



## Amendment Floor Report for HB 7- Monday, May 8, 2017

Author	Analysis	Recommendation
<b>Wu</b> 850595 p. 2	<p>The proposed amendment requires the court to review the placement of each child in the temporary or permanent conservatorship of DFPS who has not been returned to the child's home. The court shall find if there is present danger of the child in the home and if it is contrary for the child to return home. This would lead to more accountability and saving the lives of children.</p>	<b><u>Favorable</u></b>
<b>Burrows</b> 850613 p. 3	<p>This amendment would strike language which stipulates that in a suit filed by DFPS to be named managing conservator of a child, the court may not order a parent of the child to make periodic support payments for the child while the suit is pending. It then strikes the terms "harassment" to replace with "behavior that poses a threat" under Subchapter F, which stipulates <i>Protective Order in Cases of Abuse or Neglect</i>. It also strikes the term "solely" from Section 262.116, <i>Limits on Removal</i>, in which the statute provides the basis for removal based on the stipulated criteria.</p>	<b><u>Unfavorable</u></b>
<b>Faircloth</b> 850594 p. 4	<p>This amendment prohibits termination of the parent-child relationship if the parent is able to demonstrate that their failure to comply with the court order is solely because DFPS failed to offer them services required by the order. If the goal of the system is reunification, the department is obligated to provide supportive services in furtherance of that goal, and parents should not be punished due to factors under the department's control. Other factors may still be considered in the court's determinations.</p>	<b><u>Favorable</u></b>
<b>Burrows</b> 850607 p. 5	<p>This amendment adds a subsection under Section 161.001 of the Family Code to insert language which stipulates that a court may not order termination based solely on the grounds of Subsection (b)(1)(0) if a parent proves by preponderance of the evidence that either:</p> <ul style="list-style-type: none"> <li>• the parent was not able to comply with the court order's requirements due to the departments failure to provide court-ordered services to the parent</li> <li>• the court ordered requirements were deemed impossible to perform</li> <li>• the parent has substantially complied with the requirements of the court order</li> </ul>	<b><u>Favorable</u></b>
<b>Rinaldi</b> 850512 p. 6	<p>CSHB 7 specifies that the court may not order termination of a parent-child relationship nor may DFPS take possession based on a specific list of evidence, including that the parent is economically disadvantaged. This amendment seeks to remove this from the list of evidence, "the parent is economically disadvantaged", and replace it with "declined immunization for the child for reasons of conscience, including a religious belief."</p> <p>A parent-child relationship should not be terminated by the courts because the parent is economically disadvantaged nor should DFPS be able to take possession of a child solely because the person is earning a low-income. This is simply discriminatory. Striking this from the list in both of these cases allows for discrimination based on class to</p>	<b><u>Unfavorable</u></b>

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	continue in these circumstances. While a parent-child relationship should not be terminated because they declined immunization for the child for reasons of conscience, the fact that a parent is economically disadvantaged should not be eliminated from this list.	
<b>Klick</b> 850590 p. 7	This amendment adds language so that a court may not terminate the parent-child relationship if the parent has administered low-THC cannabis that is prescribed to the child. This will protect parents who have children with illnesses that necessitate the use of medicinal marijuana.	<b><u>Favorable</u></b>
<b>Tinderholt</b> 850591 pp. 8-10	This amendment would include refusal to vaccinate based on religious beliefs in the list of reasons a parent-child relationship may not be terminated. Other factors already on this list include: home-schooling, reasonable discipline, economically disadvantaged status, and non-violent misdemeanor offenses. The amendment also adds to the list of acts that <i>do not</i> constitute neglect a failure to provide a child with the proper immunization series in the Health and Safety Code. Yet, immunizations should be highly encouraged and largely required, failure to provide the vaccinations should not constitute neglect. While vaccination should never be reason to terminate a parent-child relationship, it is unlikely that this would be a reason for DFPS to become involved in a family case in the first place.	<b><u>Unfavorable</u></b>
<b>Cain</b> 850614 p. 11	This amendment would include refusal to vaccinate based on religious beliefs in the list of reasons a parent-child relationship may not be terminated. Other factors already on this list include: home-schooling, reasonable discipline, economically disadvantaged status, and non-violent misdemeanor offenses. While vaccination should never be reason to terminate a parent-child relationship, it is unlikely that this would be a reason for DFPS to become involved in a family case in the first place.	<b><u>Unfavorable</u></b>
<b>Burrows</b> 850608 p. 12	This amendment inserts language to Section 262.0022, <i>Review of Placement, