

Children's Commission 88th Regular Legislative Session Update

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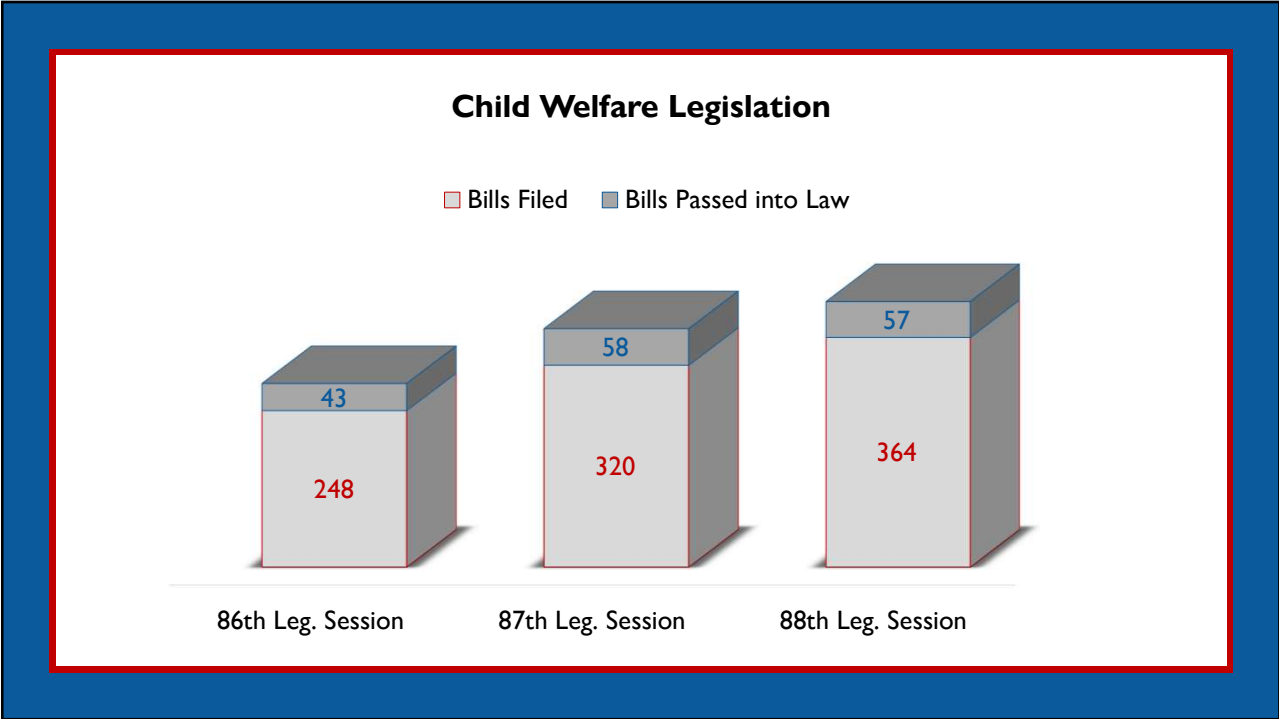
Introduction

The bills listed in this update are not exhaustive of all bills passed in the 88th Regular Legislative Session but represent the Children's Commission's best efforts to identify legislation most relevant to child welfare. In this update, bills directly related to child welfare have all the citations listed. Bills which are less directly related to child welfare are listed with a notation that they contain additional citations.

The material in this update 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 update is solely intended to address the improvement of the law, the legal system, and the administration of justice.



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House Bills

4

HB 63

Rep. Swanson
Effective Date
September 1, 2023

5

HB 63

Family Code § 261.104, Amended

- Requires an individual making a report of child abuse or neglect to the DFPS hotline (i.e., reporter) to identify themselves and submit contact information. The reporter must be informed that DFPS may not accept anonymous reports, that the reporter's identity remains confidential, and that the reporter may make an anonymous report to law enforcement. If the report is made over the phone, the caller must also be notified that the call is being recorded and that making a false report is a crime.

6

HB 63

Family Code § 261.201(m), (n), New Language

- Clarifies that a DFPS employee may only have access to a reporter's identity if the employee is directly involved in the case, the employee is the supervisor of a directly involved employee, or the employee has another legitimate interest in the investigation.

7

HB 63

Family Code § 261.304(a), Amended

- If a person makes an anonymous report to a law enforcement agency regarding child abuse and neglect and the agency refers the report to DFPS, DFPS must conduct a preliminary investigation to corroborate the report.

8

HB 63

Family Code § 261.307(c), New Language

- DFPS must provide information to a parent or other person with legal custody of a child regarding the DFPS employee's identity and the DFPS investigation summary. DFPS must allow a reasonable amount of time for the parent or person to read or review the summary before taking any action in investigating the report.

9

HB 422 Rep. VanDeaver

Effective Date June 13, 2023

Family Code § 54.012(a), Amended

- Authorizes a juvenile court to conduct detention hearings remotely, without the consent of the parties, unless consent is required by the U.S. or Texas Constitution.

Family Code § 54.012(a-1), (a-2), (e), New Language

- A court may allow or require remote participation by a party, witness, court reporter, or other individual at a detention hearing. The juvenile court must submit a plan for remote proceedings to the Office of Court Administration (OCA) that includes the protocols for handling physical evidence and requires an unobstructed view of those providing remote testimony.

Family Code § 54.012(b), Repealed



10

HB 474 Rep. Hull

Effective Date September 1, 2023

Family Code § 264.601(1-a), (1-b), New Language

- Defines active and inactive volunteer advocates.

