

BILL ANALYSIS

Senate Research Center

S.B. 1758
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Health & Human Services
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Youth who age out of foster care are more likely than their peers to experience negative outcomes, including lower rates of college attendance and higher rates of homelessness and unemployment. While agency policy and state statute touch upon a youth's assessment of living skills, permanency planning, and require the Department of Family and Protective Services (DFPS) to provide youth with personal documentation, youth report that they are aging out of foster care without having these important components addressed. Currently, Texas law requires DFPS to provide services to assist youth 16 and older as they transition out of foster care, and requires that it provide transitional planning services through the Transitional Living Services Program and the Preparation for Adult Living (PAL).

S.B. 1758 amends the Family Code to require that an independent living skills assessment be conducted on a yearly basis starting when a child in DFPS care is 14 years of age to ensure that the transitional living skills necessary for the youth to be independent upon leaving care are understood, tracked, and adjusted as needed. This bill also would require DFPS to update the Preparation for Adult Living (PAL) program to ensure it is relevant, age-appropriate, and useful in ensuring youth are ready for adulthood. What's more, the bill would require that the judge presiding over the case hold DFPS accountable for conducting the independent living skills assessment, addressing the goals in the permanency plan, and providing youth with personal documentation currently required in statute during permanency hearings, particularly those that take place before the final order.

The committee substitute narrows the population of 14- and 15-year-olds who would receive an independent living skills assessment, updated annually through the plan of service, to the children that are placed in the Permanent Managing Conservatorship of DFPS. (Original Author's / Sponsor's Statement of Intent)

S.B. 1758 amends current law relating to requirements for the court in permanency hearings for children in the conservatorship of the Department of Family and Protective Services who are receiving transitional living services.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 107.002(b-1), Family Code, as follows:

(b-1) Requires a guardian ad litem appointed for a child in a proceeding under Chapter 262 (Procedures in Suit by Governmental Entity to Protect Health and Safety of Child) or 263 (Review of Placement of Children Under Care of Department of Family and Protective Services), in addition to certain required duties, to ascertain, for a child at least 16 years of age, whether the child has received certain documents. Makes nonsubstantive changes.

SECTION 2. Amends Section 107.003(b), Family Code, as follows:

(b) Requires an attorney ad litem appointed for a child in a proceeding under Chapter 262 or 263, in addition to certain required duties, to:

(1) and (2) makes no changes to these subdivisions; and

(3) for a child at least 16 years of age:

(A) creates this paragraph from existing text and makes nonsubstantive changes; and

(B) ascertain whether the child has received certain documents.

SECTION 3. Amends Section 263.306(a-1), Family Code, as follows:

(a-1) Requires the court, at each permanency hearing before a final order is rendered, to:

(1) and (2) makes no changes to these subdivisions;

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

(4) redesignates existing Subdivision (3) as Subdivision (4) and makes no further changes to this subdivision;

(5) redesignates existing Subdivision (4) as Subdivision (5). Review the permanency progress report to determine:

(A) through (G) makes no changes to these paragraphs;

(H) for a child whose permanency goal is another planned permanent living arrangement:

(i) and (ii) makes no changes to these subparagraphs;

(iii) whether the Department of Family and Protective Services (DFPS) has conducted an independent living skills assessment (assessment) under Section 264.121(a-3), which is added by this Act;

(iv) whether DFPS has addressed the goals identified in the child's permanency plan, including the child's housing plan, and the results of the assessment;

(v) if the youth is 16 years of age or older, whether there is evidence that DFPS has provided the youth with the documents and information listed in Section 264.121(e) (relating to copies of certain documents to be acquired by each youth); and

(vi) if the youth is 18 years of age or older or has had the disabilities of minority removed, whether there is evidence that DFPS has provided the youth with the documents and information listed in Section 264.121(e-1) (relating to requiring DFPS to provide certain documents to a certain youth who is discharged from foster care);

(6) through (8) redesignates existing Subdivisions (5) through (7) as Subdivisions (6) through (8) and makes no further changes to these subdivisions.

SECTION 4. Amends Subchapter E, Chapter 263, Family Code, by adding Section 263.4041, as follows:

Sec. 263.4041. VERIFICATION OF TRANSITION PLAN. Requires the court, notwithstanding Section 263.401 (Dismissal After One Year; New Trials; Extension), for a suit involving a child who is 14 years of age or older and whose permanency goal is another planned permanent living arrangement, to verify certain qualifications.

SECTION 5. Amends Section 263.5031, Family Code, as follows:

Sec. 263.5031. PERMANENCY HEARINGS FOLLOWING FINAL ORDER. Requires the court, at each permanency hearing after the court renders a final order, to:

(1) and (2) makes no changes to these subdivisions;

(3) review the permanency progress report to determine:

(A) through (D) makes no changes to these paragraphs;

(E) for a child whose permanency goal is another planned permanent living arrangement:

(i) and (ii) makes no changes to these subparagraphs;

(iii) whether DFPS has conducted an assessment under Section 264.121(a-3);

(iv) whether DFPS has addressed the goals identified in the child's permanency plan, including the child's housing plan, and the results of the assessment;

(v) if the youth is 16 years of age or older, whether there is evidence that DFPS has provided the youth with the documents and information listed in Section 264.121(e); and

(vi) if the youth is 18 years of age or older or has had the disabilities of minority removed, whether there is evidence that DFPS has provided the youth with the documents and information listed in Section 264.121(e-1);

(F) through (K) makes no changes to these paragraphs.

SECTION 6. Amends Section 264.121, Family Code, by adding Subsections (a-3), (a-4), (a-5), and (a-6), as follows:

(a-3) Requires DFPS to conduct an assessment for all youth in DFPS's conservatorship who are 16 years of age or older.

(a-4) Requires DFPS to conduct an assessment for all youth in DFPS's permanent managing conservatorship who are at least 14 years of age but younger than 16 years of age.

(a-5) Requires DFPS to annually update the assessment for each youth assessed under Subsections (a-3) and (a-4) to determine the independent living skills the youth learned during the preceding year to ensure that DFPS's obligation to prepare the youth for independent living has been met. Requires DFPS to conduct the annual update through the youth's plan of service in coordination with the youth, the youth's caseworker, the staff of the Preparation for Adult Living Program, and the youth's caregiver.

(a-6) Requires DFPS, in coordination with stakeholders, to develop a plan to standardize the curriculum for the Preparation for Adult Living Program that ensures that youth 14 years of age or older enrolled in the program receive relevant and age-appropriate information and training. Requires DFPS to report the plan to the legislature not later than December 1, 2018.

SECTION 7. Provides that the changes in law made by this Act to Chapter 263, Family Code, apply to a suit affecting the parent-child relationship filed before, on, or after the effective date of this Act.

SECTION 8. Provides that DFPS is required to implement Section 264.121(a-4), Family Code, as added by this Act, only if the legislature appropriates money specifically for that purpose. Provides that if the legislature does not appropriate money specifically for that purpose, DFPS is authorized, but is not required to, implement Section 264.121(a-4), Family Code, as added by this Act, using other appropriations available for the purpose.

SECTION 9. Requires DFPS to conduct the assessments for youth in DFPS's permanent managing conservatorship required by Section 264.121(a-4), Family Code, as added by this Act, according to the following schedule, if funds are available for that purpose:

(1) beginning September 1, 2017, DFPS is required to assess youth who are at least 15 years of age but younger than 16 years of age; and

(2) beginning September 1, 2018, DFPS is required to assess youth who are at least 14 years of age but younger than 15 years of age.

SECTION 10. Provides that to the extent of any conflict, this Act prevails over another Act of the 85th Legislature, Regular Session, 2017, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 11. Effective date: September 1, 2017.