

1-1 By: Wu, et al. (Senate Sponsor - Uresti) H.B. No. 7
 1-2 (In the Senate - Received from the House May 10, 2017;
 1-3 May 10, 2017, read first time and referred to Committee on Health &
 1-4 Human Services; May 23, 2017, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
 1-6 May 23, 2017, 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 COMMITTEE SUBSTITUTE FOR H.B. No. 7 By: Uresti

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to child protective services suits, motions, and services
 1-22 by the Department of Family and Protective Services.

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

1-24 SECTION 1. Section 58.0052, Family Code, is amended by
 1-25 adding Subsection (b-1) to read as follows:

1-26 (b-1) In addition to the information provided under
 1-27 Subsection (b), the Department of Family and Protective Services
 1-28 and the Texas Juvenile Justice Department shall coordinate and
 1-29 develop protocols for sharing with each other, on request, any
 1-30 other information relating to a multi-system youth necessary to:

1-31 (1) identify and coordinate the provision of services
 1-32 to the youth and prevent duplication of services;

1-33 (2) enhance rehabilitation of the youth; and

1-34 (3) improve and maintain community safety.

1-35 SECTION 2. Section 105.002, Family Code, is amended by
 1-36 adding Subsection (d) to read as follows:

1-37 (d) The Department of Family and Protective Services in
 1-38 collaboration with interested parties, including the Permanent
 1-39 Judicial Commission for Children, Youth and Families, shall review
 1-40 the form of jury submissions in this state and make recommendations
 1-41 to the legislature not later than December 31, 2017, regarding
 1-42 whether broad-form or specific jury questions should be required in
 1-43 suits affecting the parent-child relationship filed by the
 1-44 department. This subsection expires September 1, 2019.

1-45 SECTION 3. Sections 107.002(b) and (c), Family Code, are
 1-46 amended to read as follows:

1-47 (b) A guardian ad litem appointed for the child under this
 1-48 chapter shall:

1-49 (1) within a reasonable time after the appointment,
 1-50 interview:

1-51 (A) the child in a developmentally appropriate
 1-52 manner, if the child is four years of age or older;

1-53 (B) each person who has significant knowledge of
 1-54 the child's history and condition, including educators, child
 1-55 welfare service providers, and any foster parent of the child; and

1-56 (C) the parties to the suit;

1-57 (2) seek to elicit in a developmentally appropriate
 1-58 manner the child's expressed objectives;

1-59 (3) consider the child's expressed objectives without
 1-60 being bound by those objectives;

2-1 (4) encourage settlement and the use of alternative
2-2 forms of dispute resolution; and
2-3 (5) perform any specific task directed by the court.
2-4 (c) A guardian ad litem appointed for the child under this
2-5 chapter is entitled to:
2-6 (1) receive a copy of each pleading or other paper
2-7 filed with the court in the case in which the guardian ad litem is
2-8 appointed;
2-9 (2) receive notice of each hearing in the case;
2-10 (3) participate in case staffings by the Department of
2-11 Family and Protective Services concerning the child;
2-12 (4) attend all legal proceedings in the case but may
2-13 not call or question a witness or otherwise provide legal services
2-14 unless the guardian ad litem is a licensed attorney who has been
2-15 appointed in the dual role;
2-16 (5) review and sign, or decline to sign, an agreed
2-17 order affecting the child; ~~and~~
2-18 (6) explain the basis for the guardian ad litem's
2-19 opposition to the agreed order if the guardian ad litem does not
2-20 agree to the terms of a proposed order;
2-21 (7) have access to the child in the child's placement;
2-22 (8) be consulted and provide comments on decisions
2-23 regarding placement, including kinship, foster care, and adoptive
2-24 placements;
2-25 (9) evaluate whether the child welfare services
2-26 providers are protecting the child's best interests regarding
2-27 appropriate care, treatment, services, and all other foster
2-28 children's rights listed in Section 263.008;
2-29 (10) receive notification regarding and an invitation
2-30 to attend meetings related to the child's service plan and a copy of
2-31 the plan; and
2-32 (11) attend court-ordered mediation regarding the
2-33 child's case.
2-34 SECTION 4. Section 107.016, Family Code, is amended to read
2-35 as follows:
2-36 Sec. 107.016. CONTINUED REPRESENTATION; DURATION OF
2-37 APPOINTMENT. In a suit filed by a governmental entity in which
2-38 termination of the parent-child relationship or appointment of the
2-39 entity as conservator of the child is requested:
2-40 (1) an order appointing the Department of Family and
2-41 Protective Services as the child's managing conservator may provide
2-42 for the continuation of the appointment of the guardian ad litem ~~or~~
2-43 ~~attorney ad litem~~ for the child for any period during the time the
2-44 child remains in the conservatorship of the department, as set by
2-45 the court; ~~and~~
2-46 (2) an order appointing the Department of Family and
2-47 Protective Services as the child's managing conservator may provide
2-48 for the continuation of the appointment of the attorney ad litem for
2-49 the child as long as the child remains in the conservatorship of the
2-50 department; and
2-51 (3) an attorney appointed under this subchapter to
2-52 serve as an attorney ad litem for a parent or an alleged father
2-53 continues to serve in that capacity until the earliest of:
2-54 (A) the date the suit affecting the parent-child
2-55 relationship is dismissed;
2-56 (B) the date all appeals in relation to any final
2-57 order terminating parental rights are exhausted or waived; or
2-58 (C) the date the attorney is relieved of the
2-59 attorney's duties or replaced by another attorney after a finding
2-60 of good cause is rendered by the court on the record.
2-61 SECTION 5. Section 155.201, Family Code, is amended by
2-62 adding Subsection (d) to read as follows:
2-63 (d) On receiving notice that a court exercising
2-64 jurisdiction under Chapter 262 has ordered the transfer of a suit
2-65 under Section 262.203(a)(2), the court of continuing, exclusive
2-66 jurisdiction shall, pursuant to the requirements of Section
2-67 155.204(i), transfer the proceedings to the court in which the suit
2-68 under Chapter 262 is pending within the time required by Section
2-69 155.207(a).

