

AN ACT

relating to procedures for identifying any Native American heritage of children in certain hearings in suits affecting the parent-child relationship.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 262.201, Family Code, is amended by adding Subsection (a-4) to read as follows:

(a-4) The court shall ask all parties present at the full adversary hearing 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.

SECTION 2. Section 263.202, Family Code, is amended by adding Subsection (f-1) to read as follows:

(f-1) The court shall ask all parties present at the status hearing 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.

SECTION 3. Section 263.306(a), Family Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(a) At each permanency hearing the court shall:

(1) identify all persons or parties present at the hearing or those given notice but failing to appear;

(2) review the efforts of the department in:

1 (A) attempting to locate all necessary persons;  
2 (B) requesting service of citation; and  
3 (C) obtaining the assistance of a parent in  
4 providing information necessary to locate an absent parent, alleged  
5 father, or relative of the child;

6 (3) review the efforts of each custodial parent,  
7 alleged father, or relative of the child before the court in  
8 providing information necessary to locate another absent parent,  
9 alleged father, or relative of the child;

10 (4) review any visitation plan or amended plan  
11 required under Section 263.107 and render any orders for visitation  
12 the court determines necessary;

13 (5) return the child to the parent or parents if the  
14 child's parent or parents are willing and able to provide the child  
15 with a safe environment and the return of the child is in the  
16 child's best interest;

17 (6) place the child with a person or entity, other than  
18 a parent, entitled to service under Chapter 102 if the person or  
19 entity is willing and able to provide the child with a safe  
20 environment and the placement of the child is in the child's best  
21 interest;

22 (7) evaluate the department's efforts to identify  
23 relatives who could provide the child with a safe environment, if  
24 the child is not returned to a parent or another person or entity  
25 entitled to service under Chapter 102;

26 (8) evaluate the parties' compliance with temporary  
27 orders and the service plan;

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

4           (10) identify an education decision-maker for the  
5 child if one has not previously been identified;

6           (11) [~~(10)~~] review the medical care provided to the  
7 child as required by Section 266.007;

8           (12) [~~(11)~~] ensure the child has been provided the  
9 opportunity, in a developmentally appropriate manner, to express  
10 the child's opinion on the medical care provided;

11          (13) [~~(12)~~] for a child receiving psychotropic  
12 medication, determine whether the child:

13                   (A) has been provided appropriate psychosocial  
14 therapies, behavior strategies, and other non-pharmacological  
15 interventions; and

16                   (B) has been seen by the prescribing physician,  
17 physician assistant, or advanced practice nurse at least once every  
18 90 days for purposes of the review required by Section 266.011;

19          (14) [~~(13)~~] determine whether:

20                   (A) the child continues to need substitute care;

21                   (B) the child's current placement is appropriate  
22 for meeting the child's needs, including with respect to a child who  
23 has been placed outside of the state, whether that placement  
24 continues to be in the best interest of the child; and

25                   (C) other plans or services are needed to meet  
26 the child's special needs or circumstances;

27          (15) [~~(14)~~] if the child is placed in institutional

1 care, determine whether efforts have been made to ensure placement  
2 of the child in the least restrictive environment consistent with  
3 the best interest and special needs of the child;

4 (16) [~~(15)~~] if the child is 16 years of age or older,  
5 order services that are needed to assist the child in making the  
6 transition from substitute care to independent living if the  
7 services are available in the community;

8 (17) [~~(16)~~] determine plans, services, and further  
9 temporary orders necessary to ensure that a final order is rendered  
10 before the date for dismissal of the suit under this chapter;

11 (18) [~~(17)~~] if the child is committed to the Texas  
12 Juvenile Justice Department or released under supervision by the  
13 Texas Juvenile Justice Department, determine whether the child's  
14 needs for treatment, rehabilitation, and education are being met;  
15 and

16 (19) [~~(18)~~] determine the date for dismissal of the  
17 suit under this chapter and give notice in open court to all parties  
18 of:

- 19 (A) the dismissal date;  
20 (B) the date of the next permanency hearing; and  
21 (C) the date the suit is set for trial.

22 SECTION 4. The changes in law made by this Act to Sections  
23 [262.201](#), [263.202](#), and [263.306](#), Family Code, apply only to a hearing  
24 held on or after the effective date of this Act.

25 SECTION 5. To the extent of any conflict, this Act prevails  
26 over another Act of the 84th Legislature, Regular Session, 2015,  
27 relating to nonsubstantive additions to and corrections in enacted

1 codes.

2 SECTION 6. This Act takes effect September 1, 2015.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 825 was passed by the House on April 30, 2015, by the following vote: Yeas 125, Nays 15, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 825 was passed by the Senate on May 26, 2015, by the following vote: Yeas 29, Nays 2.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor