

BILL ANALYSIS

Senate Research Center
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H.B. 843
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Jurisprudence
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

A child “ages out” of foster care when he or she leaves the child welfare system never having found a permanent placement or family. Many times, these youth lack the supports and skills needed to navigate life independently and thrive as an adult. Statistics show that foster youth, as a group, struggle more than other young adults and experience high rates of homelessness, joblessness and poverty. During their time in foster care, many youth can feel disconnected from the decisions being made regarding their lives and lack a sense of control. Additionally, youth are not always provided opportunities to develop skills for effective decision-making and self-advocacy and, in turn, are unable to navigate independence as an adult successfully. To ensure that those aging out of the foster system have the knowledge and skills needed to be self-sufficient, productive, healthy adults, youth should be authentically engaged in their own case and permanency planning.

H.B. 843 will ensure that youth age 10 and older or as deemed capable by the court are entitled to not less than 10 days’ notice of a review hearing. The judicial system plays a critical role in protecting the best interests of youth in foster care and at each hearing, a judge reviews necessary information provided by stakeholders to make appropriate decisions that promote a child’s well-being and path to permanency. Currently, statute requires notice for court hearings to be given to certain parties on a child’s case including, the caregiver, child placing agency, ad litem, and the child’s attorney. Although the Texas Family Code requires youth to attend certain hearings, the notification provided to other parties is not extended to youth. To ensure youth are provided the opportunity to express their position to the court and benefit from the hearing review process, youth able to appropriately engage in the process should be afforded notice of their court hearings.

Improvements are needed to ensure that individualized and appropriate service planning that takes into account the youth’s perspective, that youth are provided the opportunity to take ownership of and joint responsibility for their transition planning, that youth can gain a sense of empowerment as individuals and make healthy decisions for their life, and that the court system and other legal parties on a youth’s case can gather pertinent information directly from that youth that is needed to assess the best interests of the youth.

H.B. 843 amends current law relating to persons entitled to notice of and to participation in certain hearings regarding a child in the conservatorship of the state.

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 263.301(b), Family Code, to entitle certain persons to at least 10 days’ notice of a permanency hearing and to present evidence and be heard at the hearing, including the child if the child is 10 years of age or older or the court determines it is appropriate for the child to receive notice, and to make nonsubstantive changes.

SECTION 2. Amends Section 263.501(d), Family Code, to entitle certain persons to not less than 10 days' notice of a placement review hearing and to present evidence and be heard at the hearing, including the child if the child is 10 years of age or older or the court determines it is appropriate for the child to receive notice.

SECTION 3. Provides that the change in law made by this Act applies only to a hearing held on or after September 10, 2013. Provides that a hearing held before that date is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 4. Effective date: September 1, 2013.