Family Code § 264.603(a), Amended

- Requires reporting of the number of active and inactive volunteer advocates in Court Appointed Special Advocates (CASA) contract goals.

Family Code § 264.604(a), Amended

- Requires CASA programs to adopt a grievance procedure and maintain records regarding active and inactive volunteer advocates.



11

HB 730

Rep. Frank
Effective Date
September 1, 2023

12

HB 730

Family Code § 261.301(1), New Language

- If 60 days have passed after the case was closed, DFPS may not reopen an investigation. DFPS may reopen an investigation within 60 days of closure if good cause is shown in procedures to be established by DFPS.

13

HB 730

Family Code § 261.303(b), (c), Amended; (f), (g), (h), New Language

- The court may order admission by DFPS to the home, school, or other place where the child may be for an interview, examination, and investigation if the court has good cause to believe the child is in imminent danger of aggravated circumstances or has probable cause to believe the admission is necessary to protect the child from abuse or neglect.
- To order the release of records by the parent or to order a medical, psychological, or psychiatric examination of the child, the court must have probable cause to believe the order is necessary to protect the child from abuse or neglect.

14

HB 730

Family Code § 261.303(b), (c), Amended; (f), (g), (h), New Language, cont.

- A hearing for an order may not be ex parte unless the court has probable cause to believe there is no time consistent with the health and safety of the child for a full hearing.
- The order must include the court's findings regarding the sufficiency of the evidence, and the court must provide a copy of the order to a party upon request.

Applies only to an order rendered on or after the effective date.

15

HB 730

Family Code § 261.307, Amended

- Requires a DFPS investigator upon first contact to provide a parent or alleged perpetrator with a written summary that must now include an explanation that any statement or admission made by the person to anyone may be used against the person in a criminal case, as a basis to remove the child, or as a basis to terminate the person's relationship with the child.

16

HB 730

The summary must also include known allegations under investigation and verbally notify the person of their right to:

- not speak with any agent of DFPS without legal counsel present;
- receive assistance from an attorney;
- have a court-appointed attorney if the person is indigent, they are the parent of the child, and DFPS seeks a court order under Family Code Chapter 262 or 264;
- record any interaction or interview subject to the understanding that the recording may be disclosed to DFPS, law enforcement, or another party under a court order;
- refuse to allow the investigator to enter the home or interview the children without a court order;
- have legal counsel present before allowing the investigator to enter the home or interview the child;
- withhold consent to the release of any medical or mental health records;
- withhold consent to any medical or psychological examination of the child; refuse to submit to a drug test; and
- consult with legal counsel prior to agreeing to any proposed voluntary safety plan.

17

HB 730

Family Code § 261.307, Amended, cont.

- DFPS must document that verbal notice was provided to the person and DFPS must adopt a form to document that the person received the written and oral summary and provide a signed copy to the person's attorney, if represented.
- If the person does not receive the verbal notification and written summary, any information obtained from the person, and any other information that would not have been discovered without that information, is not admissible for use against the person in any civil proceeding.

Applies only to the investigation of a report of abuse of neglect that is made on or after the effective date.

18

HB 730

Family Code § 261.3081, New Language

- DFPS must notify the child's parent; the parent's attorney, if represented; the attorney ad litem for the child; CASA or a guardian ad litem; or any other person the court determines has an interest in the child's welfare of changes or edits to the DFPS investigation report.

19

HB 730

Family Code § 262.206, Amended

- Ex parte hearings under Family Code Chapter 262 must be recorded by either audio or video or a court reporter transcription. The court must provide a copy of the recording to a party upon request, and DFPS must provide notice of the hearing to the parent's attorney, if represented.

Applies only to an ex parte hearing held on or after the effective date.

20

HB 730

Family Code § 264.203(e), (n), Amended

- Courts may not issue a temporary restraining order under Family Code § 105.001 that places the child outside the child's home or in the conservatorship of DFPS.

21

HB 730

Family Code § 264.2032, New Language

- DFPS must report the number of Family Code Chapter 264 cases where a child is in a Parental Child Safety Placement agreement (PCSP) in which a court orders a parent, managing conservator, guardian, or other member of the child's household to participate in services.

22

HB 730

Family Code § 264.901(2), Amended

- Defines a PCSP as any temporary out of home placement made by written agreement with DFPS and the parent or caregiver that ensures the safety of the child during an investigation or while the parent or caregiver is receiving services.

23

HB 730

Family Code § 264.902 (a), Amended; (e)-(j), New Language

- Before a parent may enter into a PCSP, DFPS must notify the parent of their right to counsel and give them a reasonable amount of time to consult an attorney. PCSPs automatically terminate after 30 days and DFPS may enter into not more than two 30-day extensions.
- Upon entering a PCSP agreement, DFPS must inform the parent of their right to refuse to enter into the agreement and to be represented by an attorney or a court-appointed attorney, if indigent and if DFPS seeks a subsequent court order.
- DFPS may not place a child in a PCSP for longer than 90 days unless both the parent and their attorney sign the agreement or a court renders an order under Family Code Chapter 262. Written notice of certain provisions must be placed in the PCSP.

Applies only to a PCSP executed on or after the effective date.

24

HB 730

Family Code § 264.907, New Language

- Requires DFPS to separately include the number of children in PCSPs in reports submitted to the U.S. Department of Health and Human Services regarding the number of children removed from their homes.

