
2019 Child Protection Update:
86TH LEGISLATIVE SESSION

The logo for the Children's Commission, featuring a stylized 'JC' in blue. The text 'Children's Commission' is written in a large, black, serif font. Below this, the full name 'SUPREME COURT OF TEXAS PERMANENT JUDICIAL COMMISSION FOR CHILDREN, YOUTH AND FAMILIES' is written in a smaller, black, sans-serif font. The background is a collage of many small, faded images of children's faces.

**Children's
Commission**

**SUPREME COURT OF TEXAS PERMANENT JUDICIAL
COMMISSION FOR CHILDREN, YOUTH AND FAMILIES**



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General:

Department of Family and Protective Services Funding

Funding for the Department of Family and Protective Services (DFPS) in the state budget largely maintained the status quo, providing marginal increases for the state's effective Prevention and Early Intervention programs, limited increases to maintain lower caseloads for investigators, and potentially reducing caseloads for foster care caseworkers. DFPS was also provided with \$500,000 in additional funding for Preparation for Adult Living (PAL) purchased services. In addition, the agency was provided an incremental \$1,800,000 for Supervised Independent Living case management services for children with complex needs who are living on their own.

The Legislature also provided additional funding for Community Based Care (CBC), which was authorized by Senate Bill 11 in the 85th Legislature. Phase I (in which a local contractor takes over the responsibility of finding safe, high-quality, nearby homes for children in a designated geographic area) will be expanded. The expansion will be to DFPS Region 1 (encompassing the Texas panhandle) and 8b (which is a 20-county area south of San Antonio), making Phase I effective in five DFPS regions before the calendar year is out. The funding provided is \$224,629,320 in 2020 and \$238,995,410 in 2021. The Legislature also appropriated funds to start Phase II of CBC (in which the local contractor also assumes responsibility for the conservatorship portion of the case, including decision-making authority for family reunification, permanency, and other responsibilities) in DFPS Regions 2, 3b, and 8a once the CBC lead agency is ready.

Identifying and Supporting Family Placements

The Legislature passed a pair of bills intended to ensure that potential caregivers for children in DFPS cases are identified and that those willing to serve as caregivers are made aware of the resources and supports available to them. HB 3390 requires that children be consulted in a developmentally appropriate manner throughout the case about whether they know of any appropriate caregivers. HB 1884 requires that caregivers be informed early and often about the opportunity to become licensed foster parents and to apply for Permanency Care Assistance agreements, which would allow them to continue to receive funds to care for the child after DFPS has been dismissed as the child's conservator.

Preparing for the Family First Prevention Services Act

The Legislature passed two bills related to the federal Family First Prevention Services Act (FFPSA), the new federal law that will significantly shape states' child protection efforts in the coming months and years. Lawmakers passed SB 355 which requires DFPS to develop a strategic plan for implementing prevention programs that comply with the FFPSA which will maximize state and federal resources, and which will also integrate with the continued rollout of CBC. Senate Bill 781, a bill focused on reforming congregate care and residential treatment centers, also directed DFPS to weigh the costs and benefits of developing or upgrading congregate care to meet the heightened standards which the FFPSA will require in order for DFPS to receive federal matching funds.

By Chapter and Section

Family Code, Chapter 35A

Chapter 35A, Section 35A.001, et. Seq., NEW, (SB 1238)

Adds a new chapter to the Family Code establishing authority for a non-parent to authorize voluntary inpatient mental health services for a child in certain circumstances. The non-parent must have actual care, custody, and control for six months preceding the filing of the petition and the petition may be filed in the county where the person resides. The petition must be verified; contain the name, DOB, and physical address of the child, the petitioner, and child's parents, conservators or guardians; describe the petitioner's relationship with the children, the dates of residence with the child, and contain a certificate of medical examination for mental illness that states the child has a mental illness or emotional disorder and presents a risk of serious harm to themselves or others. A copy of the petition and notice of the hearing must be delivered to the last known address of the child's parent, conservator, or guardian by certified mail. The court must dismiss the petition if the parent, conservator, or guardian objects. The court may grant the petition only if it finds the child does not have parent, conservator or guardian to consent, and finds by clear and convincing evidence that the child has a mental illness or emotional disorder and presents a risk of serious harm to themselves or others.

Family Code, Chapter 51

Section 51.04(a), Amendment, (h), NEW, (SB 1887)

Allows a judge to refer any aspect of the juvenile case to a Child Protection Court (CPC) judge serving in the county and exercising jurisdiction over the child under Subtitle E, Title 5, with the CPC judge's consent.

Section 51.0414, NEW, (SB 1887)

Allows a juvenile court to transfer the juvenile case to a court located in another county that is exercising jurisdiction over the child under Subtitle E, Title 5 with the consent of the judge of the receiving court regardless of whether that court is designated as a juvenile court. If the court consents to the transfer, the juvenile court shall file the transfer order and the clerk of the transferring court shall transfer the files within 10 days of the order.

Family Code, Chapter 58

Section 58.003(c-3), Repealed, (HB 1760)

Section 58.005, et. Seq., Amendment, (HB 1760)

Clarifies who may have access to a youth's juvenile record and restricts those who have access from improperly sharing it. Mandates immediately sealing a youth's record upon a finding of "not true." Lowers the age at which a youth can submit an application to seal their record from 18 to 17.

Section 58.0053, Repealed, (HB 1760)

Section 58.007(j), Repealed, (HB 1760)

Family Code, Chapter 102

Section 102.008(b), Amendment, (HB 369)

Requires a petition to adopt to include a statement that the court in which the petition for adoption is filed either has continuing jurisdiction or has jurisdiction where the child resides under Family Code Section 103.001 (VENUE FOR ORIGINAL SUIT).

Family Code, Chapter 107

Section 107.002(b-1), Amendment, (HB 3390)

Adds a duty for a Guardian ad Litem (GAL) of a child to elicit information from the child in a developmentally appropriate manner about possible relative or designated caregivers and provide that information to DFPS immediately.

Section 107.003(b), Amendment, (HB 3390)

Adds a duty for an Attorney ad Litem (AAL) of a child to elicit information from the child in a developmentally appropriate manner about possible relative or designated caregivers and provide that information to DFPS immediately.

Family Code, Chapter 109

Section 109.001(b), Amendment, (HB 554)

Changes the word "spouses" to "parties" regarding a TRO enjoining a party from disturbing the peace of a child.

Family Code, Chapter 153

Section 153.073(a), Amendment, (HB 3145)

Adds to the rights a parent has at all times the right to attend school activities, including lunches, performances, and field trips.

Section 153.132, Amendment, (HB 555)

Adds to the rights of a parent appointed Sole Managing Conservator (SMC) of a child the sole rights regarding applying, renewing, and maintaining possession of the child's passport.

Section 153.371, Amendment, (HB 555)

Adds to the rights of a non-parent conservator of a child appointed as SMC the sole rights regarding applying, renewing, and maintaining possession of the child's passport.

Section 153.312(c), NEW, (HB 553)

Requires the possessory conservator to give written notice to the managing conservator of the location to return the child to after a designated summer weekend.

