



Children's Commission
87th Texas Regular Legislative
Session Report



The material in this report should not be construed as an advisory or ruling by or from the Supreme Court of Texas or any other court on specific cases or legal issues. This report is solely intended to address the improvement of the law, the legal system, and the administration of justice.

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General

The 87th Regular Legislation Session was a transformative one for child welfare law. Legal procedures specific to a Suit Affecting Parent-Child Relationship (SAPCR) filed by the Department of Family and Protective Services (DFPS) were significantly revised. The statutes governing the definitions of abuse and neglect, investigations, emergency removals, Adversary Hearings, Permanency Hearings, termination proceedings, and hearings conducted after final orders all saw substantial revisions. Legal procedures that allow a child to stay in the home while a parent receives services and the court reviews the case were a particular area of focus. New legislation overhauled the Court Order Services/Motion to Participate statute as well as established the development of pilot programs that specifically utilize the resources of the federal Family First Prevention Services Act (FFPSA) to allow families to remain together during a Family Code Chapter 262 proceeding. Utilizing FFPSA resources both for providing services to families and building placement capacity was also a focus of several bills. Finally, the legislature continued to support the establishment of Community-Based Care (CBC) by establishing new procedures, authority, and funding for its implementation.

By Chapter and Section

Code of Criminal Procedure

Section 7B.001(a), Code of Criminal Procedure, Amendment, (HB 39)

Allows any adult, not just a parent, to file for a Protective Order (PO) on behalf of a child victim of certain offenses.

Section 7B.001(a-1)-(a-2), Code of Criminal Procedure, New Language, (HB 39)

Allows an attorney for the state to file a PO regarding victims once an offender has been convicted. Restricts the attorney for the state from filing if the victim objects to the PO unless the victim is a child.

Section 7B.007, Code of Criminal Procedure, Amendment, (HB 39)

Prohibits a parent from filing to rescind an order if the parent is the offender.

Section 7B.007(a-1), Code of Criminal Procedure, New Language, (HB 39)

Allows a PO duration to last the life of both the offender and victim if the offender is convicted or placed on deferred adjudication for certain sexual offenses or is registered for life as a sex offender.

Section 42A.453(a), (c), Code of Criminal Procedure, Amendment, (HB 1540)

Adds General Residential Operations (GROs) and Residential Treatment Centers (RTCs) to the list of places that qualify as a child safety zone under the Code of Criminal Procedure.

Section 44.2811, Code of Criminal Procedure, Amendment, (HB 2669)

Makes records of a fine-only misdemeanor that is committed by a child and appealed confidential, unless it is a traffic offense.

Section 45.0217, Code of Criminal Procedure, Amendment, (HB 2669)

Requires records of a fine-only misdemeanor, other than a traffic offense, committed by a child to be confidential unless certain circumstances exist.

Section 45.041(b-6), Code of Criminal Procedure, New Language, (HB 80)

Restricts judges from imposing fines or costs on children and youth in the conservatorship of the Department of Family and Protective Services or on those in extended foster care. In lieu of paying fines and costs, the judge may require community service instead.

Education Code

Section 19.0051, Education Code, New Language, (HB 30)

Requires the Windham School District to develop an educational program that leads to a standard high school diploma or equivalency exam for incarcerated students younger than 18, or younger than 22 if the student is receiving special education. The program shall consider the person's length of confinement, level of education, Admission, Review, and Decision (ARD) committee recommendations, and education goals.

Section 21.001(4), Education Code, New Language, (HB 159)

Defines "student with a disability."

Section 21.044, Education Code, Amendment, (HB 159)

Adds training requirements related to expanding educators' knowledge about serving students with disabilities.

Section 21.0443(b), Education Code, Amendment, (HB 159)

Adds training requirements related to expanding educators' knowledge about competence in proactive instructional planning techniques.

Section 21.046, Education Code, Amendment, (HB 159)

Adds the ability to create an inclusive environment and to encourage parent involvement as one of the qualifications for school principal or superintendent.

Section 29.005(h), Education Code, New Language, (HB 785)

Requires a student's ARD committee to review a student's Behavioral Improvement Plan (BIP) at least annually to account for changes in circumstances.

Section 29.0052, Education Code, New Language, (SB 89)

Requires school districts to prepare supplements to written statements (required in Education Code Section 29.005) for each child in the district's special education program by May 1, 2022. The supplement must state, for the 2019-2020 or 2020-2021 school year, if the child's full evaluations (under Section 29.004) or programs were completed (if applicable); if the program was interrupted, reduced, delayed, suspended, or discontinued; and if compensatory education services are appropriate. This supplement is not necessary if the written statement already includes the necessary information. Education Code Sections 29.005(f) and 29.0051 do not apply to this supplement.

Note: Expires September 1, 2023.

Section 29.041-29.050, Education Code, New Language, (SB 1716)

Requires the Texas Education Agency (TEA) to establish by rule and administer supplemental special education services and instructional materials program for enrolled students who are eligible for compensatory education. Through a grant and application process, eligible students can be assigned an account to purchase services and materials.

Section 29.153(b), Education Code, Amendment, (HB 725)

Allows a child at least three years old who has ever been in foster care, whether in Texas or another state or territory, to enter early enrollment in pre-kindergarten.

Section 33.0832, Education Code, New Language, (HB 1080)

Forbids excluding students enrolled in a school district or open enrollment charter school that are receiving outpatient mental health services from participating in the University Interscholastic League.

Section 37.0021(d), Education Code, Amendment, (HB 785)

Requires written notice to parents for each use of restraint on a student and information about the restraint including the circumstances and details surrounding its use.

Section 38.3071, Education Code, New Language, (HB 2287)

Requires the Collaborative Task Force on Public School Mental Health Services to collect de-identified data on mental health services and trainings provided by public schools. The Task Force must also publish a report on mental health services provided to students.

Section 38.353, Education Code, New Language, (SB 279)

Requires public-school student identification cards to include the National Suicide Prevention Lifeline and Crisis Text Line information for students in grade six or higher.

Section 51.91941, Education Code, New Language, (SB 279)

Requires student identification cards to include the National Suicide Prevention Lifeline and Crisis Text Line information for students in higher education. Cards issued for students in higher education

may also have contact information for the campus police department or security, the campus or local health clinic, or a local suicide prevention hotline.

Family Code, Chapter 8

Section 8.057(c-1) New Language, (HB 851)

Clarifies that filing a motion to modify a final order based on a material change of circumstance for child support maintenance does not constitute an admission to a material change of circumstances for other purposes.

Section 8.062, New Language, (SB 286)

Requires courts to order child-support and maintenance obligors to pay maintenance to the state disbursement unit.

Family Code, Chapter 51

Section 51.02(3-a) New Language, (HB 3774)

Defines a "dual status child" as a child who has been referred to the juvenile justice system and is in Temporary Managing Conservatorship (TMC) or Permanent Managing Conservatorship (PMC) of DFPS; the subject of a case for which Family-Based Safety Services (FBSS) has been offered or provided by DFPS; an alleged victim of abuse or neglect in an open child protective investigation; or a victim in a case in which, after an investigation, DFPS concluded there was reason to believe the child was abused or neglected.

Section 51.11 Amendment, (SB 2049)

Defines a "dual-system child" as a child who at any time before the child's 18th birthday was referred to the juvenile justice system and was involved in the child welfare system either being in the TMC or PMC of DFPS, the subject of an FBSS case, an alleged victim in an active investigation or in an investigation that resulted in a finding of that there was reason to believe that abuse or neglect occurred.

Family Code, Chapter 58

Section 58.256(a-1), New Language, (HB 1401)

Allows an application to seal records to be filed by secure electronic means authorized under Texas Rules of Civil Procedure Rule 21.

Family Code, Chapter 65

Section 65.003, Amendment, (HB 3165)

Establishes an affirmative defense to truant conduct if the absence was due to abuse as defined by Family Code Section 261.001.

Family Code, Chapter 85

Section 85.005(a)-(b), Amendment, (HB 39)

Allows an agreed PO to be civilly and criminally enforceable regardless of whether the court makes findings required for a PO.

Section 85.026(a), Amendment, (HB 39)

If a person subject to a PO is released from incarceration after the date the PO expires or if the order would expire within one year of release, the order is automatically extended to expire on the first anniversary of the date of the person's release if the person's sentence was five years or more and the second anniversary of their release of the sentence was less than five years.

Family Code, Chapter 105

Section 105.002(c), Amendment, (HB 868)

Authorizes a jury verdict to rule regarding the right to determine the child's primary residence for a joint or sole managing conservator.

Family Code, Chapter 107

Section 107.003(b), Amendment, (HB 567)

Expands the duties of an attorney ad litem (AAL) for a child to apply to suits filed under Family Code Chapter 264.

Section 107.004, Amendment, (HB 904)

Adds a new trauma training requirement for attorneys to be qualified for appointment as AAL of a child in a child welfare case. The attorney must provide proof that the attorney completed a training program on trauma-informed care and the effect of trauma on children in DFPS conservatorship. The trauma training is in addition to the existing training requirement for three hours of legal education related to representing a child each year. However, the trauma training may also apply toward the three-hour requirement if it is completed in the same year. Attorneys shall complete the new requirement as soon as practicable after qualifying to receive court appointments in child welfare cases.

Requires the new training to educate attorneys regarding their duty to review the child's well-being and any effect of trauma on the child. The training must also provide information about trauma symptoms and the impact of trauma, the role of attachment, the role of trauma-informed care and services to the child, screening for trauma, potential re-traumatization of children in DFPS conservatorship, the availability of trauma-informed interventions, and advocacy to increase a child's access to trauma-informed care and mental and behavioral health services.

Note: Requires attorneys to complete the trauma training by September 1, 2022.

Section 107.004(d), (d-2)-(d-3), (e), Amendment, (HB 567)

Expands the duties of an AAL for a child to apply to suits filed under Family Code Chapter 264.

Section 107.004(d), (e), Amendment, (HB 3774)

Requires the AAL for a child to report to the court at each hearing, rather than filing a written statement with the court, whether they met with the child or their caregiver prior to the hearing as required by statute or whether they are requesting a finding of cause that meeting with the child was not feasible or the best interest of the child. The duty now applies to suits filed under Family Code Chapter 264, in addition to suits under Chapters 262 and 263.

Section 107.011(e), New Language, (SB 2049)

Defines a “dual-status child” as a dual system child who was involved in both the child welfare and juvenile justice systems at the same time. Allows a juvenile court to appoint guardian ad litem (GAL) who was appointed under Family Code Chapter 107 to be a GAL in the child's juvenile case. The GAL may not investigate any charges regarding the juvenile case or offer testimony concerning the guilt or innocence of a dual status child.

Section 107.016, Amendment, (HB 1315)

Requires that an order appointing DFPS managing conservator shall continue the appointment of the AAL or the GAL, or the attorney serving in the dual role for the child, as long as the child is in DFPS Conservatorship. The court may continue the appointment of both the AAL and the GAL.

Note: Applies to a SAPCR that is filed on or after September 1, 2021.

Section 107.103(e), (f), (g), New Language, (HB 3009)

Requires a child custody evaluator to be able to communicate with a party who does not speak English as a primary language or be accompanied by an interpreter either in-person or through audio or video conferencing technology. Parties may be required to pay associated costs of interpretation.

Family Code, Chapter 153

Section 153.317(a), Amendment, (HB 3203) (SB 1936)

Modifies the standard possession order. For weekends that follow student holiday or teacher in-service days that fall on a Monday, possession now ends at 8 a.m. on Tuesday.

Section 153.3171, New Language, (HB 3203) (SB 1936)

Changes the standard possession order for parents residing less than 50 miles apart to the alternative beginnings and endings of possession under Family Code Section 153.317 unless the possessory conservator declines in writing or through an oral statement in court that the court is limiting, denying, or restricting the possessory conservator's possession, or the possession times are not in the best interest of the child due to the distance between the parents' residences or lack of exercise of possession by the possessory conservator.

Family Code, Chapter 154

Section 154.001, Amendment, (HB 1227)

Requires the court to notify the Office of the Attorney General within 10 days if a court presiding over a SAPCR involving DFPS orders child support payments or modifies child support payments that requires the payments be made to DFPS.

Note: Applies to a proceeding that is pending in a trial court on or filed after September 1, 2021.

Section 154.066(c), New Language, (SB 286)

Forbids courts from considering incarceration as intentional unemployment or underemployment when establishing or modifying child support.

Family Code, Chapter 156

Section 156.007, New Language, (HB 851)

Clarifies that filing a motion to modify a final order based on a material change of circumstance for child support maintenance does not constitute an admission to a material change of circumstances for other purposes.

Section 156.106, New Language, (HB 1849)

Clarifies that the death of a child's conservator qualifies as a material and substantial change of circumstances to justify modification of prior court order, but the court must consider any current restriction or limitation of access for the surviving parent if those limitations continue to be in the best interest of the child.

Section 156.401(c-1), New Language, (SB 286)

Establishes that a child support obligor who is incarcerated in jail or prison for over 180 days qualifies as having a material and substantial change of circumstances under this section.

Family Code, Chapter 161

Section 161.001(b), Amendment, (HB 375)

Adds "sexual abuse of a disabled person" to list of offenses that qualify as conduct that allow DFPS to seek termination under 161.001(b)(1)(L).

Note: Applies only to an offense committed on or after September 1, 2021. An offense committed before September 1, 2021 is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before September 1, 2021 if any element of the offense occurred before September 1, 2021.

Section 161.001(c), Amendment, (HB 567)

Rephrases how courts must interpret the list of circumstances that are legally insufficient for termination of parental rights. Rather than prohibiting the court from making findings based on

the legally insufficient circumstances, the bill changes the language so that evidence of the legally insufficient circumstances does not constitute clear and convincing evidence of termination. Adds “allowing a child to engage in independent activities” to the list of prohibited circumstances.

Note: Applies only to a petition or motion filed by DFPS on or after September 1, 2021.

Section 161.001(c), Amendment, (HB 2536)

Adds the decision to seek a second opinion for a child's medical care or transferring a child's medical care to a new provider or facility to the list of legally insufficient reasons for termination.

