

1-1 By: Frank, et al. (Senate Sponsor - Kolthorst) H.B. No. 3041
 1-2 (In the Senate - Received from the House April 28, 2021;
 1-3 May 4, 2021, read first time and referred to Committee on Health &
 1-4 Human Services; May 14, 2021, reported favorably by the following
 1-5 vote: Yeas 9, Nays 0; May 14, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
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 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the provision of certain services by the Department of
 1-20 Family and Protective Services as an alternative to removing a
 1-21 child and certain procedures with respect to children in the
 1-22 managing conservatorship of the department.

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

1-24 SECTION 1. Section 262.1095, Family Code, is amended by
 1-25 amending Subsections (a) and (b) and adding Subsection (d-1) to
 1-26 read as follows:

1-27 (a) When the Department of Family and Protective Services or
 1-28 another agency takes possession of a child under this chapter, the
 1-29 department:

1-30 (1) shall provide information as prescribed by this
 1-31 section in writing to each adult the department is able to identify
 1-32 and locate who is:

1-33 (A) related to the child within the third degree
 1-34 by consanguinity as determined under Chapter 573, Government Code;

1-35 (B) an adult relative of the alleged father of
 1-36 the child if the department has a reasonable basis to believe the
 1-37 alleged father is the child's biological father; or

1-38 (C) identified as a potential relative or
 1-39 designated caregiver, as defined by Section 264.751, on the
 1-40 proposed child placement resources form provided under Section
 1-41 261.307; and

1-42 (2) may provide information as prescribed by this
 1-43 section to each adult the department is able to identify and locate
 1-44 who has a long-standing and significant relationship with the
 1-45 child.

1-46 (b) The information provided under Subsection (a) must:

1-47 (1) state that the child has been removed from the
 1-48 child's home and is in the temporary managing conservatorship of
 1-49 the department;

1-50 (2) explain the options available to the individual to
 1-51 participate in the care and placement of the child and the support
 1-52 of the child's family, the methods by which the individual may
 1-53 exercise those options, and any requirements the individual must
 1-54 satisfy to exercise those options, including:

1-55 (A) the requirement that the individual be
 1-56 evaluated by the Department of Family and Protective Services under
 1-57 Section 262.114 before the individual may serve as a substitute
 1-58 caregiver; and

1-59 (B) the deadlines before which the individual
 1-60 must respond to exercise those options;

1-61 (3) identify the [state that some] options available

2-1 to the individual that may be lost if the individual fails to
2-2 respond in a timely manner; ~~and~~

2-3 (4) include, if applicable, the date, time, and
2-4 location of the hearing under Subchapter C, Chapter 263; and

2-5 (5) include information regarding the procedures and
2-6 timeline for a suit affecting the parent-child relationship under
2-7 this chapter.

2-8 (d-1) Immediately after the Department of Family and
2-9 Protective Services identifies and locates an individual described
2-10 by Subsection (a)(1), the department shall provide the information
2-11 required by this section.

2-12 SECTION 2. Chapter 262, Family Code, is amended by adding
2-13 Subchapter F to read as follows:

2-14 SUBCHAPTER F. FAMILY PRESERVATION SERVICES PILOT PROGRAM

2-15 Sec. 262.401. DEFINITIONS. In this subchapter:

2-16 (1) "Child who is a candidate for foster care" means a
2-17 child who is at imminent risk of being removed from the child's home
2-18 and placed into the conservatorship of the department because of a
2-19 continuing danger to the child's physical health or safety caused
2-20 by an act or failure to act of a person entitled to possession of the
2-21 child but for whom a court of competent jurisdiction has issued an
2-22 order allowing the child to remain safely in the child's home or in
2-23 a kinship placement with the provision of family preservation
2-24 services.

2-25 (2) "Department" means the Department of Family and
2-26 Protective Services.

2-27 (3) "Family preservation service" means a
2-28 time-limited, family-focused service, including a service subject
2-29 to the Family First Prevention Services Act (Title VII, Div. E, Pub.
2-30 L. No. 115-123), provided to the family of a child who is:

2-31 (A) a candidate for foster care to prevent or
2-32 eliminate the need to remove the child and to allow the child to
2-33 remain safely with the child's family; or

2-34 (B) a pregnant or parenting foster youth.