Family Code, Chapter 155

Section 155.004(a), Amendment, (HB 1854)

Specifies that a court of continuing jurisdiction loses continuing jurisdiction when an order of adoption is rendered by a court where the adoption suit was filed under Family Code Section 103.001 (b). An order for adoption rendered under 103.001 (b) on or after 9/1/15 but before 9/1/19 is a final order and is not subject to appeal on the basis that the court rendering the order did not have continuing exclusive jurisdiction.

Section 155.201(a-1) and (a-2), NEW, (HB 369)

Requires the court of continuing jurisdiction to transfer the proceedings to the court with jurisdiction under Section 103.001 upon a motion showing that the petition for adoption has been filed under Section 103.001 and requesting a transfer to that court.

Family Code, Chapter 162

Section 162.304(b-1), Amendment, (HB 72)

Changes the requirements for a child in DFPS conservatorship at the time of adoption to receive a post-adoption subsidy for health insurance. The subsidy now applies to children who are not receiving medical assistance under Human Resources Code, Chapter 32, rather than children who are not eligible for assistance under Human Resources Code, Chapter 32.

Section 162.007(a), Amendment, (SB 195)

Requires the information about the child gathered under Section 264.019 to be included by DFPS in the child's health history provided to adoptive parents.

Family Code, Chapter 201

Section 201.204(e), NEW, (SB 1887)

Empowers an associate judge to hear and render an order in a suit referred from a juvenile court under Section 51.04.

Family Code, Chapter 261

Section 261.105, Amendment, (SB 1231)

Requires DFPS to notify the director of an open enrollment charter school or CEO of a private school if an abuse or neglect investigation involves an employee of an open enrollment charter school or private school.

Section 261.110(a), (b), and (c), Amendment, (HB 621)

Prohibits employers from taking adverse actions against employees who make a good faith report of child abuse. Defines "adverse action" as any action that would dissuade or retaliate against an employee.

Section 261.307(a), Amendment, (HB 3390)

Requires DFPS to elicit information from the child regarding potential caregivers at the investigative stage and prior to the Adversary Hearing.

Section 261.3071(c), Amendment, (HB 1884)

Requires that the information manual which DFPS provides to relative or designated caregivers include information regarding the ability to become a licensed foster parent and to apply for Permanency Care Assistance (PCA).

Section 261.308, Amendment, (SB 1231)

Requires DFPS to release information regarding an employee of a school alleged to have committed abuse or neglect of a child who is a student at the school to the director of the open enrollment charter school or the chief executive of a private school.

Section 261.406, Amendment, (SB 1231)

Requires DFPS to send a copy of the completed investigation report regarding an employee of a school alleged to have committed abuse or neglect of a child who is a student at the school to a private school's chief executive officer unless the chief executive officer is alleged to have committed the abuse or neglect.

Family Code, Chapter 262

Section 262.0022, Amendment, (HB 3390)

Requires the court at each hearing under this chapter to determine whether DFPS has elicited information regarding potential caregivers from the child if the child is not placed with a relative,

Section 262.114(a), (a-2), and (b), Amendment, (HB 3390)

Requires the court to determine whether DFPS has elicited information regarding potential caregivers from the child prior to the Adversary Hearing if the child is not placed with a relative.

Section 262.201(1-1), NEW, (HB 3390)

Requires the court to inquire from all parties whether the child has had the opportunity to provide information regarding potential caregivers at the Adversary Hearing and whether individuals identified by the child are listed on the proposed child placement resources form.

Section 262.201(n-1), NEW, (HB 1884)

Requires the court to inform relatives serving as placement for a child of their ability to become licensed foster parents and to apply for PCA at the Adversary Hearing.

Family Code, Chapter 263

Section 263.002(b), Amendment, (HB 3390)

Requires the court to include in its findings at each permanency hearing under this chapter whether DFPS has asked the child in a developmentally appropriate way to identify potential adult caregivers.

Section 263.202(h), Amendment, (HB 3390)

Requires the court to inquire from all parties whether the child has had the opportunity to provide information regarding potential caregivers at the Status Hearing and whether any identified potential caregivers are listed on the proposed child placement resource form.

Section 263.202(i), NEW, (HB 1884)

Requires the court to inform relatives serving as placement for a child of the ability to become licensed foster parents and to apply for PCA at the Status Hearing.

Section 263.306(a-1), Amendment, (HB 3390)

Requires the court to inquire from all parties whether the child has had the opportunity to provide information regarding potential caregivers at Permanency Hearings before a final order and whether any identified potential caregivers are listed on the proposed child placement resource form.

Section 263.306(c), Amendment, (HB 1884)

Requires the court to inform relatives serving as placement for a child of the ability to become licensed foster parents and to apply for PCA at Permanency Hearings before a final order.

Section 263.401(b-2), NEW, (HB 1780)

Requires the court to consider a parent's good faith attempt to complete a drug rehabilitation program when granting an extension of the deadline.

Section 263.5031, Amendment, (HB 1884)

Requires the court to inform relatives serving as placement for a child of the ability to become licensed foster parents and to apply for PCA at Permanency Hearings after a final order.

Section 263.5031, Amendment, (HB 3390)

Requires the court to inquire from all parties whether the child has had the opportunity to provide information regarding potential caregivers at Permanency Hearings after a final order and whether any identified potential caregivers are listed on the proposed child placement resource form.

Family Code, Chapter 264

Section 264.019, NEW, (SB 195)

Requires DFPS and the Health and Human Services Commission (HHSC) to collect information on the number of children who test positive for alcohol or controlled substances at birth, the specific controlled substances, and the number of children who have resulting disabilities or other chronic conditions. DFPS must prepare a report to the legislature by November 1st of each year and post a copy of the report on their website.

Section 264.121(a-2) and (f), Amendment, (HB 53)

Adds to the life-skills taught to foster youth by DFPS a financial literacy program developed in collaboration with the Office of the Consumer Credit Commissioner and the State Securities Board. The program shall include instruction on understanding credit and credit scores, banking and accounting, filing taxes, obtaining insurance, identity theft, and budgeting. For youth age 17 and older, the instruction shall also include information on home and auto insurance as well as civic engagement including registering to vote.

Section 264.121(e-3), NEW, (HB 123)

Requires DFPS to obtain the birth certificate from the state registrar or local registrar or county clerk if it is unable to obtain the birth certificate from the state registrar when obtaining a copy of a birth certificate to provide to a foster youth or when assisting a foster youth in obtaining a copy of a birth certificate.

Section 264.130, NEW, (HB 475)

Requires DFPS to provide to youth in DFPS conservatorship who are pregnant or parenting information on safe sleeping, child-proofing their residence, coping with crying, identifying appropriate substitute caregivers, child brain development, the benefits of paternal involvement, benefits of reading to children, prenatal and postpartum care, infant nutrition, and healthy relationships.

Section 264.402, et. Seq., Amendment, (SB 821)

Modifies the statutory framework governing Children's Advocacy Centers (CACs) to codify how CACs have developed over time and are currently operating.

Section 264.7541, Amendment, (HB 1884)

Requires DFPS to inform relatives serving as designated caregiver for a child of the ability to become licensed foster parents and to apply for PCA.