Section 161.001(d-1), New Language, (HB 2924)

Prohibits a court from ordering a finding of termination on ground 161.001(b)(1)(M) based on a previous finding under 161.001(b)(1)(D) or (E) unless the petition for termination is filed before the first anniversary of the date DFPS was granted managing conservatorship in a case where the parent's rights were terminated based on a D or E finding.

Section 161.101, New Language, (HB 567)

Codifies that a petition or motion filed by DFPS in a suit for termination of the parent-child relationship is subject to Civil Practice and Remedies Code Chapter 10 and Texas Rules of Civil Procedure Rule 13.

Sections 161.2801, New Language, (HB 2926)

Requires DFPS to notify relatives it has identified of their right to file a petition for conservatorship post-termination.

Sections 161.301-161.304, New Language, (HB 2926)

Allows a petition to reinstate parental rights to be filed by DFPS, a Single Source Continuum Contractor (SSCC), the AAL for a child, and the parent whose rights were terminated. If the petitioner is the parent, they must provide DFPS with 45 days' notice of their intent to file. Notice of the petition must be served on the child, the county attorney, the child's attorney, DFPS or the SSCC, the parent (if they are not the petitioner), and the tribe if the child is subject to the Indian Child Welfare Act (ICWA).

Allows a petition to be filed two years after termination but the child must not have been adopted or in an agreed adoptive placement. The petition must include the name of the petitioner, the name and address of the parent, the name, date of birth, and residence of the child, and contact information for any party that participated in the termination hearing that has relevant information to the petition. The petition must also include a summary of the termination grounds, a summary of the facts and evidence that demonstrate the parent's current fitness, a statement of the child's consent if the child is 12 years or older, and a summary of the parent's prior requests for reinstatement (if the petitioner is not the parent).

Requires a hearing to be held within 60 days and the petitioner has the burden of proof. The court must find by preponderance of the evidence that reinstatement of parental rights is in the child's best interest, the parent has remedied the conditions that were the grounds for termination, the parent is willing and capable of performing parental duties, two years have passed, the child has not been adopted, and the child consents (if older than 12). If the child is younger than 12 years old, the court shall consider the child's wishes in making the determination.

Allows the court to grant, deny, or defer the petition for six months and render a temporary order awarding the parent possessory conservatorship. DFPS shall monitor the parent and the court shall hold another hearing to revisit the reinstatement when the temporary order expires. Does not address whether the parent seeking to reinstate their parental rights is entitled to appointment of attorney. If the petition is denied, a new petition may not be filed for one year after the date of the order.

Family Code, Chapter 231

Section 231.1211, New Language, (SB 1936)

The Title IV-D agency must create informative materials regarding the standard possession orders and make the materials available on its website and distribute printed copies upon request.

Family Code, Chapter 234

Section 234.007(a), Amendment, (SB 286)

Requires all parties who are required to pay child support under temporary or final orders to pay child support through the state disbursement unit, including child support employers who are court-ordered to withhold from the obligor's income.

Family Code, Chapter 261

Section 261.001(1), Amendment, (HB 375)

Adds "sexual abuse of a disabled person" to list of offenses that qualify as conduct that meets the definition of abuse and neglect.

Note: Applies only to an offense committed on or after September 1, 2021. An offense committed before the September 1, 2021 is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before September 1, 2021 if any element of the offense occurred before September 1, 2021.

Section 261.001(4), Amendment, (HB 567)

Changes the definition of "neglect" utilized in the reporting and investigating of abuse and neglect. A person's acts or omissions must now evidence "blatant disregard" that their actions or inactions resulted in harm or immediate danger to the child. Instead of defining neglect as conduct that results in a "substantial risk," the conduct must now constitute "immediate danger"

to the child to constitute neglect. Allowing the child to engage in independent activities is added to the list of acts that do not constitute neglect.

Section 261.001(4), Amendment, (HB 2536)

Excludes the decision to seek a second opinion for a child's medical care or transferring a child's medical care to a new provider or facility from the definition of neglect.

Section 261.101(a), (b), (b-1), Amendment, (HB 3379)

Changes the mandatory reporter statute to require "reasonable cause" rather than "having cause" to believe a child is abused or neglected.

Section 261.3017, Amendment, (HB 1578)

Requires the Forensic Assessment Center Network of physicians used by DFPS to have the ability to obtain consultations with board certified physicians including those trained in medical conditions that mimic child maltreatment or increase the risk of misdiagnosis of child maltreatment. If DFPS, the child's primary care physician, or parent or legal guardian requests a specialty consultation, DFPS must refer the case to a specialty consultation with a board-certified physician who was not involved in the report of suspected abuse or neglect.

Requires DFPS to provide to the child's parent or legal guardian written notice of the name, contact information, and credentials of the specialist before the specialty consultation and they may object to the proposed referral and request referral to another specialist. DFPS and the parent or legal guardian shall collaborate in good faith to select an acceptable specialist from the proposed specialists, but DFPS can refer the child's case to a specialist over the objection of the parent, legal guardian, or attorney. The parent may still seek a second opinion and DFPS must consider the second opinion and document its analysis.

Note: The changes in law apply only to a suit affecting the parent-child relationship filed on or after September 1, 2021.

Section 261.30171, New Language, (HB 1578)

Requires DFPS, with assistance from Supreme Court of Texas Children's Commission, to evaluate DFPS' use of the Forensic Assessment Center Network and develop joint recommendations to improve evaluation agreements and best practices for using assessments provided by the network in connection with abuse and neglect investigations. DFPS must submit a report including recommendations to the Legislature by September 1, 2022.

Section 261.30175, New Language, (HB 1578)

Restricts a health care practitioner who reports suspected abuse or neglect of a child from providing forensic assessment services in connection with an investigation resulting from the report and when referring a case for forensic assessment, requires DFPS to refer the case to a practitioner who was not involved with the report of suspected abuse or neglect. DFPS may still interview the

health care practitioner in the practitioner's capacity as a principal or collateral source as part of the investigation.

Note: The changes in law apply only to a suit affecting the parent-child relationship filed on or after September 1, 2021.

Section 261.3027, New Language, (HB 135)

Requires a Child Protective Services (CPS) investigator to inform a parent of the right to make an audio recording of the interview, that the recording is subject to subpoena, and that the parent may request a copy of DFPS recording policy. The investigator must document that notice of the right was provided to the parent. DFPS shall provide two copies of the written notice to be signed by the parent. DFPS shall provide one signed notice to the parent and retain the other signed notice in the case file.

Section 261.3091, New Language, (HB 135)

Requires a CPS investigator to notify the parent in writing before conducting the interview that the parent may request an administrative review of DFPS findings, and the parent shall sign an acknowledgement of receipt.

Section 261.504(a-1), New Language, (SB 1578)

Requires the court to consider the opinion of a medical professional obtained by the child's parent, managing conservator, possessory conservator, guardian, caretaker, or custodian in making a determination at the Adversary Hearing regarding immediate danger.

Note: The changes in law apply only to a suit affecting the parent-child relationship filed on or after September 1, 2021.

Family Code, Chapter 262

Section 262.102(b-1), New Language, (SB 1578)

Forbids an emergency removal order to be based solely on the medical opinion of a doctor under contract with DFPS who has not examined the child.

Note: The changes in law apply only to a suit affecting the parent-child relationship filed on or after September 1, 2021.

Section 262.104(c), New Language, (SB 1578)

Forbids an emergency removal prior to a court order to be based solely on the medical opinion of a doctor under contract with DFPS who has not examined the child.

Note: The changes in law apply only to a suit affecting the parent-child relationship filed on or after September 1, 2021.

Section 262.1095(a), Amendment, (HB 2926)

Adds language expanding which relatives DFPS must attempt to identify from the third degree of consanguinity to the fourth degree.

Section 262.1095, Amendment, (HB 3041)

Requires DFPS to provide information to relatives in writing and must include the ability and the requirements to participate in the care and placement of the child as well as deadlines and timeline procedures of a SAPCR under Family Code Chapter 262.

Section 262.113, Family Code, Repeal, (HB 567)

Section 262.1131, Family Code, Repeal, (HB 567)

Section 262.114(d), Family Code, New Language, (HB 2926)

When making placement decisions for the child DFPS must give preference in hierarchical order, from relatives, fictive kin, foster homes, and GROs.

Section 262.116(a), Family Code, Amendment, (HB 567)

Adds allowing a child to engage in independent activities and a parent's positive test for marijuana to the list of legally insufficient circumstances for removal, unless the parent's marijuana use caused significant impairment to the child's physical or mental health or emotional development.

Section 262.116(a), Family Code, Amendment, (HB 2536)

Adds the decision to seek a second opinion for a child's medical care or transferring a child's medical care to a new provider or facility to the list of legally insufficient reasons for removal.

Section 262.201, Family Code, Amendment, (HB 567)

Creates a separate set of findings at the Adversary Hearing required for parents who were not involved in the circumstances of the removal (sometimes referred to as the "non-offending parent." The court must place the child with the non-offending parent unless the parent cannot be located, or the court finds that possession of the child by the parent constitutes a continuing danger to the child despite reasonable efforts by DFPS to enable that person's possession. If such a person is located by DFPS after the Adversary Hearing and makes a written request for possession of the child, DFPS must notify the court and request a hearing.

Section 262.201(b), (j), Family Code, Repeal, (HB 567)

Repeals the statutory framework for the finding required for non-emergency removals at the Adversary Hearing.

Section 262.201(i-1), Family Code, New Language, (SB 1578)

Allows courts to consider a medical professional opinion retained by the subject of a PO when making an abuse or neglect PO, or when making findings at the Adversary Hearing.

Note: The changes in law apply only to a suit affecting the parent-child relationship filed on or after September 1, 2021.

Section 262.2015(b), Family Code, Amendment, (HB 375)

Adds "sexual abuse of a disabled person" to list of offenses that qualify as conduct that allows DFPS to file aggravated circumstances.

Note: Applies only to an offense committed on or after September 1, 2021. An offense committed before the September 1, 2021 is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before September 1, 2021 if any element of the offense occurred before September 1, 2021.

Section 262.2015(b), Family Code, Amendment, (HB 2924)

Deletes prior termination of parental rights from the aggravated circumstances under Section 262.2015.

Section 262.353(1-a), (1-b) Family Code, Amendment, (SB 642)

Defines "Relinquishment Avoidance Program."

Sections 262.401-262.417, Family Code, New Language, (HB 3041)

Requires the creation of a Family Preservation Services Pilot Program for children at imminent risk of removal to foster care by creating a new procedure under Chapter 262. The program allows DFPS to dispose of an investigation by allowing the child to return home and providing time-limited family preservation services—subject to Family Based Prevention Services Act qualifications—to children who are candidates for foster care or pregnant and parenting foster youth. The pilot program must be implemented in one urban and one rural jurisdiction and at least one jurisdiction where CBC has been implemented. The child's safety must be the primary concern in authorizing services.

Requires DFPS to use Title IV-E Funds to pay for legal representation or provide counties with a matching reimbursement for the costs of legal representation and use the Texas Temporary Assistance for Needy Families program (TANF) to provide in-home support services. DFPS must obtain a court order to compel the family of a candidate for foster care to participate in services but need not obtain a court order to provide services to pregnant or parenting foster youth.

Requires DFPS to file a petition in the jurisdiction where the child is located, and the petition must be accompanied by an affidavit stating sufficient facts for the court to make the required findings. The petition must also include a safety risk assessment that documents the process for the child to remain at home with appropriate family preservation services, the specific reason that DFPS should provide services to the family, and the manner in which the services will mitigate the risk. The court must hold a hearing within 14 days of filing the petition, may grant a 14-day extension for good cause, and may render temporary restraining orders per Family Code Section 105.001. Services may be provided to the child or any siblings of the child.

Requires appointments of attorneys ad litem for parents and children when the petition is filed. However, if the parent is not found indigent, the attorney for the parent may be dismissed at the 14-day hearing and the court shall order the parent to pay the attorney's cost.

Requires the court deny the petition unless it makes findings under the ordinary prudence and caution standard that abuse and neglect has occurred, or there is substantial risk of abuse or neglect or continuing danger, and that family preservation services are necessary to ensure the physical health or safety of the child and family preservation services are appropriate based on the risk assessment.

Requires the court's order for family preservation services to identify and require specific services narrowly tailored to address the issues and include a statement whether the services are appropriate to address the risk factors. The court may order services for parent whose rights to another child were terminated. If the court finds clear and convincing evidence that aggravated circumstances exist, the court may order that services not be provided.

Requires the family preservation plan to be developed with the family and be written in a manner that is clear and understandable to the parent in a language the parent understands. The plan must include a safety risk assessment, the reasons for DFPS involvement, be narrowly tailored to address the concerns, list the specific services the family will receive, state the manner by which the services mitigate the risk factors, specify the tasks the family must complete, and include contact information for DFPS or SSCC staff who will be the point of contact for the family. The family must sign the plan, but DFPS must submit the plan without the family's signatures if they refuse to sign. The plan remains in effect for 180 days unless the plan is amended or revoked by the court. A person affected by the plan may make a motion to modify at any time. The plan may be amended at any time and if the parents are not willing to participate in amending the plan, DFPS can submit the amended plan without the parents' signatures. The amended plan is then valid for 180 days, but the court may review the amended plan, render additional orders, and omit any service the court deems inappropriate or not narrowly tailored.

Allows a parent to obtain services from a qualified provider of their choosing, but the parent is responsible for the cost and the provided services must be similar in scope and duration to the services in the service plan and the provider must certify that the parent completed the services.

Requires the courts orders to be reviewed in 90 days and set subsequent reviews every 90 days as needed. The court may extend the order for 180 days upon a showing by DFPS of a continuing need for the order. Allows for an additional 180-day extension if the court finds that the extension is necessary to complete the services ordered, DFPS made a good faith effort to provide services, the parent made a good faith effort to complete services, completing services is necessary to ensure the child's safety, and the extension is requested by the parent or their attorney. The case shall be dismissed once the order expires.