2-35 (4) "Family preservation services plan" means a
2-36 written plan, based on a professional assessment, listing the
2-37 family preservation services, including services subject to the
2-38 Family First Prevention Services Act (Title VII, Div. E, Pub. L.
2-39 No. 115-123), to be provided to the family of a child who is:

2-40 (A) a candidate for foster care; or

2-41 (B) a pregnant or parenting foster youth.

2-42 (5) "Foster care" means substitute care as defined by
2-43 Section 263.001.

2-44 Sec. 262.402. PILOT PROGRAM FOR FAMILY PRESERVATION
2-45 SERVICES. (a) The department shall establish a pilot program that
2-46 allows the department to dispose of an investigation by referring
2-47 the family of a child who is a candidate for foster care for family
2-48 preservation services and allowing the child to return home instead
2-49 of entering foster care or by providing services to a pregnant or
2-50 parenting foster youth. The department shall implement the pilot
2-51 program in two child protective services regions in this state, one
2-52 urban and one rural.

2-53 (b) The pilot program must be implemented in at least one
2-54 child protective services region in this state in which
2-55 community-based care has been implemented under Subchapter B-1,
2-56 Chapter 264.

2-57 (c) In authorizing family preservation services for a child
2-58 who is a candidate for foster care, the child's safety is the
2-59 primary concern. The services may be modified as necessary to
2-60 accommodate the child's circumstances.

2-61 (d) In implementing the pilot program, the department shall
2-62 use:

2-63 (1) Title IV-E funds to:

2-64 (A) pay for legal representation for parents in
2-65 the manner provided by Section 107.015; or

2-66 (B) provide to counties a matching reimbursement
2-67 for the cost of the legal representation; and

2-68 (2) funds received under the Temporary Assistance for
2-69 Needy Families (TANF) program or other department funds to provide

3-1 enhanced in-home support services to families qualifying for
 3-2 prevention services under this subchapter to achieve the objectives
 3-3 in the family preservation services plan.

3-4 Sec. 262.403. COURT ORDER REQUIRED. (a) Subject to
 3-5 Subsection (b), the department must obtain a court order from a
 3-6 court of competent jurisdiction to compel the family of a child who
 3-7 is a candidate for foster care to obtain family preservation
 3-8 services and complete the family preservation services plan.

3-9 (b) The department is not required to obtain a court order
 3-10 to provide family preservation services to a pregnant or parenting
 3-11 foster youth.

3-12 Sec. 262.404. FILING SUIT; PETITION REQUIREMENTS. (a) The
 3-13 department may file a suit requesting the court to render an order
 3-14 requiring the parent, managing conservator, guardian, or other
 3-15 member of the child's household to:

3-16 (1) participate in the family preservation services
 3-17 for which the department makes a referral or services the
 3-18 department provides or purchases to:

3-19 (A) alleviate the effects of the abuse or neglect
 3-20 that has occurred;

3-21 (B) reduce a continuing danger to the physical
 3-22 health or safety of the child caused by an act or failure to act of
 3-23 the parent, managing conservator, guardian, or other member of the
 3-24 child's household; or

3-25 (C) reduce a substantial risk of abuse or neglect
 3-26 caused by an act or failure to act of the parent, managing
 3-27 conservator, guardian, or other member of the child's household;

3-28 (2) permit the child and any siblings of the child to
 3-29 receive the services; and

3-30 (3) complete all actions and services required under
 3-31 the family preservation services plan.

3-32 (b) A suit requesting an order under this section may be
 3-33 filed in a court with jurisdiction to hear the suit in the county in
 3-34 which the child is located.

3-35 (c) Except as otherwise provided by this subchapter, the
 3-36 suit is governed by the Texas Rules of Civil Procedure applicable to
 3-37 the filing of an original lawsuit.