Section 264.751(1), Amendment, (HB 3390)

Expands the definition of designated caregiver to include individuals who have a longstanding and significant relationship with child's family, not just with the child.

Section 264.755, Amendment, (HB 1884)

Requires DFPS to inform relatives entering into a caregiver assistance agreement for a child of the ability to become a licensed foster parent and to apply for PCA.

Texas Education Code, Chapter 25

Section 25.007(b), Amendment, (HB 1709)

Requires school districts to notify the child's education decision maker and caseworker when a surrogate parent has been appointed to make special education decisions for children who are homeless in DFPS conservatorship.

Texas Education Code, Chapter 29

Section 29.0151(c), (f), and (g), Amendment, (e-1), NEW, (HB 1709)

Requires school districts to notify DFPS if the school district appoints a surrogate parent to make special education decisions on behalf of the child. If the court appoints a surrogate parent and the school district determines the surrogate is not performing his or her duties, the school district must notify DFPS. If DFPS agrees the surrogate is not performing his or her duties, it must notify the court, which must review the appointment and make appropriate orders.

Texas Education Code, Chapter 37

Section 37.001(a), Amendment, (HB 811)

Specifies that a student's status in DFPS conservatorship or homelessness must be considered as a factor in the decision for suspension, removal, expulsion, or placement of a student in an Alternative Education Program (AEP).

Section 37.001(b), Amendment, (HB 811)

Specifies that a "student who is homeless" has the meaning assigned to "homeless children and youths" under 42 U.S.C. Section 11434(a).

Section 37.023, NEW, (HB 2184)

Defines "Alternative Education Program" (AEP) to include programs run by public schools, open-enrollment charter schools, juvenile justice, or a residential facility operated by or under contract with Texas Juvenile Justice Department (TJJD). When the program's administrator determines the date of the student's release, they must provide written notice to the student's parent or person standing in as parent and the administrator of the campus to which the child is returning. Within five days after release from an AEP, the campus administrator must coordinate the student's transition to a regular classroom that must include a personalized transition plan for the student developed by the campus administrator. The plan must include recommendations for educational placement and may include recommendations for counseling, academic assistance, mental health services, and special education evaluation.

Texas Education Code, Chapter 38

Section 38.0041(a), (a-1), (b), and (c), Amendment, (HB 111)

Requires each school district and open-enrollment charter school to adopt and implement a policy addressing sexual abuse, sex trafficking, and other maltreatment of children that includes training specific to the prevention of sexual abuse, sex trafficking, and other maltreatment of children with significant cognitive disabilities.

Texas Education Code, Chapter 51

Section 51.9356(b), Amendment, (c), (d), (e), and (f), NEW, (HB 1702)

Requires an institution of higher education to obtain the names of current and incoming students currently or formerly in DFPS conservatorship and provide that information to the institution's liaison officer responsible for assisting students currently or formerly in foster care. Allows the liaison to attend trainings at the institution for higher education and requires the institution to publicize the liaison's name and contact information and the available support services.

Government Code, Chapter 22

Section 22.0135, NEW, (HB 2737)

Requires the Texas Supreme Court to annually provide guidance to judges who preside over Child Protective Services (CPS) and juvenile cases to establish greater uniformity in issues related to placement of children with severe mental health issues, changes in children's placement, termination of parental rights, release of children from juvenile detention, certification of children to stand trial as an adult, and children's appearance before the court (including the use of restraints and clothing worn by the child, and commitment of children to TJJD).

Government Code, Chapter 36

Section 36.003, Amendment, (SB 41)

Exempts AALs, GALs, amicus attorneys, and mediators who work pro bono from the Chapter 36 reporting requirements.

Government Code, Chapter 37

Section 37.002, Amendment, (SB 41)

Exempts AALs, GALs, amicus attorneys, and mediators who work pro bono from the Chapter 37 appointment requirements.

Section 37.004(a), Amendment, (d-1) and (g), NEW, (SB 41)

In event of a natural disaster, allows judges to appoint attorneys out of rotation, or not on the appointments list established by Chapter 37, who meet the statutory requirements.

Government Code, Chapter 71

Section 71.0355, NEW, (SB 560)

Requires the Texas Judicial Council to develop a statewide plan to report information on attorneys appointed under Chapter 107. The plan shall consider the cost to counties and the design must reduce redundant reports. Requires district and county clerks to submit to the council in accordance with the plan all formal and informal rules for appointments, the fee schedule used, and the money spent on representation, including private attorneys, public defenders, and litigation support.

Government Code, Chapter 72

Subchapter F, Section 72.151, et. Seq., NEW, (SB 325)

Requires the Office of Court Administration (OCA) in conjunction with The Department of Public Safety to establish and maintain a centralized internet-based registry for applications for protective orders (P.O.) and protective orders that allow a member of the public to search electronically by county, name of the subject of the protective order and date of birth of subject of the protective order, free of charge. The publicly available information must include the court issuing the order, the case number, full name, date of birth, county residence, race and ethnicity of the subject, and the date the order was issued, served, expired, or vacated. The protected person may request that OCA grant the public more information about their P.O. in the registry but may also withdraw that permission at any point and OCA must remove the information within three business days of receiving the request. Registry must be established by June 1, 2020 but will not be available to the public until September 1, 2020.

Government Code, Chapter 402

Section 402.034, NEW, (SB 72)

Requires the Office of the Attorney General to establish a Human Trafficking Prevention Coordinating Council. The Council includes the DFPS commissioner or a DFPS representative and must develop a five-year strategic plan and submit annual reports to the legislature.

Government Code, Chapter 501

Section 501.023(b), Amendment, (HB 1191)

Adds specific information to the report that the Texas Department of Criminal Justice (TDCJ) must submit to the Governor, Lt. Governor, and Legislature every even-numbered year regarding inmates who have at any time been in DFPS conservatorship. Requires the report to summarize statistical information including the number of inmates who have not previously served a term of imprisonment, disaggregated by age.

Government Code, Chapter 509

Section 509.011(b-1), NEW, (HB 1374)

Allows the awarding of grants from the Community Justice Assistance Division of TDCJ to create pre-trial intervention programs for defendants who are the primary caretaker of a minor child or who are pregnant at the time of placement into the intervention program.

Government Code, Chapter 552

Section 552.117(a), Amendment, (SB 1494)

Exempts current or former CPS or Adult Protective Services (APS) caseworkers, elected state officers, and legislative members from having information regarding their home address, home telephone number, emergency contact information, or social security, or that reveals whether the person has family members from the requirement that public information be available to public under Section 552.021.

Section 552.1175(a), Amendment, (SB 1494)

Adds current or former CPS or APS caseworkers, elected state officers, and legislative members to the list of public employees who may choose to make information regarding their home address, home telephone number, emergency contact information, or social security, or that reveals whether the person has family members, unavailable to the public. The employee must notify the governmental body of their choice on a form and provide evidence of the employee's status.

Government Code, Chapter 531

Section 531.02143, NEW, (SB 195)

Requires HHSC to collect hospital discharge data for Medicaid recipients regarding the treatment of newborn child for prenatal exposure to alcohol or a controlled substance and provide the information to DFPS.