Allows DFPS to contract for services, including contracting with an SSCC to provide services in areas with CBC. Performance measures of the contract include fewer children entering foster care in the pilot region, fewer children removed after receiving services, and fewer children

entering foster care five years after receiving services compared to other regions. Require courts that order services not subject to FFPSA to identify a method of financing the services and who will pay for them.

Requires DFPS to provide reports to the appropriate standing committees of the Legislature one year after the pilot and every two years thereafter. The reports must include actions taken to ensure the successful implementation of the pilot, and analysis of the role of the courts, legal representatives, Child Protective Investigations, and the entity implementing the pilot. The reports must also include analysis of any barriers and recommendations for overcoming them, data on performance-based outcomes, outcomes compared to other DFPS regions, and recommendations regarding expansion of the pilot programs. Performance measures include the number of children and families served, the percentage of children who do not have a reported finding of abuse or neglect, the percentage of children who did not enter foster care at case closure or within six months of closure, the number of families who did not receive a new referral within two years, and the average length of time services are provided prior to dismissal.

Family Code, Chapter 263

Section 263.002, Family Code, Amendment, (HB 567)

Requires the court to order the child returned to a parent at a Permanency Hearing before a final order, unless the court finds a continuing danger to the physical health and safety of the child and that returning the child to a parent is contrary to the welfare of the child. The court may return a child per a monitored return under Family Code Section 263.403.

Section 263.00201, Family Code, Amendment, (SB 1575)

Defines a Qualified Residential Treatment Program (QRTP) by the definition assigned under the FFPSA and requires that within 60 days of a child's placement in a QRTP, the court shall consider any assessment required by FFPSA regarding the child's placement, determine whether the child's needs can be met through placement in a foster home and, if not, whether placing the child in a QRTP provides the most effective and appropriate level of care for the child in the least restrictive environment and is consistent with the short-term and long-term goals for the child, as specified in the child's permanency plan. The court must then approve or disapprove the placement. Any documentation prepared for the review and documentation regarding approval or disapproval by the court shall be included in and made part of the child's permanency plan.

Requires DFPS to provide the court with information at the Status Review Hearing and at each Permanency Hearing as long as a child remains in a QRTP demonstrating that ongoing assessment of the child's strengths and needs shows the needs of the child cannot be met through placement in a foster home, placement in a QRTP provides the most effective and appropriate level of care for the child in the least restrictive environment, and the placement is consistent with the short-term and long-term goals for the child specified in the permanency plan.

Requires DFPS to provide information documenting the specific treatment or service needs that will be met for the child in the placement, the length of time the child is expected to need the

treatment or services, and the efforts made by DFPS to prepare the child to be placed in a home, with a foster home, relative, legal guardian, or adoptive parent and allows the review of a child's placement in a QRTP to be conducted through a remote proceeding.

Section 263.202(b) Family Code, Amendment, (HB 3041)

Modifies findings in Status Hearing that the plan must be “narrowly” not “reasonably” tailored to address specific issues.

Section 262.353 Family Code, New Language, (SB 642)

Forbids the Health and Human Service Commission (HHSC) from requiring DFPS to conduct a child abuse or neglect investigation before allowing the child to participate in the relinquishment avoidance program without an allegation of child abuse or neglect. Mental or behavioral health authorities may refer the child to the program without first contacting DFPS. HHSC and DFPS shall jointly adopt guidance for providers and families as well as protocols for families to secure access for the child to mental health services. DFPS and mental and behavioral health authorities must follow these protocols.

Section 263.401(b-3), Family Code, New Language, (HB 567)

Requires the court to make a finding of extraordinary circumstances to extend the dismissal date of a suit if a parent has made a good faith effort to complete a service plan but needs more time and the court intends to return the child once the plan is completed.

Section 263.4011, Family Code, New Language, (HB 567)

Requires the court to render a final order after commencement of trial on the merits in a case brought by DFPS within 90 days, with no tolling for recesses. A party may file a mandamus proceeding to compel compliance. The court may grant a good cause extension that specifies the good cause and the length of the extension.

Section 263.403(a-1), Family Code, New Language, (HB 567)

Clarifies that a transition monitored return under Section 263.403 may allow for an additional six-month extension of the deadline to allow completion of the services specified in the order for return.

Section 263.409, Family Code, New Language, (SB 1896)

Requires the court to verify that the relative was offered the opportunity to become a licensed foster placement to qualify for a Permanency Care Assistance (PCA) agreement and that the relative declined and the child placing agency (CPA) has been notified of the declination before entering a final order to a relative that awards permanent custody of a child in DFPS conservatorship.

Section 263.503, Family Code, Repeal, (HB 2058)

Section 263.5031, Family Code, Amendment, (HB 2058)

Adds normalcy requirements from Permanency Hearings before a final order to Permanency Hearings after a final order.

Family Code, Chapter 264

Section 264.018(a)(5), Family Code, Amendment, (SB 1575)

Adds placement of a child in a QRTP as a significant event requiring notice to the parties under Family Code Section 264.018(a)(5).

Section 264.107(g), Family Code, New Language, (SB 1896)

Allows an employee of an SSCC, in addition to employees of DFPS, to provide emergency temporary care for a child without placement.

Section 264.1071, Family Code, New Language, (SB 1896)

Forbids DFPS from allowing a child to stay overnight in a DFPS office.

Section 264.1073, Family Code, New Language, (SB 1896)

Requires DFPS and SSCCs to expand treatment foster care by allowing single parents to qualify as treatment foster care providers, expanding eligibility to children to 10 years old or older, preparing a plan for a subsequent placement 30 days after placement in treatment foster care to transition to the least restrictive setting, and extending the length of time treatment foster care can be provided.

Section 264.1077, Family Code, New Language, (SB 1575)

Directs the Supreme Court of Texas Children's Commission, in collaboration with DFPS, to establish and oversee a workgroup to examine the oversight of and best practices related to Residential Treatment Center (RTC) placements, including placements in QRTPs. The workgroup shall consider topics and changes to current practices including statutorily required judicial review of residential treatment center placements and shall submit a report to the Legislature regarding the findings and recommendations from the workgroup by October 1, 2022.

Note: This section expires September 1, 2023.

Section 264.117, Family Code, New Language, (SB 1896)

Requires DFPS and SSCCs to collaborate with local government and faith-based and community-based organizations to examine the feasibility of designing a volunteer mentor program for children in congregate care settings and report its findings to the Legislature by December 31, 2022.

Note: Expires September 1, 2023.

Section 264.121, Family Code, Amendment, (HB 700)

Requires DFPS to address barriers to participation in the Preparation for Adult Living Program (PAL) for youth with disabilities by making and documenting accommodations. Life-skills training for youth older than 17 must include lessons related to identification documents and how they may be used.

Requires DFPS, in coordination with the Texas Higher Education Coordinating Board, to establish a workgroup. This workgroup must develop a plan to allow foster youth to receive college credit for completing the PAL Program. The bill requires certain membership in the workgroup and requires a report to be issued by November 1, 2022.

Note: This subsection expires September 1, 2023.

Requires DFPS to ensure youth 14 and older have an email address where the youth may receive encrypted copies of personal documents and records. Adds a Medicaid card or proof of insurance to the documents which DFPS must provide to youth. Requires the DFPS caseworker to inform the youth of the documents they are required to receive and to assist the youth with a plan for keeping the documents in a safe place. For youth 17 or older taking medication, DFPS must ensure the youth's transition plan includes a program supervised by a health care professional to assist the youth with independently managing their medication.

Section 264.1214, Family Code, Amendment, (HB 700)

Requires the DFPS caseworker to complete any necessary transitional housing paperwork for youth entering extended foster care, six months before the youth turns 18 and to review the qualifications for housing 90 days before the youth turns 18. DFPS must waive background checks if a youth in extended foster care continues to live with the same substitute caregivers. A foster home that prohibits a youth from living there after they turn 18 shall notify the caseworker 90 days before the youth's 18th birthday and congregate care facilities must notify the caseworker six months before the youth's 18th birthday or as soon as possible if the youth is placed there within six months of their 18th birthday. The caseworker must notify the youth and document the communication. DFPS must assist the youth in Supervised Independent Living programs to develop a rental history by allowing them to co-sign for the lease on their housing. DFPS must develop a protocol to prevent a youth from aging out of residential treatment center and implement the protocol when the youth turns 17 years old.

Section 264.1261(b-1)-(b-4), Family Code, New Language, (SB 1896)

Requires HHSC, in collaboration with DFPS and all SSCCs, to develop a plan to increase the placement capacity in each catchment area in the state with the goal of eliminating the need to place children outside their community. The plan shall evaluate the best methods for meeting capacity shortages (including contracting for additional capacity at residential treatment centers (RTCs), inpatient and outpatient mental health facilities for crisis intervention for children with severe behavioral or mental health needs) and make recommendations to DFPS regarding contracting for additional capacity. Inpatient or outpatient facilities must discharge the child

within 72 hours if it is determined that it is not medically necessary to place the child there. The plan must have contingencies if a facility is placed on probation and DFPS and each SSCC must contract with facilities for reserve capacity.

Section 264.152(4), Family Code, Amendment, (SB 1896)

Defines CBC as the provision of child welfare services—including direct case management—in accordance with state and federal child welfare goals, by a community-based nonprofit or a local governmental entity under a contract to prevent entry into foster care, reunify and preserve families, ensure child safety, permanency, and well-being, and reduce future referrals to DFPS.

Section 264.154, Family Code, Amendment, (SB 1896)

Requires the majority of a non-profit SSCC's board to reside in Texas. DFPS must request that local stakeholders provide any necessary information about a catchment area that would assist DFPS in preparing requests for providing CBC in the area and selecting an SSCC.

Section 264.155, Family Code, Amendment, (SB 1896)

Requires a contract with an SSCC to be consistent with the requirements of applicable law and may only include terms authorized by the laws or rules of Texas. An SSCC may apply to DFPS for a waiver from any statutory and regulatory requirement to increase innovation and flexibility for achieving contractual performance outcomes.

Section 264.156(c), Family Code, Repeal, (SB 1896)

Section 264.157(a)-(c), Family Code, Amendment, (SB 1896)

Requires DFPS to identify areas where they will implement CBC by the last day of the fiscal biennium and following implementation and retain an independent entity to evaluate the implementation process and the SSCC in each catchment area. DFPS shall accept and evaluate unsolicited proposals from entities based in Texas to provide CBC services in a geographic area where DFPS has not implemented CBC. DFPS may change the geographic boundaries of catchment areas to enable satisfactory unsolicited proposals for CBC services to be accepted and implemented.

Section 264.158(d), Family Code, New Language, (SB 1896)

Allows an SSCC to implement its own procedures to execute DFPS' statutory duties which the contractor assumes and is not required to follow DFPS' procedures to execute the duties.

Section 264.159, Family Code, Amendment, (SB 1896)

Requires the council created by DFPS to develop protocols for the transfer of data from DFPS to SSCCs and for the access, management, and security of data shared with an independent entity retained to conduct evaluations. The protocols shall ensure the entity has full, unrestricted access to all relevant data necessary to perform an evaluation. The council shall consist of SSCCs with active contracts and DFPS employees who provide data, legal, information technology, and child protective services and shall meet at least quarterly during each calendar year.

Section 264.169, Family Code, Repeal, (SB 910)

Section 264.169, Family Code, Repeal, (SB 1896)

Section 264.1691, Family Code, New Language, (SB 910)

Defines "family preservation service" as including an FFPSA service to the family of a child who is a foster care candidate or a pregnant or parenting foster youth, in-home support services and non-recurring financial support, and services for self-sufficiency from the child welfare system.

Requires DFPS to make a list of family preservation service options, including contracting and using a competitive bidding process to gain service providers. To develop options, DFPS shall examine existing DFPS Family-Based Safety Services (FBSS) and make recommendations for incorporating them into contracted service providers and consider several factors when establishing these providers and services. DFPS may enter any contracts necessary to comply.

DFPS must submit options and recommendations by October 1, 2022.

Note: Expires August 31, 2023.

Sections 264.171-264.172, Family Code, New Language, (SB 1896)

Establishes the Joint Legislative Oversight Committee on CBC that shall consist of three members of the Senate appointed by the Lieutenant Governor and three members of the House of Representatives appointed by the Speaker of the House. The committee shall monitor and report to the Legislature on the funding for CBC, the performance and outcomes of CBC statewide and by region, statutory or regulatory barriers to the successful implementation of CBC, and other challenges to the successful implementation of CBC. By January 1 of each odd-numbered year, the committee shall submit a written report of the committee's findings and recommendations to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, and each member of the standing committees of the Senate and House of Representatives having primary jurisdiction over child welfare issues.

Establishes the Office of Community Base Care Transition. The office is independent of DFPS but is attached administratively. The director of the office is appointed by the Governor, reports directly to the Governor, and serves at the pleasure of the Governor. The office shall assess catchment areas where CBC services may be implemented, develop a plan for implementing CBC in each catchment area in Texas, including the order in which CBC will be implemented in each catchment area, a timeline for implementation, and an evaluation of CBC providers.

Requires the office to contract on behalf of DFPS with CBC providers to provide services in each catchment area in Texas, measure contract performance of CBC providers, and provide contract oversight of CBC providers.

Requires the office to report outcomes of CBC providers and identify the employees and other resources to be transferred to the CBC provider to provide the necessary implementation, case management, operational, and administrative functions and outline the methodology for determining the employees and resources to be transferred.

Requires the office to create a risk-sharing funding model that strategically and explicitly balances financial risk between Texas and the CBC provider and mitigates the financial effects of significant unforeseen changes in the CBC provider's duties or the population of the region it serves and require the annual review and adjustment of the funding based on updated cost and finance methodologies, including changes in policy, foster care rates, and regional service usage.

Requires the office to report quarterly to the Legislature regarding implementation of CBC, and the office expires once CBC is implemented statewide.

Section 264.201(d), Family Code, Amendment, (SB 452)

Expands services provided by DFPS to include to "programs and practices" rather than just "programs." This change applies to parenting education programs, evidence-based programs, and promising programs.

