, this Act prevails
2-61 over another Act of the 84th Legislature, Regular Session, 2015,
2-62 relating to nonsubstantive additions to and corrections in enacted
2-63 codes.

2-64 SECTION 6. This Act takes effect September 1, 2015.

2-65 * * * * *