Government Code, Chapter 533

Section 533.00531, NEW, (HB 72)

Requires HHSC to ensure a child remains enrolled in STAR Health unless or until the child is enrolled in another Medicaid managed care program for a child formerly in DFPS conservatorship who is eligible for assistance under Family Code Chapters 162 or 264. For a child who was also receiving benefits under SSI before becoming eligible for assistance under Chapters 162 or 264, HHSC and DFPS must develop a program to allow an adoptive parent or permanent managing conservator to elect to continue to receive benefits under STAR Health or Star Kids managed care program. HHSC shall ensure children who transition between STAR Health and another Medicaid managed care program receive continuity of care.

Government Code, Chapter 662

Section 662.112, NEW, (HB 405)

Establishes June as Neonatal Abstinence Month to encourage awareness of the dangers of substance abuse during pregnancy and resources available for care and recovery.

Health and Safety Code, Chapter 34

Section 34.0158, NEW, (SB 436)

Requires HHSC to develop and implement initiatives to improve screening, continuity of care, health care, medication-assisted treatment, and prevention of neo-natal opioid disorder.

Health and Safety Code, Chapter 191

Section 191.0049, NEW, (HB 123)

Requires state registrars, local registrars, and county clerks to issue birth certificates to homeless youth, foster youth, and youth in extended foster care without a fee or parental consent.

Health and Safety Code, Chapter 572

Section 572.001(a), (a-1), and (c-1), Amendment, (a-2), NEW, (SB 1238)

Allows a person who can consent to treatment of a child under Section 32.001 Family Code to request temporary authorization to admit the person to an inpatient mental health facility under Chapter 35A. The person requesting authorization may be represented by the county or district attorney.

Section 572.0025(f) and (g), Amendment, (f-1), (f-2), and (f-3), NEW, (SB 1238)

Requires an inpatient mental health facility to discharge a person admitted to the facility immediately if the physician conducting the examination determines the person does not meet the clinical standards required for inpatient mental health services. The facility may not bill the patient under such circumstances. A minor in the DFPS conservatorship may only be admitted to an inpatient mental health facility under section 572.001 (c-2).

Health and Safety Code, Chapter 573

Section 573.001(a), Amendment, (SB 1238)

Allows a peace officer to take a person into custody without a warrant regardless of the person's age if the officer has reason to believe that the person has a mental illness and because of that illness is at substantial risk of serious harm to themselves or others.

Human Resources Code, Chapter 40

Section 40.043, NEW, (SB 781)

Requires the DFPS commissioner to establish by rule trauma-informed protocols for reducing runaways from Residential Treatment Centers (RTC) and balancing child safety with state and federal normalcy requirements.

Section 40.0582, NEW, (SB 781)

Requires DFPS to monitor and coordinate with general residential operations providing treatment services to children or young adults with emotional disorders to maintain and improve the quality of residential child-care services purchased by the Department.

Section 40.079, NEW, (SB 355)

Requires DFPS to develop a strategic plan to ensure that the provision of prevention and early intervention services meets the requirements of the federal Family First Prevention Services Act and is coordinated with the implementation of Community Based Care. The plan must identify for federal approval a network of prevention and early intervention services providers to provide mental health, substance use, and in-home parenting support services.

Section 40.080, NEW, (SB 781)

Requires DFPS to develop a strategic plan regarding placement of children in settings that meet the requirements of the federal Family First Prevention Services Act.

Human Resources Code, Chapter 42

Section 42.041(b), Amendment, (HB 3390)

Expands the definition of designated caregiver to include individuals who have a longstanding and significant relationship with child's family, not just the child.

Section 42.042(b-1) and (f), Amendment, (HB 2764)

Requires DFPS to create and implement a process to simplify, streamline, and provide for greater flexibility in the application of the minimum standards to licensed child-placing agencies, agency foster homes, and adoptive homes with the goal of increasing the number of foster and adoptive homes. Child Placing Agencies (CPA) and Single Source Continuum Contractors (SSCC) shall have the authority to waive certain minimum standards not directly related to caring for the child.

Section 42.042(e-1), Amendment, (HB 2363)

Amends minimum standards for foster parents to allow firearms and ammunition to be stored together in the same locked location if the firearms have a trigger-locking device attached.

Section 42.0462, Amendment, (SB 781)

Restricts the waiver of notice and hearing requirements for providers who serve children who are victims of trafficking from providers who are also applying to be a general residential operation that provides services for emotional disorders.

Section 42.0537(a) and (b), Amendment, (d), (e), and (f), NEW, (HB 2764)

Requires that trainings by DFPS, Child Placing Agencies, or Single Source Continuum Contractors to become a licensed foster parent shall not exceed 35 hours total unless the child has complex medical needs, emotional disorders, intellectual or developmental disabilities, is the victim of human trafficking, or other circumstances which DFPS determines requires additional training. The

foster parent may receive provisional verification while they complete the required training. The training must also meet standards set by a nationally recognized accrediting organization and meet the standards set by the federal Family First Prevention Services Act.

Section 42.071, et. Seq., Amendment, (SB 781)

Requires DFPS to adopt by rule a general enforcement policy, including a publicly available methodology, for determining appropriate disciplinary actions including probation, suspension, and denial or revocation of license or registration. An RTC in repeated non-compliance of non-safety related standards can have its license suspended or put on probation and may have its license revoked if compliance is not established within the suspension or probation period. DFPS may not issue a license to a provider who has had its license revoked, denied, or voluntarily closed in lieu of disciplinary action.

Section 42.251, et. Seq., NEW, (SB 781)

Requires facilities that care for seven or more children or youth and provide treatment for emotional disorders to submit a proposed operational plan that includes a community engagement plan. The plan must include discussions with local law enforcement, as well as healthcare, therapeutic and recreational services, a plan for community social interaction, an education plan that identifies whether the children and youth will attend a local school, off-site charter school, or on-site charter school, a trauma-informed plan to address runaways, and the qualifications, background, and history of operation management and educational leadership of on-site charter schools. If a provider provides services to victims of human trafficking, any information relating to services for victims is confidential and the provider is not required to disclose information regarding those services at a public hearing on its license application.

HHSC shall collaborate with the Texas Education Association to determine best practices for educational services in General Residential Operations and make available on DFPS's website information and training regarding trauma-informed practices to assist school districts with training employees and increasing staff awareness of trauma-informed care. A commissioner's court of the county where the provider is located may request a hearing regarding the renewal of a provider's license which must include procedures that provide the public with a reasonable opportunity to provide input. This applies to applications for licenses, contracts with DFPS, and disciplinary actions taken after the law goes into effect. Implementation of each provision of the act is only required if funds are allocated for that provision. If funds are not allocated, DFPS and HHSC may, but are not required to, use other available funds to implement the provision.

Human Resources Code, Chapter 114

Section 114.013(b), Amendment, (c) and (d), NEW, (HB 1386)

Requires HHSC to conduct trainings for DFPS personnel that include evidenced-based training regarding autism, including instruction on effectively communicating with individuals with limited social or verbal abilities.