25

HB 793 Rep. Noble Effective Date September 1, 2023

Family Code § 263.1021, New Language

- Allows a parent to obtain services in their service plan by a qualified or licensed provider selected by the parent. The services must be designed to achieve the goals of the service plan and may be provided remotely. The provider must certify whether the parent has satisfactorily completed the service. DFPS must reimburse the service provider at the same rate as DFPS' contracted providers in the region.

Applies only to a suit filed by DFPS on or after the effective date.



26

HB 844 Rep. Patterson

Effective Date September 1, 2023

Code of Criminal Procedure Art. 56B.0035, New Language

- Adds solicitation or patronization of forced labor or services including sexual conduct to the definition of criminally injurious conduct if it occurs in connection to a scheme that constitutes human trafficking, and victims of that conduct are considered trafficking victims for the purposes of grant programs administered by the Office of the Governor.

Applies only to conduct occurring on or after the effective date.



27

HB 968

Rep. Gates
Effective Date
September 1, 2023

28

HB 968

Family Code § 262.101, Amended

- Adds to the requirements of emergency removal affidavits that the child could not be protected by a kick-out order of the perpetrator or by placement with a relative or designated caregiver under a PCSP because it was refused, was not possible, or that placement would pose an immediate danger to the child.
- The affidavit must describe all reasonable efforts that were made to prevent or eliminate the need for the removal of the child.

29

HB 968

Family Code § 262.1016, New Language

- Authorizes an agreed order to remove a perpetrator. The order may not be used against an alleged perpetrator as an admission of child abuse or neglect and is enforceable civilly or criminally but is not enforceable as a contract.
- The person affected by an agreed order may request that the court terminate the order and the court must terminate the agreed order upon a finding that the order is no longer needed and that terminating the order is in the best interest of the child.

30

HB 968

Family Code § 262.102(a), Amended

- Adds to findings required at the ex parte hearing requesting emergency removal that the child could not be protected by a kick-out order against the perpetrator or by placement with a relative or designated caregiver under a PCSP because it was refused, was not possible, or placement would pose an immediate danger to the child.

31

HB 968

Family Code § 262.105(b), Amended; **(c) New Language**

- Adds to the requirements of an emergency removal affidavit that the child could not be protected by a kick-out order against the perpetrator or by placement with a relative or designated caregiver under a PCSP because it was refused, was not possible, or placement would pose an immediate danger to the child.
- The affidavit must describe all reasonable efforts that were made to prevent or eliminate the need for the removal of the child.

32

HB 968

Family Code § 262.107(a), Amended

- Adds to findings required at the ex parte hearing after an emergency removal prior to a court order that the child could not be protected by a kick-out order against the perpetrator or by placement with a relative or designated caregiver under a PCSP because it was refused, was not possible, or placement would pose an immediate danger to the child.

33

HB 969 Rep. Cook Effective Date September 1, 2023

Family Code § 157.551, New Language

- Authorizes counties and municipalities to impose a fine up to \$500 for interference with a child custody order.



34

HB 1087

Rep. Hull
Effective Date
September 1, 2023

35

HB 1087

Family Code § 161.001(f), (g), New Language

- Prevents the court from ordering termination of parental rights in a suit by DFPS unless the court finds by clear and convincing evidence that DFPS made reasonable efforts to return the child to the parent before commencement of a trial on the merits, and despite those reasonable efforts, a continuing danger remains in the home that prevents the return of the child to the parent.
- The court does not have to make a finding regarding reasonable efforts if a service plan for the parent was waived due to aggravated circumstances.
- The court must include in a separate section of its order written findings describing with specificity the reasonable efforts DFPS made to return the child to the child's home.

36

HB 1087

Family Code § 262.101, Amended

- Requires an emergency removal affidavit to describe with specificity in a separate section all reasonable efforts made to prevent or eliminate removal or return the child home.

37

HB 1087

Family Code § 262.102(e), New Language

- Requires an emergency removal order to describe with specificity in a separate section all reasonable efforts made to prevent or eliminate removal or return the child home.

38

HB 1087

Family Code § 262.105(c), New Language

- Requires emergency removal affidavits to describe with specificity in a separate section all reasonable efforts made to prevent or eliminate removal or return the child home.

39

HB 1087

Family Code § 262.107(c), New Language

- Requires emergency removal orders to describe with specificity in a separate section all reasonable efforts made to prevent or eliminate removal or return the child home.

40

HB 1087

Family Code § 262.201(g-2), New Language

- Requires adversary hearing orders to describe with specificity in a separate section all reasonable efforts made to prevent or eliminate removal or return the child home and to place the child with a non-custodial parent.

Applies only to a Suit Affecting the Parent-Child Relationship filed on or after the effective date.

41

HB 1423 Rep Campos

Effective Date September 1, 2023

Family Code § 85.025(d), New Language

- As soon as practicable after the release of a person from incarceration who is the subject of a protective order, the Department of Public Safety must update the statewide law enforcement information system to reflect the date that the order will expire following the person's release.

Applies only to an order with respect to a person released from incarceration on or after the effective date.

Family Code § 85.026(d), New Language

- Each protective order must specify when the order expires and must provide notice of any extensions that may apply as a result of the person's confinement or imprisonment.

Applies only to a protective order issued on or after the effective date.



42

HB 1432 Rep. Meza

Effective Date September 1, 2023

Code of Criminal Procedure Art. 7B.052, Amended

- Strikes the required finding that family violence is "likely to occur in the future" for a protective order regarding stalking.

Code of Criminal Procedure Art. 7B.102, Amended

- Strikes the required finding that family violence is "likely to occur in the future" for a protective order prohibiting offense motivated by bias or prejudice.