3-1 SECTION 6. Section 155.204(i), Family Code, is amended to
3-2 read as follows:

3-3 (i) If a transfer order has been signed by a court
3-4 exercising jurisdiction under Chapter 262, the Department of Family
3-5 and Protective Services shall ~~[a party may]~~ file the transfer order
3-6 with the clerk of the court of continuing, exclusive jurisdiction.
3-7 On receipt and without a hearing or further order from the court of
3-8 continuing, exclusive jurisdiction, the clerk of the court of
3-9 continuing, exclusive jurisdiction shall transfer the files as
3-10 provided by this subchapter within the time required by Section
3-11 155.207(a).

3-12 SECTION 7. Section 161.001, Family Code, is amended by
3-13 adding Subsections (c), (d), and (e) to read as follows:

3-14 (c) A court may not make a finding under Subsection (b) and
3-15 order termination of the parent-child relationship based on
3-16 evidence that the parent:

- 3-17 (1) homeschooled the child;
- 3-18 (2) is economically disadvantaged;
- 3-19 (3) has been charged with a nonviolent misdemeanor
3-20 offense other than:

- 3-21 (A) an offense under Title 5, Penal Code;
- 3-22 (B) an offense under Title 6, Penal Code; or
- 3-23 (C) an offense that involves family violence, as
3-24 defined by Section 71.004 of this code;

3-25 (4) provided or administered low-THC cannabis to a
3-26 child for whom the low-THC cannabis was prescribed under Chapter
3-27 169, Occupations Code; or

3-28 (5) declined immunization for the child for reasons of
3-29 conscience, including a religious belief.

3-30 (d) A court may not order termination under Subsection
3-31 (b)(1)(O) based on the failure by the parent to comply with a
3-32 specific provision of a court order if a parent proves by a
3-33 preponderance of evidence that:

- 3-34 (1) the parent was unable to comply with specific
3-35 provisions of the court order; and
- 3-36 (2) the parent made a good faith effort to comply with
3-37 the order and the failure to comply with the order is not
3-38 attributable to any fault of the parent.

3-39 (e) This section does not prohibit the Department of Family
3-40 and Protective Services from offering evidence described by
3-41 Subsection (c) as part of an action to terminate the parent-child
3-42 relationship under this subchapter.

3-43 SECTION 8. Section 161.206, Family Code, is amended by
3-44 adding Subsection (a-1) to read as follows:

3-45 (a-1) In a suit filed by the Department of Family and
3-46 Protective Services seeking termination of the parent-child
3-47 relationship for more than one parent of the child, the court may
3-48 order termination of the parent-child relationship for one of the
3-49 parents only if the court finds by clear and convincing evidence
3-50 grounds for the termination of the parent-child relationship for
3-51 that parent.

3-52 SECTION 9. Chapter 261, Family Code, is amended by adding
3-53 Subchapter F to read as follows:

3-54 SUBCHAPTER F. PROTECTIVE ORDER IN CERTAIN CASES OF ABUSE OR NEGLECT

3-55 Sec. 261.501. FILING APPLICATION FOR PROTECTIVE ORDER IN
3-56 CERTAIN CASES OF ABUSE OR NEGLECT. The department may file an
3-57 application for a protective order for a child's protection under
3-58 this subchapter on the department's own initiative or jointly with
3-59 a parent, relative, or caregiver of the child who requests the
3-60 filing of the application if the department:

3-61 (1) has temporary managing conservatorship of the
3-62 child;

3-63 (2) determines that:

3-64 (A) the child:

3-65 (i) is a victim of abuse or neglect; or

3-66 (ii) has a history of being abused or
3-67 neglected; and

3-68 (B) there is a threat of:

3-69 (i) immediate or continued abuse or neglect

4-1 to the child;

4-2 (ii) someone illegally taking the child
4-3 from the home in which the child is placed;

4-4 (iii) behavior that poses a threat to the
4-5 caregiver with whom the child is placed; or

4-6 (iv) someone committing an act of violence
4-7 against the child or the child's caregiver; and

4-8 (3) is not otherwise authorized to apply for a
4-9 protective order for the child's protection under Chapter 82.

4-10 Sec. 261.502. CERTIFICATION OF FINDINGS. (a) In making the
4-11 application under this subchapter, the department must certify
4-12 that:

4-13 (1) the department has diligently searched for and:

4-14 (A) was unable to locate the child's parent,
4-15 legal guardian, or custodian, other than the respondent to the
4-16 application; or

4-17 (B) located and provided notice of the proposed
4-18 application to the child's parent, legal guardian, or custodian,
4-19 other than the respondent to the application; and

4-20 (2) if applicable, the relative or caregiver who is
4-21 jointly filing the petition, or with whom the child would reside
4-22 following an entry of the protective order, has not abused or
4-23 neglected the child and does not have a history of abuse or neglect.

4-24 (b) An application for a temporary ex parte order under
4-25 Section 261.503 may be filed without making the findings required
4-26 by Subsection (a) if the department certifies that the department
4-27 believes there is an immediate danger of abuse or neglect to the
4-28 child.

4-29 Sec. 261.503. TEMPORARY EX PARTE ORDER. If the court finds
4-30 from the information contained in an application for a protective
4-31 order that there is an immediate danger of abuse or neglect to the
4-32 child, the court, without further notice to the respondent and
4-33 without a hearing, may enter a temporary ex parte order for the
4-34 protection of the child.