3-38 (d) The petition for suit must be supported by:

3-39 (1) a sworn affidavit based on personal knowledge and
 3-40 stating facts sufficient to support a finding that:

3-41 (A) the child has been a victim of abuse or
 3-42 neglect or is at substantial risk of abuse or neglect; and

3-43 (B) there is a continuing danger to the child's
 3-44 physical health or safety caused by an act or failure to act of the
 3-45 parent, managing conservator, guardian, or other member of the
 3-46 child's household unless that person participates in family
 3-47 preservation services requested by the department; and

3-48 (2) a safety risk assessment for the child that
 3-49 documents:

3-50 (A) the process for the child to remain at home
 3-51 with appropriate family preservation services instead of foster
 3-52 care;

3-53 (B) the specific reasons the department should
 3-54 provide family preservation services to the family; and

3-55 (C) the manner in which family preservation
 3-56 services will mitigate the risk of the child entering foster care.

3-57 (e) In a suit filed under this section, the court may render
 3-58 a temporary restraining order as provided by Section 105.001.

3-59 (f) The court shall hold a hearing on the petition not later
 3-60 than the 14th day after the date the petition is filed unless the
 3-61 court finds good cause for extending that date for not more than 14
 3-62 days.

3-63 Sec. 262.405. AD LITEM APPOINTMENTS. (a) The court shall
 3-64 appoint an attorney ad litem to represent the interests of the child
 3-65 immediately after a suit is filed under Section 262.404 but before
 3-66 the hearing to ensure adequate representation of the child. The
 3-67 attorney ad litem for the child has the powers and duties of an
 3-68 attorney ad litem for a child under Chapter 107.

3-69 (b) The court shall appoint an attorney ad litem to

4-1 represent the interests of a parent for whom participation in
 4-2 family preservation services is being requested immediately after
 4-3 the suit is filed but before the hearing to ensure adequate
 4-4 representation of the parent. The attorney ad litem for the parent
 4-5 has the powers and duties of an attorney ad litem for a parent under
 4-6 Section 107.0131.

4-7 (c) Before the hearing commences, the court shall inform
 4-8 each parent of:

4-9 (1) the parent's right to be represented by an
 4-10 attorney; and

4-11 (2) for a parent who is indigent and appears in
 4-12 opposition to the motion, the parent's right to a court-appointed
 4-13 attorney.

4-14 (d) If a parent claims indigence, the court shall require
 4-15 the parent to complete and file with the court an affidavit of
 4-16 indigence. The court may consider additional evidence to determine
 4-17 whether the parent is indigent, including evidence relating to the
 4-18 parent's income, source of income, assets, property ownership,
 4-19 benefits paid in accordance with a federal, state, or local public
 4-20 assistance program, outstanding obligations, and necessary
 4-21 expenses and the number and ages of the parent's dependents. If the
 4-22 court finds the parent is indigent, the attorney ad litem appointed
 4-23 to represent the interests of the parent may continue the
 4-24 representation. If the court finds the parent is not indigent, the
 4-25 court shall discharge the attorney ad litem from the appointment
 4-26 after the hearing and order the parent to pay the cost of the
 4-27 attorney ad litem's representation.

4-28 (e) The court may, for good cause shown, postpone any
 4-29 subsequent proceedings for not more than seven days after the date
 4-30 of the attorney ad litem's discharge to allow the parent to hire an
 4-31 attorney or to provide the parent's attorney time to prepare for the
 4-32 subsequent proceeding.

4-33 Sec. 262.406. COURT ORDER. (a) Except as provided by
 4-34 Subsection (d), at the conclusion of the hearing in a suit filed
 4-35 under Section 262.404, the court shall order the department to
 4-36 provide family preservation services and to execute a family
 4-37 preservation services plan developed in collaboration with the
 4-38 family of the child who is a candidate for foster care if the court
 4-39 finds sufficient evidence to satisfy a person of ordinary prudence
 4-40 and caution that:

4-41 (1) abuse or neglect occurred or there is a
 4-42 substantial risk of abuse or neglect or continuing danger to the
 4-43 child's physical health or safety caused by an act or failure to act
 4-44 of the parent, managing conservator, guardian, or other member of
 4-45 the child's household;

4-46 (2) family preservation services are necessary to
 4-47 ensure the child's physical health or safety; and

4-48 (3) family preservation services are appropriate
 4-49 based on the child's safety risk assessment and the child's family
 4-50 assessment.