Family Code § 81.001, Amended

- Strikes the required finding that family violence is "likely to occur in the future" from the general provisions of a family violence protective order.

Family Code § 81.0015, Amended

- Strikes that family violence is "likely to occur in the future" from the presumption regarding family violence and strikes that the respondent is "seeking or attempting to seek contact with the child" from the list of conditions that trigger the presumption.



43

HB 1432 Rep. Meza

Effective Date September 1, 2023

Family Code § 85.001(a), (b), (c), Amended

- Strikes the required finding that family violence is "likely to occur in the future" at the close of the protective order hearing.

Family Code § 85.002, Amended

- Changes "findings" to "finding" in reference to Family Code § 81.001(a) regarding violations of expired protective orders.

Family Code § 85.025(a-1), Amended

- Strikes the required finding that family violence is "likely to occur in the future" in the provision that allows protective orders to exceed two years.

Applies only to a protective order rendered on or after the effective date.



44

HB 1506 Rep. Meyer

Effective Date September 1, 2023

Code of Criminal Procedure Art. 12.01, Amended

- Increases the statute of limitations for the criminal offense of abandoning or endangering a child to 10 years after the victim's 18th birthday.

Does not apply to an offense if the prosecution of that offense becomes barred by limitation before the effective date.



45

HB 1769 Rep Meyer

Effective Date September 1, 2023

Code of Criminal Procedure Art. 12.01(3)(K), (6), New Language

- Changes the statute of limitations for the criminal offense of child pornography to seven years and trafficking persons or sexual performance by a child to 20 years after the victim's 18th birthday.

Does not apply to an offense if the prosecution of that offense becomes barred by limitation before the effective date.



46

HB 2187 Rep. Davis

Effective Date September 1, 2023

Family Code § 161.001(b), Amended

- Adds abandoning an elderly or disabled person to the termination ground regarding the criminal offense of abandoning a child.

Family Code § 262.2015(b), Amended

- Adds abandoning an elderly or disabled person to the list of aggravated circumstances allowing for waiver of a service plan and the requirement to make reasonable efforts to return a child to the parent.

Applies only to an offense committed on or after the effective date. An offense was committed before the effective date if any element of the offense was committed before that date.

*See bill for additional citations.



47

HB 2658 Rep. Leach

Effective Date September 1, 2023

Family Code § 161.001(b), Amended

- Adds termination ground (V) that allows for termination if a parent has been convicted of criminal solicitation of a minor either online or in-person.

Applies only to a suit affecting the parent-child relationship filed on or after the effective date.



48

HB 2660 Rep. Oliverson

Effective Date September 1, 2023

Code of Criminal Procedure Art. 63.00905, New Language

- Regardless of where the child went missing, the law enforcement agency that receives a report of a missing child must immediately investigate and within no later than 2 hours enter the name of the child into the clearinghouse and the national crime information center missing person file, the Texas Law Enforcement Telecommunications System, or a successor system.
- Not later than 48 hours after receiving the report, the agency must electronically submit to each municipal or county law enforcement agency within 200 miles of the report and any information that may help determine the present location of the child.



49

HB 2660 Rep. Oliverson

Effective Date September 1, 2023

Code of Criminal Procedure Art. 63.00905, New Language

- Not later than 30 days after the report is received, the law enforcement agency must enter the name of the child into the National Missing and Unidentified Persons System, with all available identifying features, and inform the person who made the report about the actions taken.
- On determining the location of the child, if the law enforcement agency has reason to believe that the child is a victim of abuse or neglect, the agency must notify DFPS and the agency may take possession of the child under Family Code Chapter 262. DFPS may initiate an investigation into the allegation of abuse or neglect and take possession of the child under Family Code Chapter 262.

*See bill for additional citations.



50

HB 2671 Rep. Cook

Effective Date September 1, 2023

Family Code § 6.502(a-1), New Language

- If the court on its own motion refers a suit to mediation in which an initial temporary orders hearing has not yet occurred in a family law matter, the court may not postpone the hearing for more than 30 days.

Family Code § 105.001(a-1), New Language

- If the court on its own motion refers a suit to mediation in which an initial temporary orders hearing has not yet occurred in a Suit Affecting the Parent-Child Relationship, the court may not postpone the hearing to more than 30 days.

Applies only to a suit that is pending in a trial court on the effective date or that is filed on or after that date.



51

HB 2850 Rep. Smith

Effective Date September 1, 2023

- Amends the Family Code by creating Title 6, entitled “Civil Procedure,” and adding Chapter 301. Discovery Procedures for Civil Actions.

Family Code § 301.001, New Language

- Clarifies that Family Code Chapter 301 applies only to civil actions brought under the Texas Family Code.

Family Code § 301.002, New Language

- Notwithstanding Government Code § 22.004, Family Code Chapter 301 may not be modified or repealed by a rule adopted by the Supreme Court of Texas.



52

HB 2850 Rep. Smith

Effective Date September 1, 2023

Family Code § 301.051, New Language

- Requires a party seeking disclosures to serve the other party no later than the 30th day before the last day of any applicable discovery period with a request for disclosures. Establishes required language for making a disclosure request.

Family Code § 301.052, New Language

- Codifies provisions of Texas Rules of Civil Procedure Rules 194 and 195 regarding the content of disclosures.

Family Code § 301.053, New Language

- Requires a party to respond to a discovery request by the 30th day after being served with a request. If discovery request is served before the defendant's answer is due, the response is not due until the 50th day after the request. Responses regarding expert witnesses are governed by Family Code Chapter 301, Subchapter C.



