



To: Texas Judges Who Hear CPS Cases

From: The Honorable Dean Rucker, Jurist in Residence for the Supreme Court Children's Commission

Date: August 3, 2015

RE: 84th Session Legislative Update

During the last legislative session, as part of the DFPS Sunset process, the Texas Legislature made significant changes to the Texas Family Code that will affect all of our statutory child protection hearings, notice to parties, legal representation, educational needs of children, and case transfers. Also, you'll be hearing of a new term or concept known as "normalcy activities" as well as a new duty placed upon judges to ensure normalcy activities are offered to youth in the state's care. This JIR Letter includes major highlights from the Session and a link to a complete legislative update prepared by the Children's Commission. Please read the full [84th Legislative Session Update](#) at your earliest convenience.

Q: What are some of the most significant changes to the Texas Family Code?

A: Under Chapter 263, "Permanency Review Hearing" has been replaced with "Permanency Review Hearing Before Final Order" and "Placement Review Hearing" has been replaced with "Permanency Review Hearing After Final Order." Also, other statutes dealing with the content of DFPS Court Reports and judicial findings and determinations that must be made at review hearings have been streamlined, and duplicative provisions repealed.

The Department now has the ability to provide notice of child protection hearings in a variety of ways, and is no longer required to comply solely with Texas Rule of Civil Procedure 21a, unless ordered by the judge.

Judges now have permission to appoint legal counsel to parents as soon as a suit seeking termination or conservatorship is filed and may defer conducting an indigence hearing to just prior to commencing the Adversary Hearing.

The Department is now prohibited from making a finding of abuse or neglect against a person who refuses to accept parental responsibility when solely seeking mental health services for their child.

All institutions of higher education must designate an employee to act as a liaison for students who are former foster youth so that they may better address challenges in higher education that are unique to their situation, and the Texas Higher Education Coordinating Board must also designate an employee dedicated to working with school districts regarding the needs of youth in foster care.

Courts transferring cases from one jurisdiction to another must issue a transfer order that includes notice of future hearings, case dismissal date, and the names of attorneys and guardians ad litem from the transferring county.