4-51 (b) The court's order for family preservation services
 4-52 must:

4-53 (1) identify and require specific services narrowly
 4-54 tailored to address the factors that make the child a candidate for
 4-55 foster care; and

4-56 (2) include a statement on whether the services to be
 4-57 provided to the family are appropriate to address the factors that
 4-58 place the child at risk of removal.

4-59 (c) The court may, in its discretion, order family
 4-60 preservation services for a parent whose parental rights to another
 4-61 child were previously terminated.

4-62 (d) If the court finds, by clear and convincing evidence,
 4-63 that the parent has subjected the child to aggravated circumstances
 4-64 described by Section 262.2015, the court may order that family
 4-65 preservation services not be provided.

4-66 Sec. 262.407. FAMILY PRESERVATION SERVICES PLAN; CONTENTS.

4-67 (a) On order of the court under Section 262.406, the department in
 4-68 consultation with the child's family shall develop a family
 4-69 preservation services plan. The department and the family shall

5-1 discuss each term and condition of the plan.

5-2 (b) The family preservation services plan must be written in
 5-3 a manner that is clear and understandable to the parent, managing
 5-4 conservator, guardian, or other member of the child's household and
 5-5 in a language the person understands.

5-6 (c) The family preservation services plan must:

5-7 (1) include a safety risk assessment of the child who
 5-8 is the subject of the investigation and an assessment of the child's
 5-9 family;

5-10 (2) state the reasons the department is involved with
 5-11 the family;

5-12 (3) be narrowly tailored to address the specific
 5-13 reasons the department is involved with the family and the factors
 5-14 that make the child a candidate for foster care;

5-15 (4) list the specific family preservation services the
 5-16 family will receive under the plan and identify the manner in which
 5-17 those services will mitigate the child's specific risk factors and
 5-18 allow the child to remain safely at home;

5-19 (5) specify the tasks the family must complete during
 5-20 the effective period of the plan and include a schedule with
 5-21 appropriate completion dates for those tasks; and

5-22 (6) include the name of the department or single
 5-23 source continuum contractor representative who will serve as a
 5-24 contact for the family in obtaining information related to the
 5-25 plan.

5-26 (d) The family preservation services plan must include the
 5-27 following statement:

5-28 "TO THE PARENT OF THE CHILD SERVED BY THIS PLAN: THIS
 5-29 DOCUMENT IS VERY IMPORTANT. ITS PURPOSE IS TO HELP YOU PROVIDE YOUR
 5-30 CHILD WITH A SAFE ENVIRONMENT WITHIN THE REASONABLE PERIOD
 5-31 SPECIFIED IN THIS PLAN. IF YOU ARE UNWILLING OR UNABLE TO PROVIDE
 5-32 YOUR CHILD WITH A SAFE ENVIRONMENT, YOUR CHILD MAY BE REMOVED FROM
 5-33 YOU, AND YOUR PARENTAL AND CUSTODIAL DUTIES AND RIGHTS MAY BE
 5-34 RESTRICTED OR TERMINATED. A COURT HEARING WILL BE HELD AT WHICH A
 5-35 JUDGE WILL REVIEW THIS FAMILY PRESERVATION SERVICES PLAN."

5-36 Sec. 262.408. FAMILY PRESERVATION SERVICES PLAN: SIGNING
 5-37 AND EFFECT. (a) The family of a child who is a candidate for foster
 5-38 care and the department shall sign the family preservation services
 5-39 plan, and the department shall submit a copy of the signed plan to
 5-40 the court for review.

5-41 (b) If the family is unwilling to participate in the
 5-42 development of the family preservation services plan, the
 5-43 department may submit the plan to the court without the parents'
 5-44 signatures.

5-45 (c) The family preservation services plan takes effect on
 5-46 the date the court certifies that the plan complies with the court's
 5-47 order for family preservation services and is narrowly tailored to
 5-48 address the factors that make the child a candidate for foster care.
 5-49 The court may hold a hearing to review the plan for compliance.