53

HB 2850 Rep. Smith

Effective date September 1, 2023

Family Code § 301.054, New Language

- Requires a party responding to a disclosure request under Family Code § 301.051, to provide copies of documents and other tangible items unless: (1) the documents are voluminous; (2) the responding party states a reasonable time and place for the production of the documents; (3) the responding party produces the documents at the time and place stated unless otherwise agreed or ordered by the court; and (4) the responding party provides the requesting party a reasonable opportunity to inspect the documents.

Family Code §§ 301.101 - 301.108, New Language

- Codifies provisions of Texas Rules of Civil Procedure Rule 195 regarding expert witnesses.

Applies only to actions filed on or after the effective date.

*See bill for additional citations



54

HB 2969 Rep. Cook

Effective Date September 1, 2023

Family Code § 162.604, New Language

- Restricts DFPS or Single Source Continuum Contractor (SSCC) from setting a maximum age or maximum age differential for an adoptive parent but allows them to consider the health and expected lifespan of each prospective adoptive parent when determining best interest.



55

HB 3186 Rep. Leach

Effective Date January 1, 2024

- Requires a child who was alleged to have engaged in conduct that constituted a misdemeanor punishable by fine only, other than a traffic offense, to be diverted from formal criminal prosecution.

Family Code § 264.302(e), Amended

- Requires DFPS to provide services to a child and their family if the services are available in the county and the child is determined to be at-risk by a justice or municipal court under Code of Criminal Procedure Articles 45.309 and 45.310.

*See bill for additional citations.



56

HB 3462 Rep. Noble

Effective Date September 1, 2023

Government Code § 531.9912, New Language

- Consolidates all DFPS ombudsman programs under HHSC.



57

HB 3474 Rep. Leach

Effective Date September 1, 2023

- Amends various chapters of the Government Code as it relates to district court, statutory county courts, multicounty courts, justice courts, and criminal magistrates.

Government Code § 61.001(a), Amended

- Increase jury compensation from \$6 for the first day to \$20 and from \$40 to \$58 for each additional day.

Government Code § 61.0015(a), Amended

- State reimbursement to the counties for jury compensation increases from \$0 on the first day to \$14 and from \$34 on additional days to \$52.

*See bill for additional citations.



58

HB 3554 Rep. Thierry

Effective Date September 1, 2023

Penal Code § 20A.02(b), (b-1), Amended

- Adds first degree felony enhancement to human trafficking violations that occur within 1000 feet of a juvenile detention facility, a children's shelter, or an RTC.

Applies only to an offense committed on or after the effective date. An offense was committed before the effective date if any element of the offense occurred before that date.



59

HB 3765 Rep. Bucy

Effective Date September 1, 2023

Family Code § 263.008(b), Amended

- Adds having luggage available to transport the child's personal belongings to the foster child's bill of rights.

Family Code § 264.1078, New Language

- Requires DFPS to establish a luggage program for children who are being removed from their home or changing placements. The luggage belongs to the child and not the caregiver or DFPS. DFPS must document and report the inventory of the luggage program and the number of times a child is forced to use a trash bag to transport their belongings. DFPS may solicit and accept gifts, grants, and donations to the program.



60

HB 4233 Rep. Zwiener

Effective Date September 1, 2023

Family Code § 264.015(d), (e), New Language

- Each foster parent, prospective adoptive parent, and relative or other designated caregiver for children 10 years or older must complete a training program developed by DFPS on runaway prevention measures and proper procedures to support children and youth at high risk for running away.



61

HB 4696 Rep. Noble

Effective Date September 1, 2023

- Transfers certain functions from DFPS to HHSC.

Family Code § 261.105(c-1), Amended

- Requires DFPS to immediately notify HHSC of reports of abuse, neglect, or exploitation related to a child with an intellectual disability receiving services in a state supported living center.

Family Code § 261.404(a), (a-1), (a-2), (a-3), (b), (c), (d), Amended; (a-4), New Language

- Requires HHSC rather than DFPS to investigate reports of abuse, neglect, or exploitation of a child receiving services from providers defined by Human Resources Code § 48.251.

Health and Safety Code § 142.018(b), Amended

- Requires home and community support services agencies to report abuse, neglect, and exploitation to HHSC rather than DFPS.

*See bill for additional citations.



62

HB 5010 Rep. Schofield

Effective Date September 1, 2023

Government Code § 81.073(a)(1)(B), (a)(2)(B), New Language

- Requires grievances against an attorney to be classified as a complaint if submitted by the following persons in the proceeding that is the subject of the grievance:
 - a family member of a ward in a guardianship proceeding;
 - a family member of a decedent in a probate matter;
 - a trustee of a trust or an executor of an estate;
 - the judge, prosecuting attorney, defense attorney, court staff member, or juror in the legal matter;
 - a trustee in a bankruptcy; or
 - any other person who has a cognizable individual interest in or connection to the legal matter or facts alleged in the grievance.



63

HB 5010 Rep. Schofield

Effective Date September 1, 2023

Government Code § 81.074, Amended

- Adds grievances submitted by person other than those listed in Government Code § 81.073 to the inquiry disposition procedures.

Applies only to a grievance filed on or after the effective date.



64

Senate Bills

65

SB 24 Sen. Kolkhorst Effective Date September 1, 2023

- Transfers Prevention and Early Intervention Services (PEI) from under Department of Family and Protective Services to Health and Human Services Commission (HHSC).
- Deletes Chapter 265 of the Family Code and creates Chapter 137 to the Human Resource Code where PEI is renamed Family Support Services. Creates a new definition for “at-risk family.”
- Limits the new Family Support Services (previously PEI) to administer contracts only.
- Removes the previous evaluation component and removes the requirement of evidence-based programs.