Section 264.203, Family Code, Amendment, (HB 567)

Makes comprehensive changes to Section 264.203 (sometimes referred to as "Court Ordered Services" or "Motion to Participate"). DFPS must file a suit in the jurisdiction where the child is located, and the petition must be accompanied by an affidavit stating sufficient facts for the court to make the required findings. The court must hold a hearing within 14 days of filing of the petition, may grant a 14-day extension for good cause, and may render temporary restraining orders per Family Code Section 105.001.

Requires appointment of attorneys ad litem for parents and children when the petition is filed. However, if the parent is not found indigent, the attorney for the parent may be dismissed at the 14-day hearing and the court shall order the parent to pay the attorney's cost.

Requires the court to deny the petition unless it makes findings under the ordinary prudence and caution standard that abuse and neglect has occurred, or that there is substantial risk of abuse or neglect or continuing danger, and that services are necessary to ensure the physical health or safety of the child.

Requires services ordered to be narrowly tailored to the court's findings and may only apply to a perpetrator of the alleged abuse or neglect. The order shall be reviewed in 90 days and expires in 180 days unless extended by the court. The court may extend the order for 180 days upon a showing by DFPS of a continuing need for the order and may extend an additional 180 days if the court finds that the extension is necessary to complete the services ordered; DFPS made a good faith effort to provide services; the parent made a good faith effort to complete services; completing services is necessary to ensure the child's safety; and the extension is requested by the parent or their attorney.

Note: Changes in the law apply only to a suit filed by DFPS on or after September 1, 2021. A suit filed by DFPS before September 1, 2021 is governed by the law on the date the suit was filed.

Section 264.2031, Family Code, New Language, (HB 3041)

Allows a parent in Family Code Section 264.203 (Court Ordered Services/Motion to Participate) proceeding to obtain services from a qualified provider selected by the person, but they are responsible for the cost, the provider must certify the parent completed the services, and DFPS shall accept the providers verification as proof of completion.

Section 264.603(a), Family Code, Amendment, (SB 1156)

Eliminates the requirement that Texas CASA be designated as a supporting organization under IRS Code 509(a)(3).

Family Code, Chapter 265

Section 265.004(a-1), Family Code, Amendment, (SB 452)

Expands services provided by DFPS to include to “programs and practices” rather than just “programs.” This change applies to parenting education programs, evidence-based programs, and promising programs.

Section 265.151, Family Code, Amendment, (SB 452)

Changes “Parenting Education” to “Evidence-Based Programs and Practices” for Subchapter D and Family Code Section 265.151 and requires evidence-based program and practices to be associated with a Texas or national organization, a higher education institution, or a national or state public health institute. A section defining evidence-informed programs and practices is also added.

Section 265.151(a), Family Code, Repeal, (SB 452)

Section 265.152, Family Code, Amendment, (SB 452)

Replaces “parenting education” with “prevention and early intervention programs and practices” for Family Code Section 265.152. Replaces “parenting skills” with “increased protective factors.”

Section 265.153, Family Code, Amendment, (SB 452)

Replaces “parenting education” with “prevention and early intervention programs and practices” for Family Code Section 265.153. Replaces “parenting skills” with “increased protective factors.”

Section 265.154, Family Code, Amendment, (SB 452)

Replaces “parenting education” with “prevention and early intervention programs and practices” for Family Code Section 265.154. Replaces “parenting skills” with “increased protective factors.”

Government Code

Sections 130.001-130.004, Government Code, New Language, (HB 454)

Authorizes commissioners' courts to establish a juvenile family drug court program focused on the rehabilitation of an individual who is suspected of substance abuse by DFPS and who resides with

a child who is the subject of a juvenile case. Counties that create such courts shall explore court improvement project money as well as state and federal matching funds to finance the court.

Section 437.302, Government Code, Amendment, (HB 1062)

Allows a 17-year-old youth in DFPS conservatorship to serve in the Texas State Guard with the consent of a representative of DFPS or other legal entity.

Sections 533.00521-533.00522, Government Code, New Language, (SB 1986)

Requires HHSC to annually evaluate the use of benefits under the Medicaid program in the STAR Health program offered to children in foster care and provide recommendations to DFPS and each SSCC in Texas to better coordinate the provision of health care and use of those benefits for children in foster care. The evaluation must identify options to obtain federal matching funds to pay for a safe home-like or community-based residential setting for children in DFPS conservatorship who are diagnosed as having a serious behavioral or mental health condition that requires intensive treatment, those who are victim of serious abuse or serious neglect, those for whom a traditional substitute care placement contracted for or purchased by DFPS is not available or would further denigrate the child's behavioral or mental health condition, and those for whom DFPS determines a safe home-like or community-based residential placement could stabilize their behavioral or mental health condition in order to return them to a traditional substitute care placement.

Requires a contract between a Medicaid managed care organization and HHSC to provide health care services to recipients under the STAR Health program to require the organization to ensure that the organization maintains a network of mental and behavioral health providers, including child psychiatrists and other appropriate providers, in all DFPS regions in Texas, regardless of whether CBC has been implemented in any region.

Note: Applies only to a contract for the provision of health care services under the STAR Health program between HHSC and a Medicaid managed care organization under Government Code Chapter 533 that is entered into, renewed, or extended on or after June 14, 2021 and may be delayed if HHSC determines a waiver or authorization from a federal agency is necessary for implementation.

Section 2155.089(c), Government Code, Amendment, (SB 1896)

Excepts a child-specific contract entered into by DFPS for a child without placement from vendor review requirements.

Section 2155.144(a), Government Code, Amendment, (SB 1896)

Considers DFPS an HHSC agency for the purpose of procurement.

Health and Safety Code

Sections 50.0151-50.0157, Health and Safety Code, New Language, (HB 2633)

Creates a trafficked persons account program to support victims of human trafficking that is funded by voluntary driver's license contributions, specialty license plate fees, donations, grants, and other funds. Grant funds are to be used by DFPS for dedicated housing and treatment facilities provided to victims of human trafficking.

Section 191.00491, Health and Safety Code, Amendment, (SB 798)

Waives the fee to obtain a certified copy of their birth record for victims and children of victims of dating or family violence.

Section 481.134(b)-(f), Health and Safety Code, Amendment, (HB 1540)

Adds GROs and RTCs to the list of places that qualify as a child safety zone and adds enhanced penalties for certain crimes such as delivery of a controlled substance.

Human Resources Code

Section 31.0041(a), Human Resources Code, Amendment, (SB 263)

Allows relative caretakers of a dependent child to receive supplemental financial assistance. Qualifying relatives must be 25 years or older, living with the child, and be a grandparent, aunt, uncle, sister, or brother of the child as defined in Human Resources Code Section 31.002.

Section 31.0324, Human Resources Code, Amendment, (SB 263)

Allows relative caretakers of a dependent child become protective payees for financial assistance payments. Qualifying relatives must be 25 years or older, living with the child, and be a grandparent, aunt, uncle, sister, or brother of the child as defined in Human Resources Code Section 31.002.

Section 32.0247(e), (f), Human Resources Code, Amendment, (SB 1059)

Changes the DFPS recertification period for individuals qualifying for medical assistance to the maximum period permitted under federal law. When recertifying, the process must comply with Human Resources Code Section 32.024715 as described below and can now be done online.

Section 32.024715, Human Resources Code, New Language, (SB 1059)

Requires HHSC and DFPS to create a streamlined process to determine if a youth formerly in foster care is eligible for Medicaid. It must include automatic enrollment and recertification to an appropriate Medicaid program and prevent unnecessary interruption in the Medicaid benefits. If the recertification is required under federal law, HHSC must not have the application and recertification process require state-residence certification unless HHSC determines that the youth received Medicaid outside this state. However, if the federal law requires a youth to verify state residency, HHSC must allow the youth to attest to state residency without providing additional documentation or evidence.

Section 32.0264(b-1), Human Resources Code, New Language, (HB 1664)

Requires HHSC to reinstate the child's eligibility for medical assistance during the impatient stay if a child in juvenile facility is hospitalized.

Note: If HHSC determines that a memorandum of understanding between the commission and the Texas Juvenile Justice Department or the adoption of policies or procedures is necessary for implementation of that provision, HHSC may delay implementing that provision until the earlier of: (1) the date any necessary memorandum of understanding, policies, and procedures are adopted; or (2) March 1, 2022.

Section 40.045, Human Resources Code, New Language, (HB 2374)

Requires DFPS to conduct an efficiency audit by an independent auditor every four years beginning in 2022. The Legislative Budget Board (LBB) shall establish the scope of the audit and the areas of investigation. The auditor must report the results to the Governor, LBB, State Auditor, and the Chairs of the House Human Services Committee and the Senate Health and Human Services Committee.

Section 40.05291, Human Resources Code, New Language, (SB 1896)

Requires DFPS to develop a plan to eliminate the use of paper case files and fully transition to an electronic system.

Section 40.0581(f), Human Resources Code, Repeal, (SB 910) (SB 1896)

Section 40.0583, Human Resources Code, New Language, (SB 1896)

Requires the State Auditor to annually review DFPS' performance-based contracts to determine whether DFPS is properly enforcing contract provisions with providers and to provide recommendations for improving Department oversight and execution of contracts.

Section 40.081, Human Resources Code, New Language, (SB 1896)

Instructs DFPS to develop to the greatest extent possible capacity for placement that is eligible for federal reimbursement under the FFPSA including facilities specializing in providing prenatal, postpartum, or parenting support for youth, those providing high-quality residential care and supportive services to children and youth who are at risk of human trafficking, those providing Supervised independent Living (SIL) for young adults, those offering residential family-based substance abuse treatment, and those serving as a QRTP.

Section 42.026, Human Resources Code, New Language, (SB 1896)

Requires HHSC to make the child-care licensing division's searchable database accessible to HHSC and DFPS investigators and DFPS shall make DFPS' searchable database accessible to HHSC and DFPS investigators.

Section 42.042(e-1), Human Resources Code, Amendment, (HB 1387)

Allows foster care licensing to permit foster parents to store firearms and ammunition in the same locked location without a trigger locking device on the firearm.

Section 42.042(e-2), Human Resources Code, New Language, (HB 1927)

Forbids DFPS from prohibiting a foster parent from transporting the child in a vehicle where a handgun is present if the handgun is in the possession and control of the foster parent and the foster parent is not otherwise prohibited by law from carrying a handgun.

Section 42.0433, Human Resources Code, New Language, (SB 1896)

Requires the HHSC Commissioner to adopt a model suicide prevention, intervention, and postvention policy for use by a residential child-care facility and requires each residential child-care facility to adopt the model policy or another policy approved by the Commissioner. HHSC shall provide to a residential child-care facility any technical assistance necessary to adopt or implement a suicide prevention, intervention, and postvention policy.

Section 42.0538, Human Resources Code, New Language, (SB 1896)

Requires HHSC to allow a child-placing agency to issue a provisional license for a kinship provider who meets the basic safety requirements provided by commission rule and the kinship provider issued a provisional license shall complete all licensing requirements within the time provided by rule.

Section 42.0583, Human Resources Code, New Language, (SB 1896)

Requires DFPS to use data analytics collected regarding residential child-care providers, including GROs providing treatment services to young adults with emotional disorders, to develop an early warning system to identify at-risk providers most in need of technical support and to promote corrective actions and minimize standard violations. The system must distinguish between different levels of risk using a multi-point severity scale and shall make information regarding the severity scale available to the public through DFPS' website.

Section 42.068, Human Resources Code, New Language, (HB 1540)

Requires GROs and RTCs to have "No Trespassing" signs in English and Spanish, citing Penal Code provisions at boundaries and access points.

Section 42.080, Human Resources Code, New Language, (SB 1896)

Restricts HHSC from issuing a citation to or taking any other disciplinary action against a GRO or a child-placing agency for failing to employ a licensed child-care administrator or licensed child-placing administrator, as appropriate, if the operation or agency has been without an administrator for less than 60 days and has made substantial efforts to hire a qualified administrator.

Section 42.252(c), Human Resources Code, Amendment, (SB 1896)

Requires a GRO's proposed operation plan to include a suicide prevention, intervention, and postvention plan for residents.

Section 42.2541, Human Resources Code, Amendment, (SB 1896)

Requires DFPS to develop a strategic plan for improving the provision of educational services to children placed in a GRO, report to TEA the educational outcomes for children placed in a GRO, and DFPS and TEA shall annually evaluate the educational outcomes for children placed in a GRO and adopt strategies and policies to improve the outcomes and standards.

Sections 42.256-42.260, Human Resources Code, New Language, (SB 1896)

Requires a GRO that contracts with DFPS to provide residential care for children in foster care to submit information on the operation's treatment model to DFPS and the operation shall annually assess the overall effectiveness of the model. The treatment model shall include the manner in which treatment goals will be individualized and identified for each child, the method the operation will use to measure the effectiveness of each treatment goal for the child, the actions the operation will take if the treatment goals are not met, and the method the operation will use to monitor and evaluate the effectiveness of the treatment model.

Requires a GRO that considers accepting a child's placement with the operation to evaluate whether the child meets the operation's admission criteria, whether the child would benefit from the treatment model implemented at the operation, and whether the operation has the staff and resources to meet the child's needs considering the other children at the operation and the other children's needs. If DFPS or a SSCC contracts with a GRO providing treatment services to place children with the operation before the operation is licensed, the contract must limit the number of children that may be placed each month and limit the number of children with a service level of specialized, intense, or intense.

Requires GROs to develop a transition plan for each child who has been placed at the operation for longer than six months.

Requires HHSC, in coordination with DFPS and SSCCs, to establish guidelines in the STAR Health program to improve the use of telehealth services for mental health and behavioral health care for children in DFPS conservatorship.

Section 43.0081, Human Resources Code, Amendment, (SB 1896)

Allows HHSC, rather than DFPS, to issue provisional childcare administrator's licenses.

Penal Code

Section 71.028(c), Amendment, (HB 1540)

Raises human trafficking to a first-degree felony if the trafficked person is recruited from a GRO operating as an RTC.