Human Resources Code, Chapter 203

Section 203.0065(g) and (h), NEW, (HB 1760)

Specifies that records of youth receiving prevention and intervention services provided by TJJD are confidential and may not be disclosed unless otherwise authorized by law.

Human Resources Code, Chapter 243

Section 243.008(e), Amendment, (HB 2229)

Adds specific information to the report which TJJD must submit to the Governor, Lt. Governor, and Legislature every even-numbered year regarding foster children in TJJD. Requires the report to break down the number of children in TJJD custody by age, sex, race, conduct, and first-time offenders.

Occupations Code, Chapter 1701

Section 1701.253(b), Amendment, (SB 586)

Adds information on trauma-informed response techniques for cases involving child abuse, domestic violence, and sexual assault to the required curriculum of training programs and schools for peace officers'

Section 1701.352, Amendment, (SB 586)

Requires the Texas Commission on Law Enforcement to ensure that any state, county, special district, or municipal agency that appoints or employs peace officers must provide training for peace officers on trauma-informed techniques to recognize, document, and investigate cases involving child abuse, domestic violence, and sexual assault.

Section 1701.4045, NEW, (SB 586)

Establishes a certification for peace officers who can become certified as a special officer for responding to child abuse, domestic violence, and sexual assault if they complete an advanced course on those subjects, trauma-informed responses, and pass an exam.

Tax Code, Chapter 25

Section 25.025(a), Amendment, (SB 1494)

Adds current or former CPS or Adult Protective Services (APS) caseworker, elected state officer, and legislative member to the list of those who may choose to make information in appraisal records information that identifies their home address unavailable to the public.

Transportation Code, Chapter 521

Section 521.1015, et. Seq., Amendment, (HB 123)

Allows homeless youth, youth in DFPS conservatorship, and unaccompanied youth to apply for and receive ID without parent or guardian permission. Also exempts youth from paying fees, allows youth to use a birth certificate as ID, and allows them to use a letter from a school district, emergency shelter, or transitional living program to certify the youth is homeless or

unaccompanied when applying for ID. Allows DFPS youth to use the address of the DFPS regional office of their case worker as a home address.

By House Bill Number

HB 53

Section 264.121(a-2) and (f), Amendment, Family Code

Adds to the life skills taught to foster youth by DFPS a financial literacy program developed in collaboration with the Office of the Consumer Credit Commissioner and the State Securities Board. The program shall include instruction on understanding credit and credit scores, banking and accounting, filing taxes, obtaining insurance, identity theft, and budgeting. For youth age 17 and older, the instruction shall also include information on home and auto insurance as well as civic engagement including registering to vote.

HB 72

Section 162.304(b-1), Amendment, Family Code

Changes the requirements for a child in DFPS conservatorship at the time of adoption to receive a post-adoption subsidy for health insurance. The subsidy now applies to children who are not receiving medical assistance under Human Resources Code, Chapter 32, rather than children who are not eligible for assistance under Human Resources Code, Chapter 32.

Section 533.00531, NEW, Government Code

Requires HHSC to ensure a child remains enrolled in STAR Health unless or until the child is enrolled in another Medicaid managed care program for a child formerly in DFPS conservatorship who is eligible for assistance under Family Code Chapters 162 or 264. For a child who was also receiving benefits under SSI before becoming eligible for assistance under Chapters 162 or 264, HHSC and DFPS must develop a program to allow an adoptive parent or permanent managing conservator to elect to continue to receive benefits under STAR Health or Star Kids managed care program. HHSC shall ensure children who transition between STAR Health and another Medicaid managed care program receive continuity of care.

Section 162.304, Family Code, Repealed

HB 111

Section 38.0041(a), (a-1), (b), and (c), Amendment, Education Code

Requires each school district and open-enrollment charter school to adopt and implement a policy addressing sexual abuse, sex trafficking, and other maltreatment of children that includes training specific to the prevention of sexual abuse, sex trafficking, and other maltreatment of children with significant cognitive disabilities.

HB 123

Section 264.121(e-3), NEW, Family Code

Requires DFPS to obtain the birth certificate from the state registrar or local registrar or county clerk if it is unable to obtain the birth certificate from the state registrar when obtaining a copy of a birth certificate to provide to a foster youth or when assisting a foster youth in obtaining a copy of a birth certificate.

Section 191.0049, NEW, Health and Safety Code

Requires state registrars, local registrars, and county clerks to issue birth certificates to homeless youth, foster youth, and youth in extended foster care without a fee or parental consent.

Section 521.1015, et. Seq., Amendment, Transportation Code

Allows homeless youth, youth in DFPS conservatorship, and unaccompanied youth to apply for and receive ID without parent or guardian permission. Also exempts youth from paying fees, allows youth to use a birth certificate as ID, and allows them to use a letter from a school district, emergency shelter, or transitional living program to certify the youth is homeless or unaccompanied when applying for ID. Allows DFPS youth to use the address of the DFPS regional office of their case worker as a home address.

HB 369

Section 102.008(b), Amendment, Family Code

Requires the court of continuing jurisdiction to transfer the proceedings to the court with jurisdiction under Section 103.001 upon a motion showing that the petition for adoption has been filed under Section 103.001 and requesting a transfer to that court.

Section 155.201(a-1) and (a-2), NEW, Family Code

Requires the court of continuing jurisdiction to transfer the proceedings to the court with jurisdiction under Section 103.001 upon a motion showing that the petition for adoption has been filed under Section 103.001 and requesting a transfer to that court.

HB 405

Section 662.112, NEW, Government Code

Establishes June as Neonatal Abstinence Month to encourage awareness of the dangers of substance abuse during pregnancy and resources available for care and recovery.

HB 475

Section 264.130, NEW, Family Code

Requires DFPS to provide to youth in DFPS conservatorship who are pregnant or parenting information on safe sleeping, child-proofing their residence, coping with crying, identifying appropriate substitute caregivers, child brain development, the benefits of paternal involvement,

benefits of reading to children, prenatal and postpartum care, infant nutrition, and healthy relationships.

HB 553

Section 153.312(c), NEW, Family Code

Requires the possessory conservator to give written notice to the managing conservator of the location to return the child to after a designated summer weekend.

HB 554

Section 109.001(b), Amendment, Family Code

Changes the word "spouses" to "parties" regarding a TRO enjoining a party from disturbing the peace of a child.

HB 555

Section 153.132, Amendment, Family Code

Adds to the rights of a parent appointed Sole Managing Conservator (SMC) of a child the sole rights regarding applying, renewing, and maintaining possession of the child's passport.

Section 153.371, Amendment, Family Code

Adds to the rights of a non-parent conservator of a child appointed as SMC the sole rights regarding applying, renewing, and maintaining possession of the child's passport.

HB 621

Section 261.110(a), (b), and (c), Amendment, Family Code

Prohibits employers from taking adverse actions against employees who make a good faith report of child abuse. Defines "adverse action" as any action that would dissuade or retaliate against an employee.

HB 811

Section 37.001(a), Amendment, Education Code

Specifies that a student's status in DFPS conservatorship or homelessness must be considered as a factor in the decision for suspension, removal, expulsion, or placement of a student in an Alternative Education Program (AEP).