4-35 Sec. 261.504. REQUIRED FINDINGS; ISSUANCE OF PROTECTIVE
4-36 ORDER. (a) At the close of a hearing on an application for a
4-37 protective order under this subchapter, the court shall find
4-38 whether there are reasonable grounds to believe that:

4-39 (1) the child:

4-40 (A) is a victim of abuse or neglect; or

4-41 (B) has a history of being abused or neglected;

4-42 and

4-43 (2) there is a threat of:

4-44 (A) immediate or continued abuse or neglect to
4-45 the child;

4-46 (B) someone illegally taking the child from the
4-47 home in which the child is placed;

4-48 (C) behavior that poses a threat to the caregiver
4-49 with whom the child is placed; or

4-50 (D) someone committing an act of violence against
4-51 the child or the child's caregiver.

4-52 (b) If the court makes an affirmative finding under
4-53 Subsection (a), the court shall issue a protective order that
4-54 includes a statement of that finding.

4-55 Sec. 261.505. APPLICATION OF OTHER LAW. To the extent
4-56 applicable, except as otherwise provided by this subchapter, Title
4-57 4 applies to a protective order issued under this subchapter.

4-58 SECTION 10. Subchapter A, Chapter 262, Family Code, is
4-59 amended by adding Section 262.0022 to read as follows:

4-60 Sec. 262.0022. REVIEW OF PLACEMENT; FINDINGS. At each
4-61 hearing under this chapter, the court shall review the placement of
4-62 each child in the temporary or permanent managing conservatorship
4-63 of the Department of Family and Protective Services who is not
4-64 placed with a relative caregiver or designated caregiver as defined
4-65 by Section 264.751. The court shall include in its findings a
4-66 statement on whether the department has the option of placing the
4-67 child with a relative or other designated caregiver.

4-68 SECTION 11. Subchapter A, Chapter 262, Family Code, is
4-69 amended by adding Sections 262.013 and 262.014 to read as follows:

5-1 Sec. 262.013. VOLUNTARY TEMPORARY MANAGING
 5-2 CONSERVATORSHIP. In a suit affecting the parent-child relationship
 5-3 filed by the Department of Family and Protective Services, the
 5-4 existence of a parent's voluntary agreement to temporarily place
 5-5 the parent's child in the managing conservatorship of the
 5-6 department is not an admission by the parent that the parent engaged
 5-7 in conduct that endangered the child.

5-8 Sec. 262.014. DISCLOSURE OF CERTAIN EVIDENCE. On the
 5-9 request of the attorney for a parent who is a party in a suit
 5-10 affecting the parent-child relationship filed under this chapter,
 5-11 or the attorney ad litem for the parent's child, the Department of
 5-12 Family and Protective Services shall, before the full adversary
 5-13 hearing, provide:

5-14 (1) the name of any person, excluding a department
 5-15 employee, whom the department will call as a witness to any of the
 5-16 allegations contained in the petition filed by the department;

5-17 (2) a copy of any offense report relating to the
 5-18 allegations contained in the petition filed by the department that
 5-19 will be used in court to refresh a witness's memory; and

5-20 (3) a copy of any photograph, video, or recording that
 5-21 will be presented as evidence.

5-22 SECTION 12. Section 262.113, Family Code, is amended to
 5-23 read as follows:

5-24 Sec. 262.113. FILING SUIT WITHOUT TAKING POSSESSION OF
 5-25 CHILD. An original suit filed by a governmental entity that
 5-26 requests to take possession of a child after notice and a hearing
 5-27 must be supported by an affidavit sworn to by a person with personal
 5-28 knowledge and stating facts sufficient to satisfy a person of
 5-29 ordinary prudence and caution that:

5-30 (1) there is a continuing danger to the physical
 5-31 health or safety of the child caused by an act or failure to act of
 5-32 the person entitled to possession of the child and that allowing the
 5-33 child to remain in the home would be contrary to the child's
 5-34 welfare; and

5-35 (2) reasonable efforts, consistent with the
 5-36 circumstances and providing for the safety of the child, have been
 5-37 made to prevent or eliminate the need to remove the child from the
 5-38 child's home[~~and~~

5-39 ~~(2) allowing the child to remain in the home would be~~
 5-40 ~~contrary to the child's welfare].~~

5-41 SECTION 13. Subchapter B, Chapter 262, Family Code, is
 5-42 amended by adding Section 262.116 to read as follows:

5-43 Sec. 262.116. LIMITS ON REMOVAL. (a) The Department of
 5-44 Family and Protective Services may not take possession of a child
 5-45 under this subchapter based on evidence that the parent:

5-46 (1) homeschooled the child;

5-47 (2) is economically disadvantaged;

5-48 (3) has been charged with a nonviolent misdemeanor
 5-49 offense other than:

5-50 (A) an offense under Title 5, Penal Code;

5-51 (B) an offense under Title 6, Penal Code; or

5-52 (C) an offense that involves family violence, as
 5-53 defined by Section 71.004 of this code;

5-54 (4) provided or administered low-THC cannabis to a
 5-55 child for whom the low-THC cannabis was prescribed under Chapter
 5-56 169, Occupations Code; or

5-57 (5) declined immunization for the child for reasons of
 5-58 conscience, including a religious belief.

5-59 (b) The department shall train child protective services
 5-60 caseworkers regarding the prohibitions on removal provided under
 5-61 Subsection (a).

5-62 (c) The executive commissioner of the Health and Human
 5-63 Services Commission may adopt rules to implement this section.