5-50 (d) The family preservation services plan remains in effect
 5-51 until:

5-52 (1) the 180th day after the date the court's order for
 5-53 family preservation services is signed, unless renewed by an order
 5-54 of the court; or

5-55 (2) the date the plan is amended or revoked by the
 5-56 court.

5-57 (e) A person subject to the family preservation services
 5-58 plan may file a motion with the court at any time to request a
 5-59 modification or revocation of the original or any amended plan.

5-60 Sec. 262.409. AMENDED FAMILY PRESERVATION SERVICES PLAN.

5-61 (a) A family preservation services plan may be amended at any time.
 5-62 The department or single source continuum contractor and the
 5-63 parents of a child who is a candidate for foster care shall jointly
 5-64 develop any amendment to the plan. The department or contractor
 5-65 must inform the parents of their rights related to the amended
 5-66 family preservation services plan process.

5-67 (b) The parents and the person preparing the amended family
 5-68 preservation services plan shall sign the amended plan, and the
 5-69 department or single source continuum contractor shall submit the

6-1 amended plan to the court for review.

6-2 (c) If the parents are unwilling to participate in the
6-3 development of the amended family preservation services plan, the
6-4 department or single source continuum contractor may submit the
6-5 amended plan to the court without the parents' signatures.

6-6 (d) The amended family preservation services plan takes
6-7 effect on the date the court certifies that the amended plan
6-8 complies with the court's order for family preservation services
6-9 and is narrowly tailored to address the factors that make the child
6-10 a candidate for foster care. The court may hold a hearing to review
6-11 the amended plan for compliance.

6-12 (e) The amended family preservation services plan is in
6-13 effect until:

6-14 (1) the 180th day after the date the court's order for
6-15 family preservation services is signed, unless renewed by an order
6-16 of the court; or

6-17 (2) the date the amended plan is modified or revoked by
6-18 the court.

6-19 Sec. 262.410. COURT IMPLEMENTATION OF FAMILY PRESERVATION
6-20 SERVICES PLAN. (a) After reviewing and certifying an original or
6-21 any amended family preservation services plan, the court shall
6-22 incorporate the original and any amended plan into the court's
6-23 order and may render additional appropriate orders to implement or
6-24 require compliance with an original or amended plan.

6-25 (b) In rendering an order, a court may omit any service
6-26 prescribed under the family preservation services plan that the
6-27 court finds is not appropriate or is not narrowly tailored to
6-28 address the factors that make the child a candidate for foster care
6-29 and place the child at risk of removal.

6-30 Sec. 262.411. SELECTION OF SERVICE PROVIDER. (a) A parent,
6-31 managing conservator, guardian, or other member of a household
6-32 ordered to participate in family preservation services under this
6-33 subchapter may obtain those services from a qualified or licensed
6-34 provider selected by the person.

6-35 (b) Services provided by a provider selected under
6-36 Subsection (a) must be similar in scope and duration to services
6-37 described by the family preservation services plan adopted under
6-38 Section 262.407 and achieve the stated goals of the service plan.
6-39 The service provider must certify in writing that the parent,
6-40 managing conservator, guardian, or other member of a household
6-41 completed the services.

6-42 (c) A parent, managing conservator, guardian, or other
6-43 member of a household who obtains family preservation services from
6-44 a provider selected by the person is responsible for the cost of
6-45 those services.

6-46 (d) A parent, managing conservator, guardian, or other
6-47 member of a household who successfully completes the required
6-48 family preservation services must obtain verification from the
6-49 service provider of that completion. The department shall accept
6-50 the service provider's verification provided under this subsection
6-51 as proof that the person successfully completed the court-ordered
6-52 family preservation services.

6-53 Sec. 262.412. STATUS HEARING. Not later than the 90th day
6-54 after the date the court renders an order for family preservation
6-55 services under this subchapter, the court shall hold a hearing to
6-56 review the status of each person required to participate in the
6-57 services and of the child and to review the services provided,
6-58 purchased, or referred. The court shall set subsequent review
6-59 hearings every 90 days to review the continued need for the order.