Tax Code

Section 151.4292, New Language, (SB 1524)

Allows tax refunds for persons who employ apprentices and allows up to six apprentices if at least half are youth currently in foster care in transition to independent living. The Texas Workforce Commission and the comptroller of public accounts are required to implement this Act only if the Legislature appropriates money specifically for that purpose.

Transportation Code

Section 521.1016, Transportation Code, New Language, (SB 798)

Defines "advocate" (see Family Code Section 93.001), "victim of dating violence," (see Family Code Section 71.0021) and "victim of family violence" (see Human Resource Code Section 51.002) for this section of the Transportation Code.

Section 521.1811, Transportation Code, Amendment, (SB 798)

Waives fees to obtain a personal identification certificate for victims of family violence and their children. When applying for a personal identification certificate, victims and their children may provide a copy of their birth certificate and if homeless, a letter certifying their homelessness issued by an advocate, licensed mental health service provider, or director of an emergency shelter or transitional housing program.

Section 521.4265(b), (c), Transportation Code, New Language, (SB 798)

Waives fees to obtain a driver's license for victims of family violence and their children and adds the new section to the list of those who will have their fee waived through the Texas mobility fund.

Section 521.4265, Transportation Code, New Language, (SB 2054)

Requires the Texas Workforce Commission (TWC) to pay for driver's education courses that are required for obtaining a driver's license for youth currently and formerly in foster care up to age 26.

Section 521.168, Transportation Code, New Language, (SB 2054)

Requires TWC to establish a process for youth to apply for fee payment for driver's education courses.

Repeals

Family Code Section 262.113, Repeal, (HB 567)

Family Code Section 262.1131, Repeal, (HB 567)

Family Code Section 263.503, Repeal, (HB 2058)

Family Code Section 264.156(c), Repeal, (SB 1896)

Family Code Section 264.169, Repeal, (SB 910 & SB 1896)

Family Code Section 265.151(a), Repeal, (SB 452)

Human Resources Code Section 40.0581(f), Repeal, (SB 910 & SB 1896)

By House Bill Number

HB 30, Effective September 1, 2021

Education Code Section 19.0051 New Language

Requires the Windham School District to develop an educational program that leads to a standard high school diploma or equivalency exam for incarcerated students younger than 18, or younger than 22 if the student is receiving special education. The program shall consider the person's length of confinement, level of education, ARD committee recommendations, and education goals.

HB 39, Effective September 1, 2021

Family Code Sections 85.005, 85.026 Amendment; 85.025(d) New Language

Code of Criminal Procedure Articles 7B.001, 7B.007

Allows an agreed PO to be civilly and criminally enforceable regardless of whether the court makes findings required for a PO. Any adult, not just a parent, may file for a PO on behalf of a child victim of certain offenses. Allows an attorney for the state to file a PO regarding victims once an offender has been convicted. Restricts the attorney for the state from filing if the victim objects to the PO unless the victim is a child. Allows a PO duration to last the life of both the offender and victim if the offender is convicted or placed on deferred adjudication for certain sexual offenses or is registered for life as a sex offender. A parent may not file to rescind an order if the parent is the offender. If a person subject to a PO is released from incarceration after the date the PO expires or if the order would expire within one year of release, the order is automatically extended to expire on the first anniversary of the date of the person's release if the person's sentence was five years or more and the second anniversary of their release of the sentence was less than five years.

Note: The effective date depends on when the PO was approved, when the respondent receives service, when the application was filed, and when the judgement of conviction was entered.

HB 80, Effective September 1, 2021

Code of Criminal Procedure Article 45.041 Amendment

Restricts judges from imposing fines or costs on children and youth in the conservatorship of the DFPS or on those in extended foster care. In lieu of paying fines and costs, the judge may require community service instead.

HB 135, Effective September 1, 2021

Family Code Sections 261.3027, 261.3091 New Language

Requires a CPS investigator to inform a parent of the right to make an audio recording of the interview, that the recording is subject to subpoena, and that the parent may request a copy of DFPS recording policy. The investigator must document that notice of the right was provided to the parent. DFPS shall provide two copies of the written notice to be signed by the parent. DFPS shall provide one signed notice to the parent and retain the other signed notice in the case file. Before conducting the interview, DFPS shall also notify the parent in writing that the parent may request an administrative review of DFPS findings, and the parent shall sign an acknowledgement of receipt.

HB 159, Effective September 1, 2021

Education Code Sections 21.001, 21.044, 21.0443, 21.046 Amendment

Defines "student with a disability." Adds training requirements related to expanding educators' knowledge about serving students with disabilities and competence in proactive instructional planning techniques. Adds the ability to create an inclusive environment and to foster parent involvement as one of the qualifications for principal or superintendent.

HB 375, Effective September 1, 2021

Family Code Sections 161.001, 261.001, 262.2015 Amendment

Adds "sexual abuse of a disabled person" to list of offenses that qualify as conduct that meets the definition of abuse and neglect and allows DFPS to file aggravated circumstances and seek termination under 161.001(b)(1)(L).

Note: Applies only to an offense committed on or after September 1, 2021. An offense committed before September 1, 2021 is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before September 1, 2021 if any element of the offense occurred before September 1, 2021.

HB 454, Effective September 1, 2021

Government Code Section 130.004 New Language

Authorizes commissioners' courts to establish a juvenile family drug court program focused on the rehabilitation of an individual who is suspected of substance abuse by DFPS and who resides with

a child who is the subject of a juvenile case. Counties that create such courts shall explore court improvement project money as well as state and federal matching funds to finance the court.

HB 567, Effective September 1, 2021

Contains several provisions that each make significant changes to the legal structure of child welfare cases.

Family Code Sections 107.003(b), 107.004(d), (d-2), (d-3), (e) Amendment

Expands the duties of an AAL for a child to apply to suits filed under Family Code Chapter 264.

Family Code Section 161.001(c) Amendment

Rephrases how courts must interpret the list of circumstances that are legally insufficient for termination of parental rights. Rather than prohibiting the court from making findings based on the legally insufficient circumstances, the bill changes the language so that evidence of the legally insufficient circumstances does not constitute clear and convincing evidence of termination. Adds "allowing a child to engage in independent activities" to the list of prohibited circumstances.

Note: Applies only to a petition or motion filed by DFPS on or after September 1, 2021.

Family Code Section 161.101 Amendment

Codifies that a petition or motion filed by DFPS in a suit for termination of the parent-child relationship is subject to Civil Practice and Remedies Code Chapter 10 and Texas Rules of Civil Procedure Rule 13.

Family Code Section 261.001(4) Amendment

Changes the definition of "neglect" utilized in the reporting and investigating of abuse and neglect. A person's acts or omissions must now evidence "blatant disregard" that their actions or inactions resulted in harm or immediate danger to the child. Instead of defining neglect as conduct that results in a "substantial risk," the conduct must now constitute "immediate danger" to the child to constitute neglect. Allowing the child to engage in independent activities is added to the list of acts that do not constitute neglect.

Family Code Section 262.113, Repeal

Family Code Section 262.1131 Repeal

Family Code Section 262.116(a) Amendment

Adds allowing a child to engage in independent activities and a parent's positive test for marijuana to the list of legally insufficient circumstances for removal, unless the parent's marijuana use caused significant impairment to the child's physical or mental health or emotional development.

Family Code Section 262.201 Amendment

Creates a separate set of findings at the Adversary Hearing required for parents who were not involved in the circumstances of the removal (sometimes referred to as the “non-offending parent.” The court must place the child with the non-offending parent unless the parent cannot be located, or the court finds that possession of the child by the parent constitutes a continuing danger to the child despite reasonable efforts by DFPS to enable that person's possession. If such a person is located by DFPS after the Adversary Hearing and makes a written request for possession of the child, DFPS must notify the court and request a hearing.

Family Code Section 262.201(b) (i) Repeal

Family Code Section 263.002 Amendment

Requires the court to order the child returned to a parent at a Permanency Hearing before a final order, unless the court finds a continuing danger to the physical health and safety of the child and that returning the child to a parent is contrary to the welfare of the child. The court may return a child per a monitored return under Section 263.403.

Family Code Section 263.401(b-3) New Language

Requires the court to make a finding of extraordinary circumstances to extend the dismissal date of a suit if a parent has made a good faith effort to complete a service plan but needs more time and the court intends to return the child once the plan is completed.

Family Code Section 263.4011 New Language

Requires the court to render a final order after commencement of trial on the merits in a case brought by DFPS within 90 days, with no tolling for recesses. A party may file a mandamus proceeding to compel compliance. The court may grant a good cause extension that specifies the good cause and the length of the extension.

Family Code Section 263.403(a-1) Amendment

Clarifies that a transition monitored return under Family Code Section 263.403 may allow for an additional six-month extension of the deadline to allow completion of the services specified in the order for return.

Family Code Section 264.203 Amendment

Makes comprehensive changes to Section 264.203 (sometimes referred to as “Court Ordered Services” or “Motion to Participate”). DFPS must file a suit in the jurisdiction where the child is located and the petition must be accompanied by an affidavit stating sufficient facts for the court to make the required findings. The court must hold a hearing within 14 days of filing of the petition, may grant a 14-day extension for good cause, and may render temporary restraining orders per Family Code Section 105.001.

Requires appointment of attorneys ad litem for parents and children when the petition is filed. However, if the parent is not found indigent, the attorney for the parent may be dismissed at the 14-day hearing and the court shall order the parent to pay the attorney's cost.

Requires the court to deny the petition unless it makes findings under the ordinary prudence and caution standard that abuse and neglect has occurred, or that there is substantial risk of abuse or neglect or continuing danger, and that services are necessary to ensure the physical health or safety of the child.

Requires services ordered to be narrowly tailored to the court's findings and may only apply to a perpetrator of the alleged abuse or neglect. The order shall be reviewed in 90 days and expires in 180 days unless extended by the court. The court may extend the order for 180 days upon a showing by DFPS of a continuing need for the order and may extend an additional 180 days if the court finds that the extension is necessary to complete the services ordered; DFPS made a good faith effort to provide services; the parent made a good faith effort to complete services; completing services is necessary to ensure the child's safety; and the extension is requested by the parent or their attorney.

Note: Changes in the law apply only to a suit filed by DFPS on or after September 1, 2021. A suit filed by DFPS before September 1, 2021 is governed by the law on the date the suit was filed.

HB 700, Effective September 1, 2021

Family Code Sections 264.121(a), (a-2), (a-6), (e-1), (g) Amendment; 264.121(a-7), (e-4), 264.1214 New Language

Requires DFPS to address barriers to participation in the PAL for youth with disabilities by making and documenting accommodations. Life-skills training for youth older than 17 must include lessons related to identification documents and how they may be used.

Requires DFPS, in coordination with the Texas Higher Education Coordinating Board, to establish a workgroup. This workgroup must develop a plan to allow foster youth to receive college credit for completing the PAL Program. The bill requires certain membership in the workgroup and requires a report to be issued by November 1, 2022.

Note: This subsection expires September 1, 2023.

Requires DFPS to ensure youth 14 and older have an email address where the youth may receive encrypted copies of personal documents and records. Adds a Medicaid card or proof of insurance to the documents which DFPS must provide to youth. Requires the DFPS caseworker to inform the youth of the documents they are required to receive and to assist the youth with a plan for keeping the documents in a safe place. For youth 17 or older taking medication, DFPS must ensure the youth's transition plan includes a program supervised by a health care professional to assist the youth with independently managing their medication.

Requires the DFPS caseworker to complete any necessary transitional housing paperwork for youth entering extended foster care, six months before the youth turns 18 and to review the

qualifications for housing 90 days before the youth turns 18. DFPS must waive background checks if a youth in extended foster care continues to live with the same substitute caregivers. A foster home that prohibits a youth from living there after they turn 18 shall notify the caseworker 90 days before the youth's 18th birthday and congregate care facilities must notify the caseworker six months before the youth's 18th birthday or as soon as possible if the youth is placed there within six months of their 18th birthday. The caseworker must notify the youth and document the communication. DFPS must assist the youth in Supervised Independent Living programs to develop a rental history by allowing them to co-sign for the lease on their housing. DFPS must develop a protocol to prevent a youth from aging out of residential treatment center and implement the protocol when the youth turns 17 years old.

HB 707, Effective September 1, 2021

No citation

Requires HHSC to conduct a study to evaluate the current opportunities, challenges, and needs to expand recovery housing in Texas. The study must include interviews of stakeholders and experts in recovery housing that represent both rural and urban areas of Texas. HHSC must prepare and submit a report to the Legislature by December 1, 2022.

Note: Expires September 1, 2023.

HB 725, Effective June 4, 2021

Education Code Section 29.153(b) Amendment

Allows a child at least three years old who has ever been in foster care, whether in Texas or another state or territory, to enter early enrollment in pre-kindergarten.

HB 785, Effective June 4, 2021

Education Code Section 29.005(h) New Language; Section 37.0021(d) Amendment

Requires a student's ARD committee to review a student's Behavioral Improvement Plan (BIP) at least annually to account for changes in circumstances. Requires written notice to parents for each use of restraint on a student and information about the restraint including the circumstances and details surrounding its use.

HB 851, Effective September 1, 2021

Family Code Sections 8.057(c-1), 156.007 New Language

Clarifies that filing a motion to modify a final order based on a material change of circumstance for child support maintenance does not constitute an admission to a material change of circumstances for other purposes.

HB 868, Effective September 1, 2021

Family Code Section 105.002(c) Amendment

Authorizes a jury verdict to rule regarding the right to determine the child's primary residence for a joint or sole managing conservator.

HB 1062, Effective September 1, 2021

Government Code Section 437.302 Amendment

Allows a 17-year-old youth in DFPS conservatorship to serve in the Texas State Guard with the consent of a representative of DFPS or other legal entity.

HB 1080, Effective June 4, 2021

Education Code Section 33.0832 New Language

Forbids excluding students enrolled in a school district or open enrollment charter school that are receiving outpatient mental health services from participating in the University Interscholastic League.