5-64 (d) This section does not prohibit the department from
 5-65 gathering or offering evidence described by Subsection (a) as part
 5-66 of an action to take possession of a child under this subchapter.

5-67 SECTION 14. Section 262.201, Family Code, is amended by
 5-68 amending Subsection (a) and adding Subsection (a-5) to read as
 5-69 follows:

6-1 (a) Unless the child has already been returned to the
6-2 parent, managing conservator, possessory conservator, guardian,
6-3 caretaker, or custodian entitled to possession and the temporary
6-4 order, if any, has been dissolved, a full adversary hearing shall be
6-5 held not later than the 14th day after the date the child was taken
6-6 into possession by the governmental entity, unless the court grants
6-7 an extension under Subsection (a-3) or (a-5).

6-8 (a-5) If a parent who is not indigent appears in opposition
6-9 to the suit, the court may, for good cause shown, postpone the full
6-10 adversary hearing for not more than seven days from the date of the
6-11 parent's appearance to allow the parent to hire an attorney or to
6-12 provide the parent's attorney time to respond to the petition and
6-13 prepare for the hearing. A postponement under this subsection is
6-14 subject to the limits and requirements prescribed by Subsection
6-15 (a-3) and Section 155.207.

6-16 SECTION 15. Section 262.203(a), Family Code, is amended to
6-17 read as follows:

6-18 (a) On the motion of a party or the court's own motion, if
6-19 applicable, the court that rendered the temporary order shall in
6-20 accordance with procedures provided by Chapter 155:

6-21 (1) transfer the suit to the court of continuing,
6-22 exclusive jurisdiction, if any, within the time required by Section
6-23 155.207(a), if the court finds that the transfer is:

6-24 (A) necessary for the convenience of the parties;
6-25 and

6-26 (B) in the best interest of the child;

6-27 (2) ~~[if grounds exist for mandatory transfer from the~~
6-28 ~~court of continuing, exclusive jurisdiction under Section~~
6-29 ~~155.201,] order transfer of the suit from the ~~that~~ court of~~
6-30 ~~continuing, exclusive jurisdiction; or~~

6-31 (3) if grounds exist for transfer based on improper
6-32 venue, order transfer of the suit to the court having venue of the
6-33 suit under Chapter 103.

6-34 SECTION 16. Subchapter C, Chapter 262, Family Code, is
6-35 amended by adding Section 262.206 to read as follows:

6-36 Sec. 262.206. EX PARTE HEARINGS PROHIBITED. Unless
6-37 otherwise authorized by this chapter or other law, a hearing held by
6-38 a court in a suit under this chapter may not be ex parte.

6-39 SECTION 17. Section 263.002, Family Code, is amended to
6-40 read as follows:

6-41 Sec. 263.002. REVIEW OF PLACEMENTS BY COURT; FINDINGS. (a)
6-42 In a suit affecting the parent-child relationship in which the
6-43 department has been appointed by the court or designated in an
6-44 affidavit of relinquishment of parental rights as the temporary or
6-45 permanent managing conservator of a child, the court shall hold a
6-46 hearing to review:

6-47 (1) the conservatorship appointment and substitute
6-48 care; and

6-49 (2) for a child committed to the Texas Juvenile
6-50 Justice Department, the child's commitment in the Texas Juvenile
6-51 Justice Department or release under supervision by the Texas
6-52 Juvenile Justice Department.

6-53 (b) At each hearing under this chapter, the court shall
6-54 review the placement of each child in the temporary managing
6-55 conservatorship of the department who is not placed with a relative
6-56 caregiver or designated caregiver as defined by Section 264.751.
6-57 The court shall include in its findings a statement whether the
6-58 department placed the child with a relative or other designated
6-59 caregiver.

6-60 (c) At each permanency hearing under this chapter, the court
6-61 shall review the placement of each child in the temporary managing
6-62 conservatorship of the department who has not been returned to the
6-63 child's home. The court shall make a finding on whether returning
6-64 the child to the child's home is safe and appropriate, whether the
6-65 return is in the best interest of the child, and whether it is
6-66 contrary to the welfare of the child for the child to return home.

6-67 SECTION 18. Section 263.0021, Family Code, is amended by
6-68 adding Subsections (e) and (f) to read as follows:

6-69 (e) Notice of a hearing under this chapter provided to an

7-1 individual listed under Subsection (b)(2) must state that the
 7-2 individual may, but is not required to, attend the hearing and may
 7-3 request to be heard at the hearing.

7-4 (f) In a hearing under this chapter, the court shall
 7-5 determine whether the child's caregiver is present at the hearing
 7-6 and allow the caregiver to testify if the caregiver wishes to
 7-7 provide information about the child.

7-8 SECTION 19. Section 263.401, Family Code, is amended to
 7-9 read as follows:

7-10 Sec. 263.401. DISMISSAL AFTER ONE YEAR; NEW TRIALS;
 7-11 EXTENSION. (a) Unless the court has commenced the trial on the
 7-12 merits or granted an extension under Subsection (b) or (b-1), on the
 7-13 first Monday after the first anniversary of the date the court
 7-14 rendered a temporary order appointing the department as temporary
 7-15 managing conservator, the court's jurisdiction over [court shall
 7-16 dismiss] the suit affecting the parent-child relationship filed by
 7-17 the department that requests termination of the parent-child
 7-18 relationship or requests that the department be named conservator
 7-19 of the child is terminated and the suit is automatically dismissed
 7-20 without a court order. Not later than the 60th day before the day
 7-21 the suit is automatically dismissed, the court shall notify all
 7-22 parties to the suit of the automatic dismissal date.