66

SB 24 Sen. Kolkhorst

Effective Date September 1, 2023

- Removes the language of “primary prevention” and defines “child abuse and neglect prevention.” Continues the requirement that HHSC submit an annual report the Senate and House Health and Human Services Committees.
- Continues the Nurse-Family Partnership Competitive Grant Program and the Texas Home Visiting Program.
- Establishes the “Thriving Texas Families Program” as a continuation of alternatives to abortion program to facilitate the operation of a statewide support network that provides community outreach, consultation and care coordination for women with unexpected pregnancy.

*See bill for citations.



67

SB 26 Sen. Kolkhorst

Effective Date September 1, 2023

Government Code § 531.09915, New Language

- Requires HHSC to establish a matching grant program for eligible community-based initiatives that promote identification of mental health issues and improve access to early intervention and treatment for children and families.
- HHSC must prioritize grants for entities that work with children and family members of children with a high risk of experiencing a crisis or developing a mental health condition to reduce:
 - The need for future intensive mental health services;
 - The number of children at-risk of placement in foster care or the juvenile justice system; and
 - The demand for placement in state hospitals, inpatient mental health facilities and residential behavioral health facilities.

*See bill for additional citations.



68

SB 48 Sen. Zaffirini

Effective Date June 18, 2023

Government Code § 72.039, New Language

- Requires OCA to develop and make available on its website standardized forms and other materials necessary to apply for, issue, deny, revise, rescind, serve, and enforce protective orders. OCA must include a procedure to ensure that a copy of the order is transmitted to all required parties and all relevant information is entered into the statewide law enforcement information system and any other applicable databases.

*See bill for additional citations.



69

SB 135 Sen. West

Effective Date September 1, 2023

Family Code § 262.114(a-3), New Language

- Requires DFPS to record the results of home studies of relatives or designated caregivers in IMPACT.

Applies only to a home study performed on or after the effective date.



70

SB 182 Sen. Miles

Effective Date September 1, 2023

Human Resources Code § 40.082, New Language

- DFPS employees or contractors who become aware of conduct engaged in by another employee or contractor constituting a criminal offense against a person receiving services from DFPS or a DFPS contractor, must report the conduct to a local law enforcement agency not later than the 48th hour after the employee becomes aware of the conduct.
- The person commits an offense if the person is required to make a report and knowingly fails to make the report.

*See bill for additional citations.



71

SB 578 Sen. Zaffirini

Effective Date September 1, 2023

Family Code § 82.011, Amended

- Adds "county of residence" to the information that a court may protect as confidential in a protective order.

Applies only to an application for a protective order that is filed on or after the effective date.

Family Code § 85.007(a), Amended

- Adds "county of residence" to the information that may be excluded from a protective order as well as the address and phone number of the protected person's place of work.

Applies to a protective order regardless of whether the protective order was rendered before, on, or after the effective date.



72

SB 593 Sen. Sparks

Effective Date May 19, 2023

Human Resources Code § 42.027, New Language

- Requires HHSC to engage a third party to conduct an audit of rules, minimum standards and contract requirements applying to Child-Placing Agencies (CPAs), RTCs, foster homes, kinship homes, and adoptive homes. The audit must also review the standards or oversight requirements to determine whether the standard or oversight requirement complies with federal laws, rules, or guidelines and whether the standard or oversight requirement is the best practice.

Expires September 1, 2025.



73

SB 614 Sen. Perry

Effective Date September 1, 2023

Family Code § 264.017(f), New Language

- Requires DFPS to publish a monthly report on PCSPs that includes: the number of children placed under a PCSP, the average duration of a placement, the average duration of a placement during an investigation, and the percentage of children removed and placed in the managing conservatorship of DFPS.

Applies only to a PCSP executed on or after the effective date.

**See bill for additional citations.*



74

SB 718 Sen. Paxton

Effective Date September 1, 2023

Family Code § 157.168, Amended

- Requires a court to order additional periods of possession and access when court-ordered access has been denied due to a DFPS investigation that did not result in a finding of Reason to Believe (RTB), unless the party denying access shows good cause as to why more access should not be granted. Does not create a cause of action against DFPS or waive sovereign immunity.

Applies only to a Suit Affecting the Parent-Child Relationship pending before a trial court on or on or after the effective date.



75

SB 855 Sen. Alvarado

Effective Date September 1, 2023

Government Code § 22.110(b), (d), Amended; (d-2), New Language

- Requires judicial training to include one hour on the dynamics of family violence per term in office or every four years. Judges responsible for family law or family violence matters must complete an additional hour of family violence dynamics training every two years.
- A judge, master, referee, or magistrate who is in office on the effective date must complete the required training not later than December 1, 2025.



76

SB 870 Sen. West

Effective Date September 1, 2023

Family Code § 154.017, New Language

Allows a court or Title IV-D agency to require an unemployed or underemployed obligor to participate in a program that provides employment assistance, skills training, or job placement services.

Family Code § 231.002(e), Amended

Allows the Office of the Attorney General (OAG) to administratively adjust the obligations of an incarcerated obligor.

Family Code § 231.101(f), New Language

Requires the OAG to distribute a child support payment received on behalf of a child placed in substitute care by DFPS to the appropriate state agency in accordance with applicable federal laws or regulations.

Applies only to a child support payment received by the OAG on or after the effective date.