HB 1172, Effective September 1, 2021

Code of Criminal Procedure Section 56A.3515 New Language

Requires a peace officer to offer a sexual assault victim the opportunity to have a trained sexual assault advocate, crime victim liaison, or counselor present during a law enforcement interview.

HB 1227, Effective September 1, 2021

Family Code Section 154.001 Amendment

Requires the court to notify the Office of the Attorney General within 10 days if a court presiding over a Suit Affecting Parent-Child Relationship (SAPCR) involving DFPS orders child support payment or modifies child support payments that requires the payments be made to DFPS.

Note: Applies to a proceeding that is pending in a trial court on or filed after September 1, 2021.

HB 1315, Effective September 1, 2021

Family Code Section 107.016 Amendment

Requires that an order appointing DFPS managing conservator shall continue the appointment of the AAL or the GAL, or the attorney serving in the dual role for the child, as long as the child is in DFPS Conservatorship. The court may continue the appointment of both the AAL and the GAL.

Note: Applies to a SAPCR that is filed on or after September 1, 2021.

HB 1387, Effective September 1, 2021

Human Resources Code Section 42.042(e-1) Amendment

Allows foster care licensing to permit foster parents to store firearms and ammunition in the same locked location without a trigger locking device on the firearm.

HB 1401, Effective September 1, 2021

Family Code Sections 58.256(a-1) New Language; 58.258(c) Amendment

Allows an application to seal records to be filed by secure electronic means authorized under Texas Rules of Civil Procedure Rule 21.

HB 1540, Effective September 1, 2021

Code of Criminal Procedure Section 42A.453(a), (c) Amendment

Health and Safety Code Sections 481.134 (b)-(f) New Language

Human Services Code Section 42.068 New Language

Penal Code Sections 71.028(c) Amendment

Adds GROs and RTCs to the list of places that qualify as a child safety zone under the Code of Criminal Procedure and adds enhanced penalties for certain crimes such as delivery of a controlled substance. Requires GROs and RTCs to have "No Trespassing" signs in English and Spanish, citing Penal Code provisions at boundaries and access points. Raises human trafficking to a first-degree felony if the trafficked person is recruited from a GRO operating as an RTC.

HB 1664, Effective September 1, 2021

Human Resources Code Section 32.0264(b-1) New Language

Requires HHSC to reinstate the child's eligibility for medical assistance during the inpatient stay if a child in juvenile facility is hospitalized.

Note: If HHSC determines that a memorandum of understanding between the commission and the Texas Juvenile Justice Department or the adoption of policies or procedures is necessary for implementation of that provision, HHSC may delay implementing that provision until the earlier of: (1) the date any necessary memorandum of understanding, policies, and procedures are adopted; or (2) March 1, 2022.

HB 1849, Effective September 1, 2021

Family Code Section 156.106 New Language

Clarifies that the death of a child's conservator qualifies as a material and substantial change of circumstances to justify modification of prior court order, but the court must consider any current restriction or limitation of access for the surviving parent if those limitations continue to be in the best interest of the child.

HB 1927, Effective September 1, 2021

Human Resources Code Section 42.042(e-2) Amendment

Forbids DFPS from prohibiting a foster parent from transporting the child in a vehicle where a handgun is present if the handgun is in the possession and control of the foster parent and the foster parent is not otherwise prohibited by law from carrying a handgun.

HB 2058, Effective September 1, 2021

Family Code Sections 263.503 Repeal; 263.5031 Amendment

Adds normalcy requirements from Permanency Hearings before a final order to Permanency Hearings after a final order.

HB 2287, Effective September 1, 2021

Education Code Sections 38.3071 New Language

Requires the Collaborative Task Force on Public School Mental Health Services to collect de-identified data on mental health services and trainings provided by public schools. The Task Force must also publish a report on mental health services provided to students.

HB 2374, Effective September 1, 2021

Human Services Code Section 40.045 New Language

Requires DFPS to conduct an efficiency audit by an independent auditor every four years beginning in 2022. The Legislative Budget Board (LBB) shall establish the scope of the audit and the areas of investigation. The auditor must report the results to the Governor, LBB, State Auditor, and the Chairs of the House Human Services Committee and the Senate Health and Human Services Committee.

HB 2536, Effective September 1, 2021

Family Code Sections 161.001(c), 261.001(4), 262.116(a) Amendment

Adds the decision to seek a second opinion for a child's medical care or transferring a child's medical care to a new provider or facility to the list of legally insufficient reasons for removal and termination. Also excludes the same activities from the definitions of neglect.

HB 2633, Effective September 1, 2021

Health and Safety Code Sections 50.0151-50.0157 New Language

Creates a trafficked persons account program to support victims of human trafficking that is funded by voluntary driver's license contributions, specialty license plate fees, donations, grants, and other funds. Grant funds are to be used by DFPS for dedicated housing and treatment facilities provided to victims of human trafficking.

HB 2669, Effective September 1, 2021

Code of Criminal Procedure Sections 44.2811, 45.0217 Amendment

Makes records of a fine-only misdemeanor committed by a child and appealed automatically confidential, unless it is a traffic offense.

HB 2924, Effective September 1, 2021

Family Code Sections 161.001(d-1) New Language; 262.2015(b) Amendment

Prohibits a court from ordering a finding of termination on ground 161.001(b)(1)(M) based on a previous finding under 161.001(b)(1)(D) or (E) unless the petition for termination is filed before the first anniversary of the date DFPS was granted managing conservatorship in a case where the parent's rights were terminated based on a D or E finding.

Deletes prior termination of parental rights from the aggravated circumstances under Section 262.2015.

HB 2926, Effective September 1, 2021

Family Code Sections 161.301-161.304, 161.2081 New Language; 262.1095(a) Amendment; 262.114(d) New Language

Allows a petition to reinstate parental rights to be filed by DFPS, a SSCC, the AAL for a child, and the parent whose rights were terminated. If the petitioner is the parent, they must provide DFPS with 45 days' notice of their intent to file. Notice of the petition must be served on the child, the county attorney, the child's attorney, DFPS or the SSCC, the parent (if they are not the petitioner), and the tribe if the child is subject to ICWA.

Allows a petition to be filed two years after termination but the child must not have been adopted or in an agreed adoptive placement. The petition must include the name of the petitioner, the name and address of the parent, the name, date of birth, and residence of the child, and contact information for any party that participated in the termination hearing that has relevant information to the petition. The petition must also include a summary of the termination grounds, a summary of the facts and evidence that demonstrate the parent's current fitness, a statement of the child's consent if the child is 12 years or older, and a summary of the parent's prior requests for reinstatement (if the petitioner is not the parent).

Requires a hearing to be held within 60 days and the petitioner has the burden of proof. The court must find by preponderance of the evidence that reinstatement of parental rights is in the child's best interest, the parent has remedied the conditions that were the grounds for termination, the parent is willing and capable of performing parental duties, two years have passed, the child has not been adopted, and the child consents (if older than 12). If the child is younger than 12 years old, the court shall consider the child's wishes in making the determination.

Allows the court to grant, deny, or defer the petition for six months and render a temporary order awarding the parent possessory conservatorship. DFPS shall monitor the parent and the court shall hold another hearing to revisit the reinstatement when the temporary order expires. Does not address whether the parent seeking to reinstate their parental rights is entitled to appointment of attorney. If the petition is denied, a new petition may not be filed for one year after the date of the order.

Requires DFPS to notify relatives it has identified of their right to file a petition for conservatorship post-termination. Adds language expanding which relatives DFPS must attempt to identify from the third degree of consanguinity to the fourth degree. When making placement decisions for the child DFPS must give preference in hierarchical order, from relatives, fictive kin, foster homes, and GROs.

HB 3009, Effective September 1, 2021

Family Code Section 107.103(e), (f), (g) New Language

Requires a child custody evaluator to be able to communicate with a party who does not speak English as a primary language or be accompanied by an interpreter either in-person or through

audio or video conferencing technology. Parties may be required to pay associated costs of interpretation.

HB 3041, Effective September 1, 2021

Family Code Sections 262.1095 Amendment; 262.401-262.417 New Language; 263.202(b) Amendment; 264.2031 New Language

Requires the creation of a Family Preservation Services Pilot Program for children at imminent risk of removal to foster care by creating a new procedure under Family Code Chapter 262. The program allows DFPS to dispose of an investigation by allowing the child to return home and providing time-limited family preservation services—subject to Family Based Prevention Services Act qualifications—to children who are candidates for foster care or pregnant and parenting foster youth. The pilot program must be implemented in one urban and one rural jurisdiction and at least one jurisdiction where CBC has been implemented. The child's safety must be the primary concern in authorizing services.

Requires DFPS to use Title IV-E Funds to pay for legal representation or provide counties with a matching reimbursement for the costs of legal representation and use the Texas Temporary Assistance for Needy Families program (TANF) to provide in-home support services. DFPS must obtain a court order to compel the family of a candidate for foster care to participate in services but need not obtain a court order to provide services to pregnant or parenting foster youth.

Requires DFPS to file a petition in the jurisdiction where the child is located, and the petition must be accompanied by an affidavit stating sufficient facts for the court to make the required findings. The petition must also include a safety risk assessment that documents the process for the child to remain at home with appropriate family preservation services, the specific reason that DFPS should provide services to the family, and the manner in which the services will mitigate the risk. The court must hold a hearing within 14 days of filing the petition, may grant a 14-day extension for good cause, and may render temporary restraining orders per Family Code Section 105.001. Services may be provided to the child or any siblings of the child.

Requires appointments of attorneys ad litem for parents and children when the petition is filed. However, if the parent is not found indigent, the attorney for the parent may be dismissed at the 14-day hearing and the court shall order the parent to pay the attorney's cost.

Requires the court deny the petition unless it makes findings under the ordinary prudence and caution standard that abuse and neglect has occurred, or there is substantial risk of abuse or neglect or continuing danger, and that family preservation services are necessary to ensure the physical health or safety of the child and family preservation services are appropriate based on the risk assessment.

Requires the court's order for family preservation services to identify and require specific services narrowly tailored to address the issues and include a statement whether the services are appropriate to address the risk factors. The court may order services for parent whose rights to

another child where terminated. If the court finds clear and convincing evidence that aggravated circumstances exist, the court may order that services not be provided.

Requires the family preservation plan to be developed with the family and be written in a manner that is clear and understandable to the parent in a language the parent understands. The plan must include a safety risk assessment, the reasons for DFPS involvement, be narrowly tailored to address the concerns, list the specific services the family will receive, state the manner by which the services mitigate the risk factors, specify the tasks the family must complete, and include contact information for DFPS or SSCC staff who will be the point of contact for the family. The family must sign the plan, but DFPS must submit the plan without the family's signatures if they refuse to sign. The plan remains in effect for 180 days unless the plan is amended or revoked by the court. A person affected by the plan may make a motion to modify at any time. The plan may be amended at any time and if the parents are not willing to participate in amending the plan, DFPS can submit the amended plan without the parents' signatures. The amended plan is then valid for 180 days, but the court may review the amended plan, render additional orders, and omit any service the court deems inappropriate or not narrowly tailored.

Allows a parent to obtain services from a qualified provider of their choosing, but the parent is responsible for the cost and the provided services must be similar in scope and duration to the services in the service plan and the provider must certify that the parent completed the services.

Requires the courts orders to be reviewed in 90 days and set subsequent reviews every 90 days as needed. The court may extend the order for 180 days upon a showing by DFPS of a continuing need for the order. Allows for an additional 180-day extension if the court finds that the extension is necessary to complete the services ordered, DFPS made a good faith effort to provide services, the parent made a good faith effort to complete services, completing services is necessary to ensure the child's safety, and the extension is requested by the parent or their attorney. The case shall be dismissed once the order expires.

Allows DFPS to contract for services, including contracting with an SSCC to provide services in areas with CBC. Performance measures of the contract include fewer children entering foster care in the pilot region, fewer children removed after receiving services, and fewer children entering foster care five years after receiving services compared to other regions. Require courts that order services not subject to FFPSA to identify a method of financing the services and who will pay for them.

Requires DFPS to provide reports to the appropriate standing committees of the Legislature one year after the pilot and every two years thereafter. The reports must include actions taken to ensure the successful implementation of the pilot, and analysis of the role of the courts, legal representatives, Child Protective Investigations, and the entity implementing the pilot. The reports must also include analysis of any barriers and recommendations for overcoming them, data on performance-based outcomes, outcomes compared to other DFPS regions, and recommendations regarding expansion of the pilot programs. Performance measures include the number of children and families served, the percentage of children who do not have a reported

finding of abuse or neglect, the percentage of children who did not enter foster care at case closure or within six months of closure, the number of families who did not receive a new referral within two years, and the average length of time services are provided prior to dismissal.

Additional provisions:

Modifies findings in Status Hearing that the plan must be “narrowly” not “reasonably” tailored to address specific issues.

Allows a parent in Family Code Section 264.203 (Court Ordered Services/Motion to Participate) proceeding to obtain services from a qualified provider selected by the person, but they are responsible for the cost, the provider must certify the parent completed the services, and DFPS shall accept the providers verification as proof of completion.

Requires DFPS to provide information to relatives in writing and must include the ability and the requirements to participate in the care and placement of the child as well as deadlines and timeline procedures of a SAPCR under Chapter 262.

HB 3165, Effective June 4, 2021

Family Code Section 65.003 Amendment

Establishes an affirmative defense to truant conduct if the absence was due to abuse as defined by Family Code Section 261.001.

HB 3203, Effective September 1, 2021

Family Code Sections 153.317(a), 153.3171 Amendment

Modifies the standard possession order. For weekends that follow student holiday or teacher in-service days that fall on a Monday, possession now ends at 8 a.m. on Tuesday.

HB 3379, Effective September 1, 2021

Family Code Section 262.101(a), (b), (b-1) Amendment

Changes the mandatory reporter statute to require "reasonable cause" rather than "having cause" to believe a child is abused or neglected.