6-60 Sec. 262.413. EXTENSION OF ORDER. (a) The court may extend
6-61 an order for family preservation services rendered under this
6-62 subchapter on a showing by the department of a continuing need for
6-63 the order, after notice and hearing. Except as provided by
6-64 Subsection (b), the court may extend the order only one time for not
6-65 more than 180 days.

6-66 (b) The court may extend an order rendered under this
6-67 subchapter for not more than an additional 180 days only if:

6-68 (1) the court finds that:

6-69 (A) the extension is necessary to allow the

7-1 person required to participate in family preservation services
 7-2 under the family preservation services plan time to complete those
 7-3 services;

7-4 (B) the department made a good faith effort to
 7-5 timely provide the services to the person;

7-6 (C) the person made a good faith effort to
 7-7 complete the services; and

7-8 (D) the completion of the services is necessary
 7-9 to ensure the physical health and safety of the child; and

7-10 (2) the extension is requested by the person required
 7-11 to participate in family preservation services under the family
 7-12 preservation services plan or the person's attorney.

7-13 Sec. 262.414. EXPIRATION OF ORDER. On expiration of a court
 7-14 order for family preservation services under this subchapter, the
 7-15 court shall dismiss the case.

7-16 Sec. 262.415. CONTRACT FOR SERVICES. (a) The department
 7-17 may contract with one or more persons to provide family
 7-18 preservation services under the pilot program. In a child
 7-19 protective services region in this state in which community-based
 7-20 care under Subchapter B-1, Chapter 264, has been implemented and in
 7-21 which the pilot program is implemented, the department may contract
 7-22 with the single source continuum contractor to provide family
 7-23 preservation services under the pilot program.

7-24 (b) The contract with the person selected to provide family
 7-25 preservation services must include performance-based measures that
 7-26 require the person to show that as a result of the services:

7-27 (1) fewer children enter foster care in the pilot
 7-28 program region in comparison to other regions of this state;

7-29 (2) fewer children are removed from their families
 7-30 after receiving the services in the pilot program region in
 7-31 comparison to other regions of this state; and

7-32 (3) fewer children enter foster care in the five years
 7-33 following completion of the services in the pilot program region in
 7-34 comparison to other regions of this state.

7-35 (c) The department shall collaborate with a person selected
 7-36 to provide family preservation services to identify children who
 7-37 are candidates for foster care or who are pregnant or parenting
 7-38 foster youth and to ensure that the services are appropriate for
 7-39 children referred by the department.

7-40 Sec. 262.416. LIMIT ON FINANCE OF SERVICES. If a court
 7-41 order for services under this subchapter includes services that are
 7-42 not subject to the Family First Prevention Services Act (Title VII,
 7-43 Div. E., Pub. L. No. 115-123), the order must identify a method of
 7-44 financing for the services and the local jurisdiction that will pay
 7-45 for the services.

7-46 Sec. 262.417. REPORT TO LEGISLATURE. (a) Not later than the
 7-47 first anniversary of the date the department commences a pilot
 7-48 program under this subchapter and every two years after that date,
 7-49 the department shall contract with an entity based in this state
 7-50 that is independent of the department and has demonstrated
 7-51 expertise in statistical, financial, logistical, and operational
 7-52 analysis to evaluate the implementation of the pilot program under
 7-53 this subchapter, assess its progress, and report its findings to
 7-54 the appropriate standing committees of the legislature having
 7-55 jurisdiction over child protective services and foster care
 7-56 matters. The report must include:

7-57 (1) a detailed description of the actions taken by the
 7-58 department to ensure the successful implementation of the pilot
 7-59 program;

7-60 (2) a detailed analysis of the role each of the
 7-61 following entities has in the pilot program:

7-62 (A) the courts;

7-63 (B) legal representatives;

7-64 (C) the investigations division of the
 7-65 department; and

7-66 (D) the department or other entity implementing
 7-67 the pilot program;

7-68 (3) an analysis of any barrier to the successful
 7-69 implementation of the pilot program and recommendations for