*See bill for additional citations.



77

SB 1379 Sen. Parker

Effective Date September 1, 2023

Family Code § 264.1215, New Language

- Requires DFPS to establish a pilot program to assist foster youth to achieve financial security and independence.
- The program must include an agreement with financial institutions to establish saving and checking accounts for foster youth between the ages of 14 and 21.
- The foster youth are to be the solo owners of the accounts even without a co-signor.
- The financial institution may not require maintenance, overdraft, insufficient funds, inactivity, or other penalty fees.
- DFPS may partner with non-profits and foundations to provide matching funds for deposits. DFPS must survey youth about the program and complete an evaluation of the program by December 31, 2027.
- If DFPS is unable to enter into an agreement with financial institutions, DFPS must report barriers to be addressed.

Expires January 1, 2028.



78

SB 1401 Sen. Zaffirini

Effective Date September 1, 2023

Code of Criminal Procedure Art. 56A.303(a), Amended; (b-1), New Language

- Requires a health care provider to conduct a forensic medical examination of a victim of a sexual assault who is a minor regardless of when the victim arrives at the provider, if the victim, a person authorized to act on behalf of the victim, or an employee of DFPS consents to the examination, or if consent is provided as described by Family Code §§ 32.003 or 32.005. A law enforcement agency must refer a minor victim of sexual assault for a forensic exam regardless of when the assault occurred.

Applies only to a sexual assault or other sex offense that is first reported or for which medical care is first sought on or after the effective date.

*See bill for additional citations.



79

SB 1447 Sen. Miles

Effective Date September 1, 2023

Family Code § 261.3105, New Language

- Requires DFPS to develop a robust training program for persons investigating suspected child abuse or neglect. An investigator or investigative supervisor may not be assigned to investigate or supervise the investigation of any case until the investigator or supervisor successfully completes the training program and passes an examination.

Applies only to investigation of a case assigned to an investigator or investigative supervisor on or after January 1, 2025.



80

SB 1727 Sen. Schwertner

Effective Date September 1, 2023

Human Resources Code § 203.0081(a), (e), Amended; (c-1), New Language

- Adds the Commissioner of DFPS to TJJD's Advisory Council on Juvenile Services and requires the council to develop recommendations for information sharing between agencies that serve children including juvenile justice and child welfare.

*See bill for additional citations.



81

SB 1841 Sen. Hinojosa

Effective Date September 1, 2024

Human Resources Code § 51.002 (1),(2),(9) Amended; (1-a),(1-b),(8-a), New Language

- Defines “dating relationship” and “dating violence.” In regard to a service or service model, defines “trauma informed” to mean that the service or service model is provided in a manner that recognizes and responds to the signs and symptoms of trauma in, and the risks of trauma to, a victim of family violence to better support the victim and promote the victim’s choice, trust, dignity, connection, and healing.

Human Resources Code § 51.004(a), (b), Amended

- Requires family violence shelter centers to use a trauma-informed service model.



82

SB 1841 Sen. Hinojosa

Effective Date September 1, 2024

Human Resources Code § 51.005(b), Amended; (b-1), New Language

- Adds to the services provided by a family violence shelter: advocacy for economic and housing stability; physical, behavioral, and mental health needs; and the needs of children who are the victims and the children of victims.
- Other services that can be provided include safety planning, community education, counseling, and peer support.
- Contracts must specify that participation in services is voluntary, and centers cannot require victims of family violence to participate in other services.

Applies only to a contract entered into or amended on or after the effective date.



83

SB 1849 Sen. Kolkhorst

Effective Date September 1, 2023

Health and Safety Code §§ 810.001 - 810.010, New Language

- Establishes an interagency child protection database and search engine to compile and aggregate reportable conduct information maintained by DFPS, HHSC, TEA and TJJJ.

*See bill for additional citations.



84

SB 1930

Sen. Kolkhorst
Effective Date
September 1, 2023

85

SB 1930

Family Code § 107.002(b), Amended

- Requires the guardian ad litem to seek the child's opinion and concerns regarding their current or proposed placement.

86

SB 1930

Family Code § 107.002(j), New Language

If the child is placed or may be placed in an RTC, the guardian ad litem must:

- review any information regarding whether the placement is appropriate to meet the child's specific needs;
- meet in person with the child; and
- provide to the court a recommendation regarding the placement that is in the best interest of the child.

The guardian ad litem may request a placement conference and participate in any placement conferences regarding an RTC, QRTP or similar placement conducted by DFPS unless good cause is shown for excluding the guardian ad litem.

87

SB 1930

Family Code § 107.004(f), New Language

- If the child is considered for placement in an RTC, QRTP, or similar setting, an attorney ad litem must review any available information regarding the child's needs including the Child and Adolescent Needs and Strengths (CANS) assessment, psychological evaluations, discharge notes, incident reports and counseling notes and determine if the placement is appropriate to meet the child's needs.
- The attorney ad litem must meet with the child to elicit the child's opinion regarding the child's current or proposed placement.
- The attorney ad litem must advise the child regarding DFPS' request for placement and the likelihood of the request being granted.
- The attorney ad litem must advocate to the court for the child's specific desires regarding the requested placement.
- The attorney ad litem may request a placement conference and participate in any placement conferences conducted by DFPS regarding an RTC, QRTP, or similar placement.

88

SB 1930

Family Code § 107.0131(a), Amended

- An attorney appointed to represent a parent may participate in a case staffing related to a placement in an RTC or QRTP.