Section 37.001(b), Amendment, Education Code

Specifies that a "student who is homeless" has the meaning assigned to "homeless children and youths" under 42 U.S.C. Section 11434(a).

HB 1191

Section 501.023(b), Amendment, Government Code

Adds specific information to the report the Texas Department of Criminal Justice (TDCJ) must submit to the Governor, Lt. Governor, and Legislature every even-numbered year regarding inmates who have at any time been in DFPS conservatorship. Requires the report to summarize statistical information including the number of inmates who have not previously served a term of imprisonment, disaggregated by age.

HB 1374

Section 509.011(b-1), NEW, Government Code

Allows the awarding of grants from the Community Justice Assistance Division of TDCJ to create pre-trial intervention programs for defendants who are the primary caretaker of a minor child or who are pregnant at the time of placement into the intervention program.

HB 1386

Section 114.013(b), Amendment, (c) and (d), NEW, Human Resources Code

Requires HHSC to conduct trainings for DFPS personnel that include evidenced-based training regarding autism, including instruction on effectively communicating with individuals with limited social or verbal abilities.

HB 1702

Section 51.9356(b), Amendment, (c), (d), (e), and (f), NEW, Education Code

Requires an institution of higher education to obtain the names of current and incoming students currently or formerly in DFPS conservatorship and provide that information to the institution's liaison officer responsible for assisting students currently or formerly in foster care. Allows the liaison to attend trainings at the institution for higher education and requires the institution to publicize the liaison's name and contact information and the available support services.

HB 1709

Section 25.007(b), Amendment, Education Code

Requires school districts must to notify the child's education decision maker and caseworker when a surrogate parent has been appointed to make special education decisions for children who are homeless in DFPS conservatorship,

Section 29.0151(c), (f), (g), Amendment, (e-1), NEW, Education Code

Requires school districts to notify DFPS if the school district appoints a surrogate parent to make special education decisions on behalf of the child. If the court appoints a surrogate parent and the school district determines the surrogate is not performing his or her duties, the school district must notify DFPS. If DFPS agrees the surrogate is not performing his or her duties, it must notify the court, which must review the appointment and make appropriate orders.

HB 1760

Section 58.005, et. Seq., Amendment, Family Code

Clarifies who may have access to a youth's juvenile record and restricts those who have access from improperly sharing it. Mandates immediately sealing a youth's record upon a finding of "not true." Lowers the age at which a youth can submit an application to seal their record from 18 to 17.

Section 203.0065(g) and (h), NEW, Human Resources Code

Specifies that records of youth receiving prevention and intervention services provided by TJJD are confidential and may not be disclosed unless otherwise authorized by law.

Section 58.003(c-3), Repealed

Section 58.0053, Repealed

Section 58.007(j), Repealed

HB 1780

Section 263.401(b-2), NEW, Family Code

Requires the court to consider a parent's good faith attempt to complete a drug rehabilitation program when granting an extension of the deadline.

HB 1854

Section 155.004(a), Amendment, Family Code

Specifies that a court of continuing jurisdiction loses continuing jurisdiction when an order of adoption is rendered by a court where the adoption suit was filed under Family Code Section 103.001(b). An order for adoption rendered under 103.001(b) on or after 9/1/15 but before 9/1/19 is a final order and is not subject to appeal on the basis that the court rendering the order did not have continuing exclusive jurisdiction.

HB 1884

Section 261.3071(c), Amendment, Family Code

Requires that the information manual which DFPS provides to relative or designated caregivers include information regarding the ability to become a licensed foster parent and to apply for Permanency Care Assistance (PCA).

Section 262.201(n-1), NEW, Family Code

Requires the court to inform relatives serving as placement for a child of their ability to become licensed foster parents and to apply for PCA at the Adversary Hearing.

Section 263.202(i), NEW, Family Code

Requires the court to inform relatives serving as placement for a child of the ability to become licensed foster parents and to apply for PCA at the Status Hearing.

Section 263.306(c), Amendment, Family Code

Requires the court to inform relatives serving as placement for a child of the ability to become licensed foster parents and to apply for PCA at Permanency Hearings before a final order.

Section 263.5031, Amendment, Family Code

Requires the court to inform relatives serving as placement for a child of the ability to become licensed foster parents and to apply for PCA at Permanency Hearings after a final order.

Section 264.7541, Amendment, Family Code

Requires DFPS to inform relatives serving as designated caregiver for a child of the ability to become licensed foster parents and to apply for PCA.

Section 264.755, Amendment, Family Code

Requires DFPS to inform relatives entering into a caregiver assistance agreement for a child of the ability to become licensed foster parents and to apply for PCA.

HB 2184

Section 37.023, NEW, Education Code

Defines "Alternative Education Program" (AEP) to include programs run by public schools, open-enrollment charter schools, juvenile justice, or a residential facility operated by or under contract with Texas Juvenile Justice Department (TJJD). When the program's administrator determines the date of the student's release, they must provide written notice to the student's parent or person standing in as parent and the administrator of the campus to which the child is returning. Within five days after release from an AEP, the campus administrator must coordinate the student's transition to a regular classroom that must include a personalized transition plan for the student developed by the campus administrator. The plan must include recommendations for educational placement and may include recommendations for counseling, academic assistance, mental health services, and special education evaluation.

HB 2229

Section 243.008(e), Amendment, Human Resources Code

Adds specific information to the report which TJJD must submit to the Governor, Lt. Governor, and Legislature every even-numbered year regarding foster children in TJJD. Requires the report to break down the number of children in TJJD custody by age, sex, race, conduct, and first-time offenders.

HB 2363

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

Amends minimum standards for foster parents to allow firearms and ammunition to be stored together in the same locked location if the firearms have a trigger-locking device attached.

HB 2737

Section 22.0135, NEW, Government Code

Requires the Texas Supreme Court to annually provide guidance to judges who preside over CPS and juvenile cases to establish greater uniformity in issues related to placement of children with severe mental health issues, changes in children's placement, termination of parental rights, release of children from juvenile detention, certification of children to stand trial as an adult, and children's appearance before the court (including the use of restraints and clothing worn by the child, and commitment of children to TJJD).

HB 2764

Section 42.042(b-1) and (f), Amendment, Human Resources Code

Requires DFPS to create and implement a process to simplify, streamline, and provide for greater flexibility in the application of the minimum standards to licensed child-placing agencies, agency foster homes, and adoptive homes with the goal of increasing the number of foster and adoptive homes. Child Placing Agencies (CPA) and Single Source Continuum Contractors (SSCC) shall have the authority to waive certain minimum standards not directly related to caring for the child.

Section 42.0537(a) and (b), Amendment, (d), (e), and (f), NEW, Human Resources Code

Requires trainings by DFPS, Child Placing Agencies, or Single Source Continuum Contractors to become a licensed foster parent shall not exceed 35 hours total unless the child has complex medical needs, emotional disorders, intellectual or developmental disabilities, is the victim of human trafficking, or other circumstances which DFPS determines requires additional training. The foster parent may receive provisional verification while they complete the required training. The training must also meet standards set by a nationally recognized accrediting organization and meet the standards set by the federal Family First Prevention Services Act.