HB 3774, Effective September 1, 2021

Includes two provisions relevant to child-welfare practitioners in Office of Court Administration Omnibus Bill:

Family Code Sections 51.02(3-a) New Language

Defines a “dual status child” as a child who has been referred to the juvenile justice system and is in TMC or PMC of DFPS; the subject of a case for which FBSS has been offered or provided by DFPS; an alleged victim of abuse or neglect in an open child protective investigation; or a victim in a case in which, after an investigation, DFPS concluded there was reason to believe the child was abused or neglected.

Family Code Section 107.004(d)-(e) Amendment

Requires the AAL for a child to report to the court at each hearing, rather than filing a written statement with the court, whether they met with the child or their caregiver prior to the hearing as required by statute or whether they are requesting a finding of cause that meeting with the child was not feasible or the best interest of the child. The duty now applies to suits filed under Family Code Chapter 264, in addition to suits under Chapters 262 and 263.

By Senate Bill Number

SB 89, Effective June 7, 2021

Education Code Section 29.0052 New Language

Requires school districts to prepare supplements to written statements (required in Education Code Section 29.005) for each child in the district's special education program by May 1, 2022. The supplement must state, for the 2019-2020 or 2020-2021 school year, if the child's full evaluations (under Section 29.004) or programs were completed (if applicable); if the program was interrupted, reduced, delayed, suspended, or discontinued; and if compensatory education services are appropriate. This supplement is not necessary if the written statement already includes the necessary information. Education Code Sections 29.005(f) and 29.0051 do not apply to this supplement.

Note: Expires September 1, 2023

SB 263, Effective September 1, 2021

Human Resources Code Sections 31.0041(a), 31.0324 Amendment

Allows relative caretakers of a dependent child to receive supplemental financial assistance and become protective payees for financial assistance payments. Qualifying relatives must be 25 years or older, living with the child, and be a grandparent, aunt, uncle, sister, or brother of the child as defined in Human Resources Code Section 31.002.

SB 279, Effective June 14, 2021

Education Code Sections 38.353, 51.91941 New Language

Requires public-school student identification cards to include the National Suicide Prevention Lifeline and Crisis Text Line information for students in grade six or higher. Cards issued for students in higher education may also have contact information for the campus police department or security, the campus or local health clinic, or a local suicide prevention hotline.

SB 286, Effective September 1, 2021

Family Code Section 8.062 New Language

Requires courts to order child-support and maintenance obligors to pay maintenance to the state disbursement unit.

Family Code Section 154.066(c) New Language

Forbids courts from considering incarceration as intentional unemployment or underemployment when establishing or modifying child support.

Family Code Section 154.401 Amendment

Establishes that a child support obligor who is incarcerated in jail or prison for over 180 days qualifies as having a material and substantial change of circumstances under this section.

Family Code Section 234.007 Amendment

Requires all parties who are required to pay child support under temporary or final orders to pay child support through the state disbursement unit, including child support employers who are court-ordered to withhold from the obligor's income.

SB 452, Effective September 1, 2021

Family Code Sections 264.201(d), 265.004(a-1), 265.151 Amendment; 265.151(a) Repeal; 265.152, 265.153, 265.154 Amendment

Expands services provided by DFPS to include to "programs and practices" rather than just "programs." This change applies to parenting education programs, evidence-based programs, and promising programs.

Changes "Parenting Education" to "Evidence-Based Programs and Practices" for Subchapter D and Family Code Section 265.151 and requires evidence-based program and practices to be associated with a Texas or national organization, a higher education institution, or a national or state public health institute. A section defining evidence-informed programs and practices is also added.

Replaces "parenting education" with "prevention and early intervention programs and practices" and replaces "parenting skills" with "increased protective factors" for Family Code Sections 265.152-265.154.

SB 642, Effective June 14, 2021

Family Code Sections 262.351(1) Amendment; 262.351(1-a), (1-b) New Language; 262.353 New Language

Forbids HHSC from requiring DFPS to conduct a child abuse or neglect investigation before allowing the child to participate in the relinquishment avoidance program without an allegation of child abuse or neglect. Mental or behavioral health authorities may refer the child to the program without first contacting DFPS. HHSC and DFPS shall jointly adopt guidance for providers and families as well as protocols for families to secure access for the child to mental health services. DFPS and mental and behavioral health authorities must follow these protocols.

SB 798, Effective September 1, 2021

Health and Safety Code Section 191.00491 New Language

Transportation Code Sections 521.1016 New Language; 521.1811; 521.4265(b)-(c) Amendment

Waives the fee to obtain a certified copy of their birth record for victims and children of victims of dating or family violence.

Defines "advocate" (see Family Code Section 93.001), "victim of dating violence," (see Family Code Section 71.0021) and "victim of family violence" (see Human Resource Code Section 51.002) for this section of the Transportation Code.

Waives fees to obtain a personal identification certificate for victims of family violence and their children. When applying for a personal identification certificate, victims and their children may provide a copy of their birth certificate and if homeless, a letter certifying their homelessness issued by an advocate, licensed mental health service provider, or director of an emergency shelter or transitional housing program.

Waives fees to obtain a driver's license for victims of family violence and their children and adds the new section to the list of those who will have their fee waived through the Texas mobility fund.

SB 904, Effective September 1, 2021

Family Code Sections 107.004(b-1) Amendment; 107.004(b-2)-(b-4) New Language

Adds a new trauma training requirement for attorneys to be qualified for appointment as AAL of a child in a child welfare case. The attorney must provide proof that the attorney completed a training program on trauma-informed care and the effect of trauma on children in DFPS conservatorship. The trauma training is in addition to the existing training requirement for three hours of legal education related to representing a child each year. However, the trauma training may also apply toward the three-hour requirement if it is completed in the same year. Attorneys shall complete the new requirement as soon as practicable after qualifying to receive court appointments in child welfare cases.

Requires the new training to educate attorneys regarding their duty to review the child's well-being and any effect of trauma on the child. The training must also provide information about trauma symptoms and the impact of trauma, the role of attachment, the role of trauma-informed care and services to the child, screening for trauma, potential re-traumatization of children in DFPS conservatorship, the availability of trauma-informed interventions, and advocacy to increase a child's access to trauma-informed care and mental and behavioral health services.

Note: Requires attorneys to complete the trauma training by September 1, 2022.

SB 910, Effective September 1, 2021

Family Code Sections 264.1691 New Language; 264.169 Repeal

Human Resources Code Section 40.0581(f) Repeal

Defines "family preservation service" as including an FFPSA service to the family of a child who is a foster care candidate or a pregnant or parenting foster youth, in-home support services and non-recurring financial support, and services for self-sufficiency from the child welfare system.

Requires DFPS to make a list of family preservation service options, including contracting and using a competitive bidding process to gain service providers. To develop options, DFPS shall examine existing DFPS FBSS and make recommendations for incorporating them into contracted service providers and consider several factors when establishing these providers and services. DFPS may enter any contracts necessary to comply.

DFPS must submit options and recommendations by October 1, 2022.

Note: Expires August 31, 2023.

SB 1059, Effective September 1, 2021

Human Resources Code Sections 32.0247(e)-(f) Amendment; 32.024715 New Language

Changes the DFPS recertification period for individuals qualifying for medical assistance to the maximum period permitted under federal law. When recertifying, the process must comply with Human Resources Code Section 32.024715 as described below and can now be done online.

Requires HHSC and DFPS to create a streamlined process to determine if a youth formerly in foster care is eligible for Medicaid. It must include automatic enrollment and recertification to an appropriate Medicaid program and prevent unnecessary interruption in the Medicaid benefits. If the recertification is required under federal law, HHSC must not have the application and recertification process require state-residence certification unless HHSC determines that the youth received Medicaid outside this state. However, if the federal law requires a youth to verify state residency, HHSC must allow the youth to attest to state residency without providing additional documentation or evidence.

SB 1156, Effective May 24, 2021

Family Code Section 264.603(a) Amendment

Eliminates the requirement that Texas CASA be designated as a supporting organization under IRS Code 509(a)(3).

SB 1524, Effective January 1, 2022

Tax Code Section 151.4292 New Language

Allows tax refunds for persons who employ apprentices and allows up to six apprentices if at least half are youth currently in foster care in transition to independent living. The Texas Workforce

Commission and the comptroller of public accounts are required to implement this Act only if the Legislature appropriates money specifically for that purpose.

Note: This section expires December 31, 2026.

SB 1575, Effective September 1, 2021

Family Code Sections 263.00201 New Language; 264.018(a)(5) Amendment; 264.1077 New Language

Defines a QRTP by the definition assigned under the FFPSA and requires that within 60 days of a child's placement in a QRTP, the court shall consider any assessment required by FFPSA regarding the child's placement, determine whether the child's needs can be met through placement in a foster home and, if not, whether placing the child in a QRTP provides the most effective and appropriate level of care for the child in the least restrictive environment and is consistent with the short-term and long-term goals for the child, as specified in the child's permanency plan. The court must then approve or disapprove the placement. Any documentation prepared for the review and documentation regarding approval or disapproval by the court shall be included in and made part of the child's permanency plan.

Requires DFPS to provide the court with information at the Status Review Hearing and at each Permanency Hearing as long as a child remains in a QRTP demonstrating that ongoing assessment of the child's strengths and needs shows the needs of the child cannot be met through placement in a foster home, placement in a QRTP provides the most effective and appropriate level of care for the child in the least restrictive environment, and the placement is consistent with the short-term and long-term goals for the child specified in the permanency plan.

Requires DFPS to provide information documenting the specific treatment or service needs that will be met for the child in the placement, the length of time the child is expected to need the treatment or services, and the efforts made by DFPS to prepare the child to be placed in a home, with a foster home, relative, legal guardian, or adoptive parent.

Allows the review of a child's placement in a QRTP to be conducted through a remote proceeding. Adds placement of a child in a QRTP as a significant event requiring notice to the parties under Family Code Section 264.018(a)(5).

Directs the Supreme Court of Texas Children's Commission, in collaboration with DFPS, to establish and oversee a workgroup to examine the oversight of and best practices related to Residential Treatment Center (RTC) placements, including placements in QRTPs. The workgroup shall consider topics and changes to current practices including statutorily required judicial review of residential treatment center placements and shall submit a report to the Legislature regarding the findings and recommendations from the workgroup by October 1, 2022.

Note: This section expires September 1, 2023.

SB 1578, Effective September 1, 2021

Family Code Sections 261.3017 Amendment; 261.30171, 261.3075, 261.504(a-), 262.102(b-1), 262.104(c), 262.201(i-1) New Language

Requires the Forensic Assessment Center Network of physicians used by DFPS to have the ability to obtain consultations with board certified physicians including those trained in medical conditions that mimic child maltreatment or increase the risk of misdiagnosis of child maltreatment. If DFPS, the child's primary care physician, or parent or legal guardian requests a specialty consultation, DFPS must refer the case to a specialty consultation with a board-certified physician who was not involved in the report of suspected abuse or neglect.

Requires DFPS to provide to the child's parent or legal guardian written notice of the name, contact information, and credentials of the specialist before the specialty consultation and they may object to the proposed referral and request referral to another specialist. DFPS and the parent or legal guardian shall collaborate in good faith to select an acceptable specialist from the proposed specialists, but DFPS can refer the child's case to a specialist over the objection of the parent, legal guardian, or attorney. The parent may still seek a second opinion and DFPS must consider the second opinion and document its analysis.

Requires DFPS, with assistance from Supreme Court of Texas Children's Commission, to evaluate DFPS' use of the Forensic Assessment Center Network and develop joint recommendations to improve evaluation agreements and best practices for using assessments provided by the network in connection with abuse and neglect investigations. DFPS must submit a report including recommendations to the Legislature by September 1, 2022.

Restricts a health care practitioner who reports suspected abuse or neglect of a child from providing forensic assessment services in connection with an investigation resulting from the report and when referring a case for forensic assessment, requires DFPS to refer the case to a practitioner who was not involved with the report of suspected abuse or neglect. DFPS may still interview the health care practitioner in the practitioner's capacity as a principal or collateral source as part of the investigation.

Allows courts to consider a medical professional opinion retained by the subject of a PO when making an abuse or neglect PO, or when making findings at the Adversary Hearing. Forbids an emergency removal order or an emergency removal prior to a court order to be based solely on the medical opinion of a doctor under contract with DFPS who has not examined the child.

Requires the court to consider the opinion of a medical professional obtained by the child's parent, managing conservator, possessory conservator, guardian, caretaker, or custodian in making a determination at the Adversary Hearing regarding immediate danger.

Note: The changes in law apply only to a suit affecting the parent-child relationship filed on or after September 1, 2021.

SB 1716, Effective June 18, 2021

Education Code Sections 29.041-29.050 New Language

Requires the TEA to establish by rule and administer supplemental special education services and instructional materials program for enrolled students who are eligible for compensatory education. Through a grant and application process, eligible students can be assigned an account to purchase services and materials.

SB 1896, Effective June 14, 2021

Family Code Section 263.409 New Language

Requires the court to verify that the relative was offered the opportunity to become a licensed foster placement to qualify for a PCA agreement and that the relative declined and the CPA has been notified of the declination before entering a final order to a relative that awards permanent custody of a child in DFPS conservatorship.

Family Code Section 264.107(g) Amendment

Allows an employee of an SSCC, in addition to employees of DFPS, to provide emergency temporary care for a child without placement.

Family Code Section 264.1071 Amendment

Forbids DFPS from allowing a child to stay overnight in a DFPS office.

Family Code Section 264.1073 Amendment

Requires DFPS and SSCCs to expand treatment foster care by allowing single parents to qualify as treatment foster care providers, expanding eligibility to children to 10 years old or older, preparing a plan for a subsequent placement 30 days after placement in treatment foster care to transition to the least restrictive setting, and extending the length of time treatment foster care can be provided.

Family Code Section 264.117 Amendment

Requires DFPS and SSCCs to collaborate with local government and faith-based and community-based organizations to examine the feasibility of designing a volunteer mentor program for children in congregate care settings and report its findings to the Legislature by December 31, 2022.

Note: Expires September 1, 2023.