Family Code § 263.001(a)(3-c), New Language

- Defines an RTC per Human Resources Code Chapter 42.

89

SB 1930

Family Code § 263.002(e), (f), New Language

For placement reviews under Chapter 263, if a child is placed or is awaiting placement in an RTC, the court shall determine whether:

- the child's needs can be met through placement in a family-like setting; the RTC can provide the most effective and appropriate level of care for the child;
- if the RTC is the least restrictive setting consistent with the child's best interest and individual needs; and
- the RTC is consistent with the short-term and long-term goals for the child, as specified by the child's permanency plan.

The court may consider:

- any medical, psychological, or psychiatric assessments; the child's current treatment plan and progress being made; any significant medical, legal, or behavioral incidents involving the child; the reasons for the child's discharge from current or former placement; the programs available at the RTC; the RTC's discharge plan;
- whether there are other programs that more effectively meet the child's needs; and other relevant information.

90

SB 1930

Family Code § 263.202(b), Amended

- At the Status Hearing, the court is required to find whether continued placement in an RTC or QRTP is appropriate according to Family Code §§ 263.002 and 263.00201 respectively.

91

SB 1930

Family Code § 263.306(a-1), Amended

- At Permanency Hearings prior to a final order, the court is required to determine whether continued placement in an RTC or QRTP is appropriate according to Family Code §§ 263.002 and 263.00201 respectively.

92

SB 1930

Family Code § 263.5031(a), Amended

- At Permanency Hearings after a final order, the court is required to find whether continued placement in an RTC or QRTP is appropriate according to Family Code §§ 263.002 and 263.00201 respectively.

93

SB 1930

Family Code § 264.018(a)(5), Amended

- Adds placement of a child in an RTC or placement conferences to determine the appropriateness of an RTC placement to the definition of a significant event requiring notice to the parent, attorney ad litem, and guardian ad litem.

94

SB 2120

Sen. Zaffirini
Effective Date
September 1, 2023

95

SB 2120

Government Code § 79.001(1), (4), Amended; (1-a), (7-a), (8-a), (12-a), (12-b), New Language

- Adds serving as attorney ad litem to the definition of assigned counsel program and defines an attorney ad litem to mean a court-appointed attorney for a child or indigent parent in a suit filed by DFPS.
- Defines contractor defender program to include representation of indigent parents or children in a suit filed by DFPS.
- Defines family protection services as services provided by an attorney ad litem, investigator, social worker, forensic expert, mental health expert, or similar expert to indigent parents and children in suits filed by DFPS and investigations conducted by DFPS.
- Offices of parent and child representation have the meaning assigned under Family Code Chapter 107.

96

SB 2120

Government Code § 79.034(a), Amended; (a-1), New Language

- Gives TIDC authority to develop policies and standards for providing family protection services to indigent parents and children.
- They may include performance standards, qualification standards, successful completion of CLE, testing, and certification.
- TIDC may also set standards for caseloads, compensation, determining indigency, and policies and standards for assigned counsel programs, offices of parent and child representation, contract defender programs, and managed assigned counsel programs.

97

SB 2120

Government Code § 79.035(a), (b), (d), Amended

- Requires TIDC to develop a plan that establishes statewide requirements for counties reporting family protection services information.
- Uses the information reported by a county to monitor the effectiveness of the county's family protection services policies, standards, and procedures and to ensure compliance by the county with the requirements of state law relating to family protection services.
- TIDC may revise the plan as necessary to improve the monitoring of family protection services.
- TIDC must report annually on the data collected and the quality of legal representation provided to parents and children as compared to state and national standards and report its efforts and recommendations to improve representation.

98

SB 2120

Government Code § 79.0365, New Language

- Each county must biannually report to TIDC a copy of all formal and informal rules and forms governing the procedures the county uses to provide indigent parents and children with counsel, any fee schedule used by the court, and information on the court's compliance with Government Code Chapter 37 including the lists and rotation system required under that chapter.
- Counties must also annually report information on the number of appointments made to each attorney and information provided to the county by those attorneys under new Family Code § 107.0042.

99

SB 2120

Government Code § 79.037(a), (b), (d), Amended

- TIDC must provide technical assistance to counties to improve their systems in providing family protection services, promote compliance with state law, assist counties in providing or improving family protection services, distribute by grants any funds appropriated, and monitor each entity that receives a grant and enforce compliance with the conditions of the grant.
- Funds will be made available based on compliance with standards and state law and the county may not reduce the amount of funds it provides for family protection services because of funds provided by a grant.

100

SB 2120

Government Code § 79.041, New Language

- TIDC may participate and assist counties in the creation, implementation, operation, and maintenance of a computerized system to be used to assist in the provision and administration of family protection services.
- The system may be used to collect data from those counties regarding representation of indigent individuals in this state and TIDC may use appropriated funds to pay costs and provide technical training.

101

SB 2120

Family Code § 107.0042, New Language

- Each year and on a form prescribed by the TIDC, an attorney appointed as an attorney ad litem in a proceeding filed by DFPS shall submit to the county or TIDC a report for the preceding state fiscal year that describes the percentage of the attorney's professional practice time that was dedicated to the attorney's appointment as an attorney ad litem in the county.

102

SB 2120

Family Code § 107.259(a), (d), Amended

- Requires the chief counsel for an office of child representation to have practiced law for five years instead of three.

103

SB 2261 Sen. Blanco

Effective Date September 1, 2023

Human Resources Code § 40.035(a), (b), Amended; (a-1), New Language

- Requires DFPS employees to successfully complete their training programs.



104

Questions?

Contact

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