HB 3145

Section 153.073(a), Amendment, Family Code

Adds to the rights a parent has at all times the right to attend school activities, including lunches, performances, and field trips.

HB 3390

Section 107.002(b-1), Amendment, Family Code

Adds a duty for a Guardian ad Litem (GAL) of a child to elicit information from the child in a developmentally appropriate manner about possible relative or designated caregivers and provide that information to DFPS immediately.

Section 107.003(b), Amendment, Family Code

Adds a duty for an Attorney ad Litem (AAL) of a child to elicit information from the child in a developmentally appropriate manner about possible relative or designated caregivers and provide that information to DFPS immediately.

Section 261.307(a), Amendment, Family Code

Requires DFPS to elicit information from the child regarding potential caregivers at the investigative stage and prior to the Adversary Hearing.

Section 262.0022, Amendment, Family Code

Requires the court at each hearing under this chapter to determine whether DFPS has elicited information regarding potential caregivers from the child if the child is not placed with a relative.

Section 262.114(a), (a-2), and (b), Amendment, Family Code

Requires the court to determine whether DFPS has elicited information regarding potential caregivers from the child prior to the Adversary Hearing if the child is not placed with a relative.

Section 262.201(1-1), NEW, Family Code

Requires the court to inquire from all parties whether the child has had the opportunity to provide information regarding potential caregivers at the Adversary Hearing and whether individuals identified by the child are listed on the proposed child placement resources form.

Section 263.002(b), Amendment, Family Code

Requires the court to include in its findings at each permanency hearing under this chapter whether DFPS has asked the child in a developmentally appropriate way to identify potential adult caregivers.

Section 263.202(h), Amendment, Family Code

Requires the court to inquire from all parties whether the child has had the opportunity to provide information regarding potential caregivers at the Status Hearing and whether any identified potential caregivers are listed on the proposed child placement resource form.

Section 263.306(a-1), Amendment, Family Code

Requires the court to inquire from all parties whether the child has had the opportunity to provide information regarding potential caregivers at Permanency Hearings before a final order and whether any identified potential caregivers are listed on the proposed child placement resource form.

Section 263.5031, Amendment, Family Code

Requires the court to inquire from all parties whether the child has had the opportunity to provide information regarding potential caregivers at Permanency Hearings after a final order and whether any identified potential caregivers are listed on the proposed child placement resource form.

Section 264.751(1), Amendment, Family Code

Expands the definition of designated caregiver to include individuals who have a longstanding and significant relationship with child's family, not just with the child.

Section 42.041(b), Amendment, Human Resources Code

Expands the definition of designated caregiver to include individuals who have a longstanding and significant relationship with child's family, not just the child.

By Senate Bill Number

SB 41

Section 36.003, Amendment, Government Code

Exempts AALs, GALs, amicus attorneys, and mediators who work pro bono from the Chapter 36 reporting requirements.

Section 37.002, Amendment, Government Code

Exempts AALs, GALs, amicus attorneys, and mediators who work pro bono from the Chapter 37 appointment requirements.

Section 37.004(a), Amendment, (d-1) and (g), NEW, Government Code

In event of a natural disaster, allows judges to appoint attorneys out of rotation, or not on the appointments list established by Chapter 37, who meet the statutory requirements.

SB 72

Section 402.034, NEW, Government Code

Requires the Office of the Attorney General to establish a Human Trafficking Prevention Coordinating Council. The Council includes the DFPS commissioner or a DFPS representative and must develop a five-year strategic plan and submit annual reports to the legislature.

SB 195

Section 162.007(a), Amendment, Family Code

Requires the information about the child gathered under Section 264.019 to be included by DFPS in the child's health history provided to adoptive parents.

Section 264.019, NEW, Family Code

Requires DFPS and the Health and Human Services Commission (HHSC) to collect information on the number of children who test positive for alcohol or controlled substances at birth, the specific controlled substances, and the number of children who have resulting disabilities or other chronic conditions. DFPS must prepare a report to the legislature by November 1st of each year and post copy on their website.

Section 531.02143, NEW, Government Code

Requires HHSC to collect hospital discharge data for Medicaid recipients regarding the treatment of newborn child for prenatal exposure to alcohol or a controlled substance and provide the information to DFPS.

SB 325

Subchapter F, Section 72.151, et. Seq., NEW, Government Code

Requires the Office of Court Administration (OCA) in conjunction with The Department of Public Safety to establish and maintain a centralized internet-based registry for applications for protective orders (P.O.) and protective orders that allow a member of the public to search electronically by county, name of the subject of the protective order and date of birth of subject of the protective order, free of charge. The publicly available information must include the court issuing the order, the case number, full name, date of birth, county residence, race and ethnicity of the subject, and the date the order was issued, served, expired, or vacated. The protected person may request that OCA grant the public more information about their P.O. in the registry but may also withdraw that permission at any point and OCA must remove the information within three business days of receiving the request. Registry must be established by June 1, 2020 but will not be available to the public until September 1, 2020.

SB 355

Section 40.079, NEW, Human Resources Code

Requires DFPS to develop a strategic plan to ensure that the provision of prevention and early intervention services meets the requirements of the federal Family First Prevention Services Act and is coordinated with the implementation of Community Based Care. The plan must identify for federal approval a network of prevention and early intervention services providers to provide mental health, substance use, and in-home parenting support services.

SB 436

Section 34.0158, NEW, Health and Safety Code

Requires HHSC to develop and implement initiatives to improve screening, continuity of care, health care, medication-assisted treatment, and prevention of neo-natal opioid disorder.

SB 560

Section 71.0355, NEW, Government Code

Requires the Texas Judicial Council to develop a statewide plan to report information on attorneys appointed under Chapter 107. The plan shall consider the cost to counties and the design must reduce redundant reports. Requires district and county clerks to submit to the council in accordance with the plan all formal and informal rules for appointments, the fee schedule used, and the money spent on representation, including private attorneys, public defenders, and litigation support.

SB 586

Section 1701.253(b), Amendment, Occupations Code

Adds information on trauma-informed response techniques for cases involving child abuse, domestic violence, and sexual assault to the required curriculum of training programs and schools for peace officers'

Section 1701.352, Amendment, Occupations Code

Requires the Texas Commission on Law Enforcement to ensure that any state, county, special district, or municipal agency that appoints or employs peace officers must provide training for peace officers on trauma-informed techniques to recognize, document, and investigate cases involving child abuse, domestic violence, and sexual assault.

Section 1701.4045, NEW, Occupations Code

Establishes a certification for peace officers who can become certified as a special officer for responding to child abuse, domestic violence, and sexual assault if they complete an advanced course on those subjects, trauma-informed responses, and pass an exam.

SB 781

Section 40.043, NEW, Human Resources Code

Requires the DFPS commissioner to establish by rule trauma-informed protocols for reducing runaways from Residential Treatment Centers (RTC) and balancing child safety with state and federal normalcy requirements.