7-23 (b) Unless the court has commenced the trial on the merits,
 7-24 the court may not retain the suit on the court's docket after the
 7-25 time described by Subsection (a) unless the court finds that
 7-26 extraordinary circumstances necessitate the child remaining in the
 7-27 temporary managing conservatorship of the department and that
 7-28 continuing the appointment of the department as temporary managing
 7-29 conservator is in the best interest of the child. If the court
 7-30 makes those findings, the court may retain the suit on the court's
 7-31 docket for a period not to exceed 180 days after the time described
 7-32 by Subsection (a). If the court retains the suit on the court's
 7-33 docket, the court shall render an order in which the court:

7-34 (1) schedules the new date on which the suit will be
 7-35 automatically dismissed if the trial on the merits has not
 7-36 commenced, which date must be not later than the 180th day after the
 7-37 time described by Subsection (a);

7-38 (2) makes further temporary orders for the safety and
 7-39 welfare of the child as necessary to avoid further delay in
 7-40 resolving the suit; and

7-41 (3) sets the trial on the merits on a date not later
 7-42 than the date specified under Subdivision (1).

7-43 (b-1) If, after commencement of the initial trial on the
 7-44 merits within the time required by Subsection (a) or (b), the court
 7-45 grants a motion for a new trial or mistrial, or the case is remanded
 7-46 to the court by an appellate court following an appeal of the
 7-47 court's final order, the court shall retain the suit on the court's
 7-48 docket and render an order in which the court:

7-49 (1) schedules a new date on which the suit will be
 7-50 automatically dismissed if the new trial has not commenced, which
 7-51 must be a date not later than the 180th day after the date on which:

7-52 (A) the motion for a new trial or mistrial is
 7-53 granted; or

7-54 (B) the appellate court remanded the case;

7-55 (2) makes further temporary orders for the safety and
 7-56 welfare of the child as necessary to avoid further delay in
 7-57 resolving the suit; and

7-58 (3) sets the new trial on the merits for a date not
 7-59 later than the date specified under Subdivision (1).

7-60 (c) If the court grants an extension under Subsection (b) or
 7-61 (b-1) but does not commence the trial on the merits before the
 7-62 dismissal date, the court's jurisdiction over [court shall dismiss]
 7-63 the suit is terminated and the suit is automatically dismissed
 7-64 without a court order. The court may not grant an additional
 7-65 extension that extends the suit beyond the required date for
 7-66 dismissal under Subsection (b) or (b-1), as applicable.

7-67 SECTION 20. Section 263.402, Family Code, is amended to
 7-68 read as follows:

7-69 Sec. 263.402. LIMIT ON EXTENSION[~~, WAIVER~~]. [~~(a)~~] The

8-1 parties to a suit under this chapter may not extend the deadlines
8-2 set by the court under this subchapter by agreement or otherwise.

8-3 ~~[(b) A party to a suit under this chapter who fails to make a~~
8-4 ~~timely motion to dismiss the suit under this subchapter waives the~~
8-5 ~~right to object to the court's failure to dismiss the suit. A~~
8-6 ~~motion to dismiss under this subsection is timely if the motion is~~
8-7 ~~made before the trial on the merits commences.]~~

8-8 SECTION 21. Section 263.403, Family Code, is amended by
8-9 amending Subsections (a) and (c) and adding Subsection (a-1) to
8-10 read as follows:

8-11 (a) Notwithstanding Section 263.401, the court may retain
8-12 jurisdiction and not dismiss the suit or render a final order as
8-13 required by that section if the court renders a temporary order
8-14 that:

8-15 (1) finds that retaining jurisdiction under this
8-16 section is in the best interest of the child;

8-17 (2) orders the department to:

8-18 (A) return the child to the child's parent; or

8-19 (B) transition the child, according to a schedule
8-20 determined by the department or court, from substitute care to the
8-21 parent while the parent completes the remaining requirements
8-22 imposed under a service plan and specified in the temporary order
8-23 that are necessary for the child's return;

8-24 (3) orders the department to continue to serve as
8-25 temporary managing conservator of the child; and

8-26 (4) orders the department to monitor the child's
8-27 placement to ensure that the child is in a safe environment.

8-28 (a-1) Unless the court has granted an extension under
8-29 Section 263.401(b), the department or the parent may request the
8-30 court to retain jurisdiction for an additional six months as
8-31 necessary for a parent to complete the remaining requirements in a
8-32 service plan and specified in the temporary order that are
8-33 mandatory for the child's return.

8-34 (c) If before the dismissal of the suit or the commencement
8-35 of the trial on the merits a child placed with a parent under this
8-36 section must be moved from that home by the department or the court
8-37 renders a temporary order terminating the transition order issued
8-38 under Subsection (a)(2)(B) [before the dismissal of the suit or the
8-39 commencement of the trial on the merits], the court shall, at the
8-40 time of the move or order, schedule a new date for dismissal of the
8-41 suit [unless a trial on the merits has commenced]. The new
8-42 dismissal date may not be later than the original dismissal date
8-43 established under Section 263.401 or the 180th day after the date
8-44 the child is moved or the order is rendered under this subsection,
8-45 whichever date is later.

8-46 SECTION 22. Subchapter E, Chapter 263, Family Code, is
8-47 amended by adding Section 263.4055 to read as follows:

8-48 Sec. 263.4055. SUPREME COURT RULES. The supreme court by
8-49 rule shall establish civil and appellate procedures to address:

8-50 (1) conflicts between the filing of a motion for new
8-51 trial and the filing of an appeal of a final order rendered under
8-52 this chapter; and

8-53 (2) the period, including an extension of at least 20
8-54 days, for a court reporter to submit the reporter's record of a
8-55 trial to an appellate court following a final order rendered under
8-56 this chapter.

8-57 SECTION 23. Section 263.5031, Family Code, is amended to
8-58 read as follows:

8-59 Sec. 263.5031. PERMANENCY HEARINGS FOLLOWING FINAL ORDER.
8-60 At each permanency hearing after the court renders a final order,
8-61 the court shall:

8-62 (1) identify all persons and parties present at the
8-63 hearing;

8-64 (2) review the efforts of the department or other
8-65 agency in notifying persons entitled to notice under Section
8-66 263.0021; and

8-67 (3) review the permanency progress report to
8-68 determine:

8-69 (A) the safety and well-being of the child and

9-1 whether the child's needs, including any medical or special needs,
9-2 are being adequately addressed;

9-3 (B) whether the department placed the child with
9-4 a relative or other designated caregiver and the continuing
9-5 necessity and appropriateness of the placement of the child,
9-6 including with respect to a child who has been placed outside of
9-7 this state, whether the placement continues to be in the best
9-8 interest of the child;

9-9 (C) if the child is placed in institutional care,
9-10 whether efforts have been made to ensure that the child is placed in
9-11 the least restrictive environment consistent with the child's best
9-12 interest and special needs;

9-13 (D) the appropriateness of the primary and
9-14 alternative permanency goals for the child, whether the department
9-15 has made reasonable efforts to finalize the permanency plan,
9-16 including the concurrent permanency goals, in effect for the child,
9-17 and whether:

9-18 (i) the department has exercised due
9-19 diligence in attempting to place the child for adoption if parental
9-20 rights to the child have been terminated and the child is eligible
9-21 for adoption; or

9-22 (ii) another permanent placement,
9-23 including appointing a relative as permanent managing conservator
9-24 or returning the child to a parent, is appropriate for the child;

9-25 (E) for a child whose permanency goal is another
9-26 planned permanent living arrangement:

9-27 (i) the desired permanency outcome for the
9-28 child, by asking the child; and

9-29 (ii) whether, as of the date of the hearing,
9-30 another planned permanent living arrangement is the best permanency
9-31 plan for the child and, if so, provide compelling reasons why it
9-32 continues to not be in the best interest of the child to:

9-33 (a) return home;

9-34 (b) be placed for adoption;

9-35 (c) be placed with a legal guardian;

9-36 or

9-37 (d) be placed with a fit and willing
9-38 relative;

9-39 (F) if the child is 14 years of age or older,
9-40 whether services that are needed to assist the child in
9-41 transitioning from substitute care to independent living are
9-42 available in the child's community;

9-43 (G) whether the child is receiving appropriate
9-44 medical care and has been provided the opportunity, in a
9-45 developmentally appropriate manner, to express the child's opinion
9-46 on any medical care provided;

9-47 (H) for a child receiving psychotropic
9-48 medication, whether the child:

9-49 (i) has been provided appropriate
9-50 nonpharmacological interventions, therapies, or strategies to meet
9-51 the child's needs; or

9-52 (ii) has been seen by the prescribing
9-53 physician, physician assistant, or advanced practice nurse at least
9-54 once every 90 days;

9-55 (I) whether an education decision-maker for the
9-56 child has been identified, the child's education needs and goals
9-57 have been identified and addressed, and there are major changes in
9-58 the child's school performance or there have been serious
9-59 disciplinary events;

9-60 (J) for a child for whom the department has been
9-61 named managing conservator in a final order that does not include
9-62 termination of parental rights, whether to order the department to
9-63 provide services to a parent for not more than six months after the
9-64 date of the permanency hearing if:

9-65 (i) the child has not been placed with a
9-66 relative or other individual, including a foster parent, who is
9-67 seeking permanent managing conservatorship of the child; and

9-68 (ii) the court determines that further
9-69 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 24. Section 264.018, Family Code, is amended by adding Subsection (d-1) and amending Subsection (f) to read as follows:

(d-1) As soon as possible but not later than 24 hours after a change in placement of a child in the conservatorship of the department, the department shall give notice of the placement change to the managed care organization that contracts with the commission to provide health care services to the child under the STAR Health program. The managed care organization shall give notice of the placement change to the primary care physician listed in the child's health passport before the end of the second business day after the day the organization receives the notification from the department.

(f) Except as provided by Subsection (d-1), as [As] soon as possible but not later than the 10th day after the date the department becomes aware of a significant event affecting a child in the conservatorship of the department, the department shall provide notice of the significant event to:

(1) the child's parent;

(2) an attorney ad litem appointed for the child under Chapter 107;

(3) a guardian ad litem appointed for the child under Chapter 107;

(4) a volunteer advocate appointed for the child under Chapter 107;

(5) the licensed administrator of the child-placing agency responsible for placing the child or the licensed administrator's designee;

(6) a foster parent, prospective adoptive parent, relative of the child providing care to the child, or director of the group home or general residential operation where the child is residing; and

(7) any other person determined by a court to have an interest in the child's welfare.

SECTION 25. The heading to Chapter 266, Family Code, is amended to read as follows:

CHAPTER 266. MEDICAL CARE AND EDUCATIONAL SERVICES FOR CHILDREN IN CONSERVATORSHIP OF DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES
[FOSTER CARE]

SECTION 26. Chapter 266, Family Code, is amended by adding Section 266.005 to read as follows:

Sec. 266.005. FINDING ON HEALTH CARE CONSULTATION. If a court finds that a health care professional has been consulted regarding a health care service, procedure, or treatment for a child in the conservatorship of the department and the court declines to follow the recommendation of the health care professional, the court shall make findings in the record supporting the court's order.

