

1-1 By: Leo Wilson, et al. (Senate Sponsor - Sparks) H.B. No. 2399
 1-2 (In the Senate - Received from the House May 19, 2025;
 1-3 May 19, 2025, read first time and referred to Committee on Health &
 1-4 Human Services; May 26, 2025, reported favorably by the following
 1-5 vote: Yeas 8, Nays 0; May 26, 2025, 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 requirements for certain court orders in a suit
 1-20 affecting the parent-child relationship filed by the Department of
 1-21 Family and Protective Services.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 263.002, Family Code, is amended by
 1-24 adding Subsection (c-1) to read as follows:

1-25 (c-1) The court shall include in a separate section of its
 1-26 order written findings describing with specificity the factual
 1-27 basis for the court's determination under Subsection (c). Citing
 1-28 the record of the proceedings or incorporating the record by
 1-29 reference is insufficient to meet the requirements of this
 1-30 subsection. This section of the court's order may not be admitted
 1-31 into evidence in a final trial in a suit affecting the parent-child
 1-32 relationship.

1-33 SECTION 2. Section 263.306, Family Code, is amended by
 1-34 amending Subsection (a-1) and adding Subsection (a-2) to read as
 1-35 follows:

1-36 (a-1) At each permanency hearing before a final order is
 1-37 rendered, the court shall:

1-38 (1) identify all persons and parties present at the
 1-39 hearing;

1-40 (2) review the efforts of the department or other
 1-41 agency in:

1-42 (A) locating and requesting service of citation
 1-43 on all persons entitled to service of citation under Section
 1-44 102.009; and

1-45 (B) obtaining the assistance of a parent in
 1-46 providing information necessary to locate an absent parent, alleged
 1-47 father, relative of the child, or other adult identified by the
 1-48 child as a potential relative or designated caregiver;

1-49 (3) ask all parties present whether the child or the
 1-50 child's family has a Native American heritage and identify any
 1-51 Native American tribe with which the child may be associated;

1-52 (4) review the extent of the parties' compliance with
 1-53 temporary orders and the service plan and the extent to which
 1-54 progress has been made toward alleviating or mitigating the causes
 1-55 necessitating the placement of the child in foster care;

1-56 (5) review the permanency progress report to
 1-57 determine:

1-58 (A) the safety and well-being of the child and
 1-59 whether the child's needs, including any medical or special needs,
 1-60 are being adequately addressed;

1-61 (B) the continuing necessity and appropriateness

2-1 of the placement of the child, including with respect to a child who
 2-2 has been placed outside of this state, whether the placement
 2-3 continues to be in the best interest of the child;
 2-4 (C) the appropriateness of the primary and
 2-5 alternative permanency goals for the child developed in accordance
 2-6 with department rule and whether the department has made reasonable
 2-7 efforts to finalize the permanency plan, including the concurrent
 2-8 permanency goals, in effect for the child;
 2-9 (D) whether the child has been provided the
 2-10 opportunity, in a developmentally appropriate manner, to express
 2-11 the child's opinion on any medical care provided;
 2-12 (E) whether the child has been provided the
 2-13 opportunity, in a developmentally appropriate manner, to identify
 2-14 any adults, particularly an adult residing in the child's
 2-15 community, who could be a relative or designated caregiver for the
 2-16 child;
 2-17 (F) for a child receiving psychotropic
 2-18 medication, whether the child:
 2-19 (i) has been provided appropriate
 2-20 nonpharmacological interventions, therapies, or strategies to meet
 2-21 the child's needs; or
 2-22 (ii) has been seen by the prescribing
 2-23 physician, physician assistant, or advanced practice nurse at least
 2-24 once every 90 days;
 2-25 (G) whether an education decision-maker for the
 2-26 child has been identified, the child's education needs and goals
 2-27 have been identified and addressed, and there have been major
 2-28 changes in the child's school performance or there have been
 2-29 serious disciplinary events;
 2-30 (H) for a child 14 years of age or older, whether
 2-31 services that are needed to assist the child in transitioning from
 2-32 substitute care to independent living are available in the child's
 2-33 community;
 2-34 (I) for a child whose permanency goal is another
 2-35 planned permanent living arrangement:
 2-36 (i) the desired permanency outcome for the
 2-37 child, by asking the child;
 2-38 (ii) whether, as of the date of the hearing,
 2-39 another planned permanent living arrangement is the best permanency
 2-40 plan for the child and, if so, provide compelling reasons why it
 2-41 continues to not be in the best interest of the child to:
 2-42 (a) return home;
 2-43 (b) be placed for adoption;
 2-44 (c) be placed with a legal guardian;
 2-45 or
 2-46 (d) be placed with a fit and willing
 2-47 relative;
 2-48 (iii) whether the department has conducted
 2-49 an independent living skills assessment under Section
 2-50 [264.121\(a-3\)](#);
 2-51 (iv) whether the department has addressed
 2-52 the goals identified in the child's permanency plan, including the
 2-53 child's housing plan, and the results of the independent living
 2-54 skills assessment;
 2-55 (v) if the youth is 16 years of age or
 2-56 older, whether there is evidence that the department has provided
 2-57 the youth with the documents and information listed in Section
 2-58 [264.121\(e\)](#); and
 2-59 (vi) if the youth is 18 years of age or
 2-60 older or has had the disabilities of minority removed, whether
 2-61 there is evidence that the department has provided the youth with
 2-62 the documents and information listed in Section [264.121\(e-1\)](#);
 2-63 (J) based on the court's determination under
 2-64 Section [263.002](#), whether continued placement is appropriate if the
 2-65 child is placed in a residential treatment center; and
 2-66 (K) based on the court's determination under
 2-67 Section [263.00201](#), whether continued placement is appropriate if
 2-68 the child is placed in a qualified residential treatment program;
 2-69 (6) determine whether to return the child to the

3-1 child's parents in accordance with Section 263.002(c) [~~if the~~
3-2 ~~child's parents are willing and able to provide the child with a~~
3-3 ~~safe environment and the return of the child is in the child's best~~
3-4 ~~interest~~];

3-5 (7) estimate a likely date by which the child may be
3-6 returned to and safely maintained in the child's home, placed for
3-7 adoption, or placed in permanent managing conservatorship; and

3-8 (8) announce in open court the dismissal date and the
3-9 date of any upcoming hearings.

3-10 (a-2) If the court determines under Subsection (a-1)(6) not
3-11 to return the child to the child's parents in accordance with
3-12 Section 263.002(c), the court shall include in a separate section
3-13 of its order written findings describing with specificity the
3-14 factual basis for the court's determination. Citing the record of
3-15 the proceedings or incorporating the record by reference is
3-16 insufficient to meet the requirements of this subsection.

3-17 SECTION 3. Section 263.002(d), Family Code, is repealed.

3-18 SECTION 4. The change in law made by this Act applies to a
3-19 suit affecting the parent-child relationship that is pending in a
3-20 trial court on the effective date of this Act or that is filed on or
3-21 after the effective date of this Act.

3-22 SECTION 5. This Act takes effect September 1, 2025.

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