Section 40.0582, NEW, Human Resources Code

Requires DFPS to monitor and coordinate with general residential operations providing treatment services to children or young adults with emotional disorders to maintain and improve the quality of residential child-care services purchased by the Department.

Section 40.080, NEW, Human Resources Code

Requires DFPS to develop a strategic plan regarding placement of children in settings that meet the requirements of the federal Family First Prevention Services Act.

Section 42.0462, Amendment, Human Resources Code

Restricts the waiver of notice and hearing requirements for providers who serve children who are victims of trafficking from providers who are also applying to be a general residential operation that provides services for emotional disorders.

Section 42.071, et. Seq., Amendment, Human Resources Code

Requires DFPS to adopt by rule a general enforcement policy, including a publicly available methodology, for determining appropriate disciplinary actions including probation, suspension, and denial or revocation of license or registration. An RTC in repeated non-compliance of non-safety related standards can have its license suspended or put on probation and may have its license revoked if compliance is not established within the suspension or probation period. DFPS may not issue a license to a provider who has had its license revoked, denied, or voluntarily closed in lieu of disciplinary action.

Subchapter H, Section 42.251, et. Seq., NEW, Human Resources Code

Requires facilities that care for seven or more children or youth and provide treatment for emotional disorders to submit a proposed operational plan that includes a community engagement plan. The plan must include discussions with local law enforcement, as well as healthcare, therapeutic and recreational services, a plan for community social interaction, an education plan that identifies whether the children and youth will attend a local school, off-site charter school, or on-site charter school, a trauma-informed plan to address runaways, and the qualifications, background, and history of operation management and educational leadership of on-site charter schools. If a provider provides services to victims of human trafficking, any information relating to services for victims is confidential and the provider is not required to disclose information regarding those services at a public hearing on its license application.

HHSC shall collaborate with the Texas Education Association to determine best practices for educational services in General Residential Operations and make available on DFPS's website information and training regarding trauma-informed practices to assist school districts with training employees and increasing staff awareness of trauma-informed care. A commissioner's court of the county where the provider is located may request a hearing regarding the renewal of a provider's license which must include procedures that provide the public with a reasonable opportunity to provide input. This applies to applications for licenses, contracts with DFPS, and disciplinary actions taken after the law goes into effect. Implementation of each provision of the act is only required if funds are allocated for that provision. If funds are not allocated, DFPS and HHSC may, but are not required to, use other available funds to implement the provision.

SB 821

Section 264.402, et. Seq., Amendment, Family Code

Modifies the statutory framework governing Children's Advocacy Centers (CACs) to codify how CACs have developed over time and are currently operating.

SB 1231

Section 261.105, Amendment, Family Code

Requires DFPS to notify the director of an open enrollment charter school or CEO of a private school if an abuse or neglect investigation involves an employee of an open enrollment charter school or private school.

Section 261.308, Amendment, Family Code

Requires DFPS to release information regarding an employee of a school alleged to have committed abuse or neglect of a child that is a student at the school to the director of the open enrollment charter school or the chief executive of a private school.

Section 261.406, Amendment, Family Code

Requires DFPS to send a copy of the completed investigation report regarding an employee of a school alleged to have committed abuse or neglect of a child that is a student at the school to a

private school's chief executive officer unless the chief executive officer is alleged to have committed the abuse or neglect.

SB 1238

Chapter 35A, Section 35A.001, et. Seq., NEW, Family Code

Adds a new chapter to the Family Code establishing authority for a non-parent to authorize voluntary inpatient mental health services for a child in certain circumstances. The non-parent must have actual care, custody, and control for six months preceding the filing of the petition and the petition may be filed in the county where the person resides. The petition must be verified; contain the name, DOB, and physical address of the child, the petitioner, and child's parents, conservators or guardians; describe the petitioner's relationship with the children, the dates of residence with the child, and contain a certificate of medical examination for mental illness that states the child has a mental illness or emotional disorder and presents a risk of serious harm to themselves or others. A copy of the petition and notice of the hearing must be delivered to the last known address of the child's parent, conservator, or guardian by certified mail. The court must dismiss the petition if the parent, conservator, or guardian objects. The court may grant the petition only if it finds the child does not have parent, conservator or guardian to consent, and by clear and convincing evidence that the child has a mental illness or emotional disorder and presents a risk of serious harm to themselves or others.

Section 572.001(a), (a-1), and (c-1), Amendment, (a-2), NEW, Health and Safety Code

Allows a person who can consent to treatment of a child under Section 32.001 Family Code to request temporary authorization to admit the person to an inpatient mental health facility under Chapter 35A. The person requesting authorization may be represented by the county or district attorney.

Section 572.0025(f) and (g), Amendment, (f-1), (f-2), and (f-3), NEW, Health and Safety Code

Requires an inpatient mental health facility to discharge a person admitted to the facility immediately if the physician conducting the examination determines the person does not meet the clinical standards required for inpatient mental health services. The facility may not bill the patient under such circumstances. A minor in the DFPS conservatorship may only be admitted to an inpatient mental health facility under 572.001(c-2).

Section 573.001(a), Amendment, Health and Safety Code

Allows a peace officer to take a person into custody without a warrant regardless of the person's age if the officer has reason to believe that the person has a mental illness and because of that illness is at substantial risk of serious harm to themselves or others.

SB 1494

Section 552.117(a), Amendment, Government Code

Exempts current or former CPS or Adult Protective Services (APS) caseworkers, elected state officers, or legislative members from having information regarding their home address, home

telephone number, emergency contact information, or social security, or that reveals whether the person has family members from the requirement that public information be available to public under Section 552.021.

Section 552.1175(a), Amendment, Government Code

Adds current or former CPS or APS caseworkers, elected state officers, or legislative members to the list of public employees who may choose to make information regarding their home address, home telephone number, emergency contact information, or social security, or that reveals whether the person has family members, unavailable to the public. The employee must notify the governmental body of their choice on a form and provide evidence of the employee's status.

Section 25.025(a), Amendment, Tax Code

Adds current or former CPS or Adult Protective Services (APS) caseworker, elected state officer, or legislative member to the list of those who may choose to make information in appraisal records information that identifies their home address unavailable to the public.

SB 1887

Section 51.04(a), Amendment, (h), NEW, Family Code

Allows a judge to refer any aspect of the juvenile case to a Child Protection Court (CPC) judge serving in the county and exercising jurisdiction over the child under Subtitle E, Title 5, with the CPC judge's consent.

Section 51.0414, NEW, Family Code

Allows a juvenile court to transfer the juvenile case to a court located in another county that is exercising jurisdiction over the child under Subtitle E, Title 5 with the consent of the judge of the receiving court regardless of whether that court is designated as a juvenile court. If the court consents to the transfer, the juvenile court shall file the transfer order and the clerk of the transferring court shall transfer the files within 10 days of the order.

Section 201.204(e), NEW, Family Code

Empowers an associate judge to hear and render an order in a suit referred from a juvenile court under Section 51.04.

Repeals

Section 162.304, Family Code, Repealed

Section 58.003(c-3), Family Code, Repealed

Section 58.0053, Family Code, Repealed

Section 58.007(j), Family Code, Repealed