8-1 overcoming those barriers;

8-2 (4) data on the performance-based outcomes described
8-3 by Subsection (b) and achieved in the child protective services
8-4 region in which the pilot program is implemented;

8-5 (5) a detailed comparison of outcomes achieved in the
8-6 child protective services region in which the pilot program is
8-7 implemented with outcomes achieved in other child protective
8-8 services regions;

8-9 (6) a detailed description of the costs of the pilot
8-10 program and services provided; and

8-11 (7) recommendations on whether to expand services
8-12 described in this subchapter to other child protective services
8-13 regions in this state based on the outcomes and performance of the
8-14 pilot program.

8-15 (b) Performance-based outcomes for evaluating the pilot
8-16 program must include:

8-17 (1) the number of children served;

8-18 (2) the number of families served;

8-19 (3) the percentage of children who do not have a
8-20 reported finding of abuse, neglect, or exploitation;

8-21 (4) the percentage of children served who did not
8-22 enter foster care at case closure;

8-23 (5) the percentage of children served who did not
8-24 enter foster care within six months and one year of the date the
8-25 case was closed;

8-26 (6) the number of families who received family
8-27 preservation services under the pilot program for whom the
8-28 department opens an investigation of abuse or neglect involving the
8-29 family before the second anniversary of the date the case was
8-30 closed; and

8-31 (7) the average length of time services are provided
8-32 from the entry of an order for family preservation services to case
8-33 dismissal.

8-34 SECTION 3. Section 263.202(b), Family Code, is amended to
8-35 read as follows:

8-36 (b) Except as otherwise provided by this subchapter, a
8-37 status hearing shall be limited to matters related to the contents
8-38 and execution of the service plan filed with the court. The court
8-39 shall review the service plan that the department filed under this
8-40 chapter for reasonableness, accuracy, and compliance with
8-41 requirements of court orders and make findings as to whether:

8-42 (1) a plan that has the goal of returning the child to
8-43 the child's parents adequately ensures that reasonable efforts are
8-44 made to enable the child's parents to provide a safe environment for
8-45 the child;

8-46 (2) the child's parents have reviewed and understand
8-47 the plan and have been advised that unless the parents are willing
8-48 and able to provide the child with a safe environment, even with the
8-49 assistance of a service plan, within the reasonable period of time
8-50 specified in the plan, the parents' parental and custodial duties
8-51 and rights may be subject to restriction or to termination under
8-52 this code or the child may not be returned to the parents;

8-53 (3) the plan is narrowly ~~reasonably~~ tailored to
8-54 address any specific issues identified by the department; and

8-55 (4) the child's parents and the representative of the
8-56 department have signed the plan.

8-57 SECTION 4. Subchapter C, Chapter 264, Family Code, is
8-58 amended by adding Section 264.2031 to read as follows:

8-59 Sec. 264.2031. SELECTION OF SERVICE PROVIDER. (a) A
8-60 parent, managing conservator, guardian, or other member of a
8-61 household ordered to participate in services under Section
8-62 264.203(a) may obtain those services from a qualified provider
8-63 selected by the person.

8-64 (b) A parent, managing conservator, guardian, or other
8-65 member of a household who obtains services from a provider selected
8-66 by the person is responsible for the cost of those services.

8-67 (c) A parent, managing conservator, guardian, or other
8-68 member of a household who successfully completes the services
8-69 ordered under Section 264.203(a) must obtain verification from the

9-1 service provider of that completion. The department shall accept
9-2 the service provider's verification provided under this subsection
9-3 as proof that the person successfully completed the court-ordered
9-4 services.

9-5 SECTION 5. The changes in law made by this Act to Section
9-6 262.1095, Family Code, apply only to a suit affecting the
9-7 parent-child relationship filed on or after the effective date of
9-8 this Act. A suit affecting the parent-child relationship filed
9-9 before the effective date of this Act is governed by the law in
9-10 effect immediately before the effective date of this Act, and the
9-11 former law is continued in effect for that purpose.

9-12 SECTION 6. This Act takes effect September 1, 2021.

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