

BILL ANALYSIS

Senate Research Center
87R1809 MCK-D

H.B. 2058
By: Klick (Zaffirini)
Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Normalcy activities are those that contribute to a child's development of autonomy and social functioning and include spending the night at a friend's house, volunteering in the community, having an after-school job, or playing sports. Access to these activities is especially important for foster youth under the care of the Department of Family and Protective Services (DFPS).

When DFPS is a child's conservator, current law only requires judges to review DFPS's efforts to provide the child with access to normalcy activities during hearings when a child is in the temporary managing conservatorship of DFPS, but not in hearings after a final order awards DFPS permanent managing conservatorship of a child. It is important for judges to regularly and continually review access to normalcy activities for all children in DFPS care. This judicial duty takes on added importance for children in the permanent managing conservatorship of DFPS because unlike children in temporary DFPS conservatorship, they are not legally entitled to a CASA advocate or an attorney ad litem who can help bring such issues to the court's attention.

According to stakeholders, such as Texas CASA, failing to include this judicial duty to children in DFPS permanent managing conservatorship was the result of a drafting oversight in the original legislation. The Children's Commission also noted that many judges already follow best practice and review normalcy at all permanency hearings, even though not currently required by law to do so.

Accordingly, H.B. 2058 would require a judge to review normalcy activities before and after a final order, so that all children in DFPS conservatorship have regular, ongoing opportunities to engage in age-appropriate normalcy activities. This will ensure that children and youth in DFPS conservatorship have opportunities to develop valuable social skills and independence as they grow.

H.B. 2058 amends current law relating to age-appropriate normalcy activities for children in the managing 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 263.5031, Family Code, as follows:

Sec. 263.5031. PERMANENCY HEARINGS FOLLOWING FINAL ORDER. (a)
Creates this subsection from existing text and makes no further changes.

(b) Requires that the court, in addition to the requirements of Subsection (a) (relating to requirements for the court after rendering a final order), at each permanency hearing after the court renders a final order, review the Department of Family and Protective Service's efforts to ensure the child has regular, ongoing opportunities to engage in age-appropriate normalcy activities, including activities not listed in the child's service plan.

SECTION 2. Repealer: Section 263.503 (Placement Review Hearings; Procedure), Family Code.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2021.