SECTION 27. (a) Subchapter A, Chapter 533, Government Code, is amended by adding Section 533.0056 to read as follows:

Sec. 533.0056. STAR HEALTH PROGRAM: NOTIFICATION OF PLACEMENT CHANGE. A contract between a managed care organization and the commission for the organization to provide health care services to recipients under the STAR Health program must require the organization to ensure continuity of care for a child whose placement has changed by:

(1) notifying each specialist treating the child of the placement change; and

(2) coordinating the transition of care from the child's previous treating primary care physician and treating specialists to the child's new treating primary care physician and treating specialists, if any.

11-1 (b) The changes in law made by this section apply only to a
 11-2 contract for the provision of health care services under the STAR
 11-3 Health program between the Health and Human Services Commission and
 11-4 a managed care organization under Chapter 533, Government Code,
 11-5 that is entered into, renewed, or extended on or after the effective
 11-6 date of this section.

11-7 (c) If before implementing Section 533.0056, Government
 11-8 Code, as added by this section, the Health and Human Services
 11-9 Commission determines that a waiver or authorization from a federal
 11-10 agency is necessary for implementation of that provision, the
 11-11 health and human services agency affected by the provision shall
 11-12 request the waiver or authorization and may delay implementing that
 11-13 provision until the waiver or authorization is granted.

11-14 SECTION 28. Effective September 1, 2018, Section 572.001,
 11-15 Health and Safety Code, is amended by amending Subsection (c) and
 11-16 adding Subsections (c-2), (c-3), and (c-4) to read as follows:

11-17 (c) A person or agency appointed as the guardian or a
 11-18 managing conservator of a person younger than 18 years of age and
 11-19 acting as an employee or agent of the state or a political
 11-20 subdivision of the state may request admission of the person
 11-21 younger than 18 years of age to an inpatient mental health facility
 11-22 ~~[only with the person's consent. If the person does not consent,~~
 11-23 ~~the person may be admitted for inpatient services]~~ only as provided
 11-24 by Subsection (c-2) or pursuant to an application for court-ordered
 11-25 mental health services or emergency detention or an order for
 11-26 protective custody.

11-27 (c-2) The Department of Family and Protective Services may
 11-28 request the admission to an inpatient mental health facility of a
 11-29 minor in the managing conservatorship of that department only if a
 11-30 physician states the physician's opinion, and the detailed reasons
 11-31 for that opinion, that the minor is a person:

11-32 (1) with mental illness or who demonstrates symptoms
 11-33 of a serious emotional disorder; and

11-34 (2) who presents a risk of serious harm to self or
 11-35 others if not immediately restrained or hospitalized.

11-36 (c-3) The admission to an inpatient mental health facility
 11-37 under Subsection (c-2) of a minor in the managing conservatorship
 11-38 of the Department of Family and Protective Services is a
 11-39 significant event for purposes of Section 264.018, Family Code, and
 11-40 the Department of Family and Protective Services shall provide
 11-41 notice of the significant event:

11-42 (1) in accordance with that section to all parties
 11-43 entitled to notice under that section; and

11-44 (2) to the court with continuing jurisdiction before
 11-45 the expiration of three business days after the minor's admission.

11-46 (c-4) The Department of Family and Protective Services
 11-47 periodically shall review the need for continued inpatient
 11-48 treatment of a minor admitted to an inpatient mental health
 11-49 facility under Subsection (c-2). If following the review that
 11-50 department determines there is no longer a need for continued
 11-51 inpatient treatment, that department shall notify the facility
 11-52 administrator designated to detain the minor that the minor may no
 11-53 longer be detained unless an application for court-ordered mental
 11-54 health services is filed.

11-55 SECTION 29. Subchapter C, Chapter 42, Human Resources Code,
 11-56 is amended by adding Section 42.066 to read as follows:

11-57 Sec. 42.066. REQUIRED SUBMISSION OF INFORMATION REQUESTED
 11-58 BY COURT. A general residential operation that provides mental
 11-59 health treatment or services to a child in the managing
 11-60 conservatorship of the department shall timely submit to the court
 11-61 in a suit affecting the parent-child relationship under Subtitle E,
 11-62 Title 5, Family Code, all information requested by that court.

11-63 SECTION 30. The heading to Section 25.07, Penal Code, is
 11-64 amended to read as follows:

11-65 Sec. 25.07. VIOLATION OF CERTAIN COURT ORDERS OR CONDITIONS
 11-66 OF BOND IN A FAMILY VIOLENCE, CHILD ABUSE OR NEGLECT, SEXUAL ASSAULT
 11-67 OR ABUSE, STALKING, OR TRAFFICKING CASE.

11-68 SECTION 31. Section 25.07(a), Penal Code, is amended to
 11-69 read as follows:

12-1 (a) A person commits an offense if, in violation of a
12-2 condition of bond set in a family violence, sexual assault or abuse,
12-3 stalking, or trafficking case and related to the safety of a victim
12-4 or the safety of the community, an order issued under Chapter 7A,
12-5 Code of Criminal Procedure, an order issued under Article 17.292,
12-6 Code of Criminal Procedure, an order issued under Section 6.504,
12-7 Family Code, Chapter 83, Family Code, if the temporary ex parte
12-8 order has been served on the person, ~~or~~ Chapter 85, Family Code,
12-9 or Subchapter F, Chapter 261, Family Code, or an order issued by
12-10 another jurisdiction as provided by Chapter 88, Family Code, the
12-11 person knowingly or intentionally:

12-12 (1) commits family violence or an act in furtherance
12-13 of an offense under Section 20A.02, 22.011, 22.021, or 42.072;

12-14 (2) communicates:

12-15 (A) directly with a protected individual or a
12-16 member of the family or household in a threatening or harassing
12-17 manner;