Family Code Section 264.1261(b-1)-(b-4) New Language

Requires HHSC, in collaboration with DFPS and all SSCCs, to develop a plan to increase the placement capacity in each catchment area in the state with the goal of eliminating the need to place children outside their community. The plan shall evaluate the best methods for meeting capacity shortages (including contracting for additional capacity at residential treatment centers (RTCs), inpatient and outpatient mental health facilities for crisis intervention for children with

severe behavioral or mental health needs) and make recommendations to DFPS regarding contracting for additional capacity. Inpatient or outpatient facilities must discharge the child within 72 hours if it is determined that it is not medically necessary to place the child there. The plan must have contingencies if a facility is placed on probation and DFPS and each SSCC must contract with facilities for reserve capacity.

Repeals Sections 264.1261(a) and (b) which provided prior definitions of CBC.

Family Code Section 264.152(4) Amendment

Defines CBC as the provision of child welfare services—including direct case management—in accordance with state and federal child welfare goals, by a community-based nonprofit or a local governmental entity under a contract to prevent entry into foster care, reunify and preserve families, ensure child safety, permanency, and well-being, and reduce future referrals to DFPS.

Family Code Section 264.154 Amendment

Requires the majority of a non-profit SSCC's board to reside in Texas. DFPS must request that local stakeholders provide any necessary information about a catchment area that would assist DFPS in preparing requests for providing CBC in the area and selecting an SSCC.

Family Code Section 264.155 Amendment

Requires a contract with an SSCC to be consistent with the requirements of applicable law and may only include terms authorized by the laws or rules of Texas. An SSCC may apply to DFPS for a waiver from any statutory and regulatory requirement to increase innovation and flexibility for achieving contractual performance outcomes.

Family Code Section 264.157(a)-(c) Amendment

Requires DFPS to identify areas where they will implement CBC by the last day of the fiscal biennium and following implementation and retain an independent entity to evaluate the implementation process and the SSCC in each catchment area. DFPS shall accept and evaluate unsolicited proposals from entities based in Texas to provide CBC services in a geographic area where DFPS has not implemented CBC. DFPS may change the geographic boundaries of catchment areas to enable satisfactory unsolicited proposals for CBC services to be accepted and implemented.

Family Code Section 264.158(d) New Language

Allows an SSCC to implement its own procedures to execute DFPS' statutory duties which the contractor assumes and is not required to follow DFPS' procedures to execute the duties.

Family Code Section 264.159 Amendment

Requires the council created by DFPS to develop protocols for the transfer of data from DFPS to SSCCs and for the access, management, and security of data shared with an independent entity retained to conduct evaluations. The protocols shall ensure the entity has full, unrestricted access to all relevant data necessary to perform an evaluation. The council shall consist of SSCCs with

active contracts and DFPS employees who provide data, legal, information technology, and child protective services and shall meet at least quarterly during each calendar year.

Family Code Sections 264.171-264.172 New Language

Establishes the Joint Legislative Oversight Committee on CBC that shall consist of three members of the Senate appointed by the Lieutenant Governor and three members of the House of Representatives appointed by the Speaker of the House. The committee shall monitor and report to the Legislature on the funding for CBC, the performance and outcomes of CBC statewide and by region, statutory or regulatory barriers to the successful implementation of CBC, and other challenges to the successful implementation of CBC. By January 1 of each odd-numbered year, the committee shall submit a written report of the committee's findings and recommendations to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, and each member of the standing committees of the Senate and House of Representatives having primary jurisdiction over child welfare issues.

Establishes the Office of Community Base Care Transition. The office is independent of DFPS but is attached administratively. The director of the office is appointed by the Governor, reports directly to the Governor, and serves at the pleasure of the Governor. The office shall assess catchment areas where CBC services may be implemented, develop a plan for implementing CBC in each catchment area in Texas, including the order in which CBC will be implemented in each catchment area, a timeline for implementation, and an evaluation of CBC providers.

Requires the office to contract on behalf of DFPS with CBC providers to provide services in each catchment area in Texas, measure contract performance of CBC providers, and provide contract oversight of CBC providers.

Requires the office to report outcomes of CBC providers and identify the employees and other resources to be transferred to the CBC provider to provide the necessary implementation, case management, operational, and administrative functions and outline the methodology for determining the employees and resources to be transferred.

Requires the office to create a risk-sharing funding model that strategically and explicitly balances financial risk between Texas and the CBC provider and mitigates the financial effects of significant unforeseen changes in the CBC provider's duties or the population of the region it serves and require the annual review and adjustment of the funding based on updated cost and finance methodologies, including changes in policy, foster care rates, and regional service usage.

Requires the office to report quarterly to the Legislature regarding implementation of CBC, and the office expires once CBC is implemented statewide.

Government Code Sections 533.00521-533.00522 New Language

Requires HHSC to annually evaluate the use of benefits under the Medicaid program in the STAR Health program offered to children in foster care and provide recommendations to DFPS and each SSCC in Texas to better coordinate the provision of health care and use of those benefits for children in foster care. The evaluation must identify options to obtain federal matching funds to

pay for a safe home-like or community-based residential setting for children in DFPS conservatorship who are diagnosed as having a serious behavioral or mental health condition that requires intensive treatment, those who are victim of serious abuse or serious neglect, those for whom a traditional substitute care placement contracted for or purchased by DFPS is not available or would further denigrate the child's behavioral or mental health condition, and those for whom DFPS determines a safe home-like or community-based residential placement could stabilize their behavioral or mental health condition in order to return them to a traditional substitute care placement.

Requires a contract between a Medicaid managed care organization and HHSC to provide health care services to recipients under the STAR Health program to require the organization to ensure that the organization maintains a network of mental and behavioral health providers, including child psychiatrists and other appropriate providers, in all DFPS regions in Texas, regardless of whether CBC has been implemented in any region.

Note: Applies only to a contract for the provision of health care services under the STAR Health program between HHSC and a Medicaid managed care organization under Government Code Chapter 533 that is entered into, renewed, or extended on or after June 14, 2021 and may be delayed if HHSC determines a waiver or authorization from a federal agency is necessary for implementation.

Government Code Section 2155.089(c) Amendment

Excepts a child-specific contract entered into by DFPS for a child without placement from vendor review requirements.

Government Code Section 2155.144(a) Amendment

Considers DFPS an HHSC agency for the purpose of procurement.

Human Resources Code Section 40.05291 New Language

Requires DFPS to develop a plan to eliminate the use of paper case files and fully transition to an electronic system.

Human Resources Code Section 40.0583 New Language

Requires the State Auditor to annually review DFPS' performance-based contracts to determine whether DFPS is properly enforcing contract provisions with providers and to provide recommendations for improving Department oversight and execution of contracts.

Human Resources Code Section 40.081 New Language

Instructs DFPS to develop to the greatest extent possible capacity for placement that is eligible for federal reimbursement under the FFPSA including facilities specializing in providing prenatal, postpartum, or parenting support for youth, those providing high-quality residential care and supportive services to children and youth who are at risk of human trafficking, those providing

Supervised independent Living (SIL) for young adults, those offering residential family-based substance abuse treatment, and those serving as a QRTP.

Human Resources Code Section 42.026 New Language

Requires HHSC to make the child-care licensing division's searchable database accessible to HHSC and DFPS investigators and DFPS shall make DFPS' searchable database accessible to HHSC and DFPS investigators.

Human Resources Code Section 42.0433 New Language

Requires the HHSC Commissioner to adopt a model suicide prevention, intervention, and postvention policy for use by a residential child-care facility and requires each residential child-care facility to adopt the model policy or another policy approved by the Commissioner. HHSC shall provide to a residential child-care facility any technical assistance necessary to adopt or implement a suicide prevention, intervention, and postvention policy.

Human Resources Code Sections 42.0538 New Language

Requires HHSC to allow a child-placing agency to issue a provisional license for a kinship provider who meets the basic safety requirements provided by commission rule and the kinship provider issued a provisional license shall complete all licensing requirements within the time provided by rule.

Human Resources Code Section 42.0583 New Language

Requires DFPS to use data analytics collected regarding residential child-care providers, including GROs providing treatment services to young adults with emotional disorders, to develop an early warning system to identify at-risk providers most in need of technical support and to promote corrective actions and minimize standard violations. The system must distinguish between different levels of risk using a multi-point severity scale and shall make information regarding the severity scale available to the public through DFPS' website.

Human Resources Code Section 42.080 New Language

Restricts HHSC from issuing a citation to or taking any other disciplinary action against a GRO or a child-placing agency for failing to employ a licensed child-care administrator or licensed child-placing administrator, as appropriate, if the operation or agency has been without an administrator for less than 60 days and has made substantial efforts to hire a qualified administrator.

Human Resources Code Section 42.252(c) Amendment

Requires a GRO's proposed operation plan to include a suicide prevention, intervention, and postvention plan for residents.

Human Resources Code Sections 42.256-42.260 New Language

Requires DFPS to develop a strategic plan for improving the provision of educational services to children placed in a GRO, report to TEA the educational outcomes for children placed in a GRO,

and DFPS and TEA shall annually evaluate the educational outcomes for children placed in a GRO and adopt strategies and policies to improve the outcomes and standards.

Requires a GRO that contracts with DFPS to provide residential care for children in foster care to submit information on the operation's treatment model to DFPS and the operation shall annually assess the overall effectiveness of the model. The treatment model shall include the manner in which treatment goals will be individualized and identified for each child, the method the operation will use to measure the effectiveness of each treatment goal for the child, the actions the operation will take if the treatment goals are not met, and the method the operation will use to monitor and evaluate the effectiveness of the treatment model.

Requires a GRO that considers accepting a child's placement with the operation to evaluate whether the child meets the operation's admission criteria, whether the child would benefit from the treatment model implemented at the operation, and whether the operation has the staff and resources to meet the child's needs considering the other children at the operation and the other children's needs. If DFPS or a SSCC contracts with a GRO providing treatment services to place children with the operation before the operation is licensed, the contract must limit the number of children that may be placed each month and limit the number of children with a service level of specialized, intense, or intense.

Requires GROs to develop a transition plan for each child who has been placed at the operation for longer than six months.

Requires HHSC, in coordination with DFPS and SSCCs, to establish guidelines in the STAR Health program to improve the use of telehealth services for mental health and behavioral health care for children in DFPS conservatorship.

Human Resources Code Section 43.0081 New Language

Allows HHSC, rather than DFPS, to issue provisional childcare administrator's licenses.

Family Code Section 264.156(c) Repeal

Family Code Section 264.169 Repeal

Human Resources Code Section 40.0581(f) Repeal

Bill Sections Without Code Citation

Requires HHSC, in collaboration with DFPS, to review the Centers for Medicare and Medicaid Services' Integrated Care for Kids (InCK) Model to determine whether the model could benefit children enrolled in the STAR Health Medicaid-managed care program and report its findings to the Governor and Legislature by December 1, 2022.

Note: This section expires September 1, 2023.

Requires HHSC to adopt the model suicide prevention, intervention, and postvention policy required added by this bill by July 1, 2022.

Requires DFPS to provide the Legislature with options for conducting independent administrative reviews of DFPS investigations of licensed residential child-care facilities and independent appeals of determinations from those investigations by December 1, 2022.

Requires DFPS to study extending PCA benefits to individuals who are not relatives of a foster child and who do not have a longstanding and significant relationship with the foster child before the child enters foster care, assess the potential impact and favorable permanency outcomes for children who might otherwise remain in foster care for long periods or have managing conservatorship of the child transferred without any benefits to the caregiver. DFPS shall submit a report to the Legislature on the results of the study, assessment, and recommendations for further action based on the study and assessment by December 31, 2022.

Note: This section expires September 1, 2023.

Requires DFPS to transition FBSS to evidence-based programs under FFPSA, develop an implementation plan for the transition of services, and develop community referrals to existing prevention and early intervention programs by January 1, 2025.

Requires HHSC to adopt minimum standards related to continuum-of-care operations, cottage home operations, and specialized child-care homes by January 1, 2024.

Requires HHSC and DFPS to jointly evaluate the Consolidated Appropriations Act, 2021 to determine methods for maximizing the receipt of federal funds to provide foster youth transition planning to adulthood and additional services for foster youth and young adults in extended foster care.

Requires the Governor to appoint the Director of the Office of CBC Transition by October 15, 2021, and DFPS shall transfer all money, contracts, leases, property, and obligations related to the powers and duties of the Office of CBC Transition to that office as soon as practicable.

Requires the Office of CBC Transition, DFPS, and HHSC to implement this bill only if the Legislature appropriates money specifically for that purpose.

SB 1936, Effective September 1, 2021

Family Code Sections 153.317(a) Amendment; 153.3171, 231.1211 New Language

Changes the standard possession order for parents residing less than 50 miles apart to the alternative beginnings and endings of possession under Family Code Section 153.317 unless the possessory conservator declines in writing or through an oral statement in court that the court is limiting, denying, or restricting the possessory conservator's possession, or the possession times are not in the best interest of the child due to the distance between the parents' residences or lack of exercise of possession by the possessory conservator. The Title IV-D agency must create informative materials regarding the standard possession orders and make the materials available on its website and distribute printed copies upon request.

SB 2049, Effective September 1, 2021

Family Code Sections 51.11(d), (e) New Language; 107.011(e) New Language

Defines a “dual-system child” as a child who at any time before the child’s 18th birthday was referred to the juvenile justice system and was involved in the child welfare system either being in the TMC or PMC of DFPS, the subject of an FBSS case, an alleged victim in an active investigation or in an investigation that resulted in a finding of that there was reason to believe that abuse or neglect occurred. Defines a “dual-status child” as a dual system child who was involved in both the child welfare and juvenile justice systems at the same time. Allows a juvenile court to appoint a GAL who was appointed under Family Code Chapter 107 to be a GAL in the child’s juvenile case. The GAL may not investigate any charges regarding the juvenile case or offer testimony concerning the guilt or innocence of a dual status child.

SB 2054, Effective September 1, 2021

Transportation Code Sections 521.4265 Amendment; 521.68 New Language

Requires the Texas Workforce Commission (TWC) to pay for driver’s education courses that are required for obtaining a driver’s license for youth currently and formerly in foster care up to age 26. TWC shall establish a process for youth to apply for fee payment.



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