12-18 (B) a threat through any person to a protected
12-19 individual or a member of the family or household; or

12-20 (C) in any manner with the protected individual
12-21 or a member of the family or household except through the person's
12-22 attorney or a person appointed by the court, if the violation is of
12-23 an order described by this subsection and the order prohibits any
12-24 communication with a protected individual or a member of the family
12-25 or household;

12-26 (3) goes to or near any of the following places as
12-27 specifically described in the order or condition of bond:

12-28 (A) the residence or place of employment or
12-29 business of a protected individual or a member of the family or
12-30 household; or

12-31 (B) any child care facility, residence, or school
12-32 where a child protected by the order or condition of bond normally
12-33 resides or attends;

12-34 (4) possesses a firearm;

12-35 (5) harms, threatens, or interferes with the care,
12-36 custody, or control of a pet, companion animal, or assistance
12-37 animal that is possessed by a person protected by the order or
12-38 condition of bond; or

12-39 (6) removes, attempts to remove, or otherwise tampers
12-40 with the normal functioning of a global positioning monitoring
12-41 system.

12-42 SECTION 32. The heading to Section 25.072, Penal Code, is
12-43 amended to read as follows:

12-44 Sec. 25.072. REPEATED VIOLATION OF CERTAIN COURT ORDERS OR
12-45 CONDITIONS OF BOND IN FAMILY VIOLENCE, CHILD ABUSE OR NEGLECT,
12-46 SEXUAL ASSAULT OR ABUSE, STALKING, OR TRAFFICKING CASE.

12-47 SECTION 33. (a) In this section:

12-48 (1) "Attorney ad litem" has the meaning assigned by
12-49 Section 107.001, Family Code.

12-50 (2) "Commission" means the Permanent Judicial
12-51 Commission for Children, Youth and Families established by the
12-52 supreme court.

12-53 (b) The commission shall study the appointment and use of
12-54 attorneys ad litem in cases involving the Department of Family and
12-55 Protective Services. The commission shall:

12-56 (1) examine:

12-57 (A) the method for appointing attorneys ad litem;

12-58 (B) the oversight and accountability measures
12-59 used across the state to monitor attorneys ad litem;

12-60 (C) the methods by which qualifications for
12-61 appointment as an attorney ad litem and training requirements for
12-62 an attorney ad litem are established and enforced;

12-63 (D) the timing of and duration of appointments;

12-64 (E) the rate of compensation for appointments and
12-65 the method for establishing compensation rates across the state;

12-66 (F) the quality of representation and methods for
12-67 assessing performance of attorneys ad litem;

12-68 (G) the pretrial and posttrial client
12-69 satisfaction with representation by attorneys ad litem

13-1 representing parents and attorneys ad litem representing children;
 13-2 (H) organizational studies and national
 13-3 standards related to the workload of attorneys ad litem;
 13-4 (I) the best practices for attorneys ad litem;
 13-5 and
 13-6 (J) the estimated and average costs associated
 13-7 with legal representation by an attorney ad litem per child
 13-8 compared with the costs associated with foster care per child;
 13-9 (2) conduct a survey of attorneys ad litem about the
 13-10 attorney's training, including:
 13-11 (A) the attorney's legal education;
 13-12 (B) whether the attorney is certified as a
 13-13 specialist by the Texas Board of Legal Specialization in any area of
 13-14 law; and
 13-15 (C) the professional standards followed by the
 13-16 attorney;
 13-17 (3) perform a statistical analysis of the data and
 13-18 information collected under Subdivisions (1) and (2) of this
 13-19 subsection; and
 13-20 (4) develop policy recommendations for improving the
 13-21 attorney ad litem appointment process.

13-22 (c) The commission shall prepare a report based on the
 13-23 findings of the study conducted under this section and shall submit
 13-24 the report to each member of the legislature not later than
 13-25 September 1, 2018.

13-26 SECTION 34. (a) The changes in law made by this Act apply
 13-27 only to a service plan filed for a full adversary hearing held under
 13-28 Section 262.201, Family Code, or a status hearing held under
 13-29 Chapter 263, Family Code, on or after January 1, 2018. A hearing
 13-30 held before that date is governed by the law in effect immediately
 13-31 before the effective date of this Act, and that law is continued in
 13-32 effect for that purpose.

13-33 (b) The changes made by this Act to Section 263.401, Family
 13-34 Code, apply only to a suit affecting the parent-child relationship
 13-35 pending in a trial court on the effective date of this Act or filed
 13-36 on or after the effective date of this Act. A suit affecting the
 13-37 parent-child relationship in which a final order is rendered before
 13-38 the effective date of this Act is governed by the law in effect on
 13-39 the date the order was rendered, and the former law is continued in
 13-40 effect for that purpose.

13-41 (c) Except as otherwise provided by this section, the
 13-42 changes in law made by this Act apply only to a suit affecting the
 13-43 parent-child relationship filed on or after the effective date of
 13-44 this Act. A suit affecting the parent-child relationship filed
 13-45 before the effective date of this Act is subject to the law in
 13-46 effect at the time the suit was filed, and the former law is
 13-47 continued in effect for that purpose.

13-48 SECTION 35. Subchapter F, Chapter 261, Family Code, as
 13-49 added by this Act, Section 262.206, Family Code, as added by this
 13-50 Act, Section 572.001, Health and Safety Code, as amended by this
 13-51 Act, and Section 25.07(a), Penal Code, as amended by this Act, take
 13-52 effect only if a specific appropriation for the implementation of
 13-53 those sections is provided in a general appropriations act of the
 13-54 85th Legislature.

13-55 SECTION 36. Except as otherwise provided by this Act, this
 13-56 Act takes effect September 1, 2017.

13-57 * * * * *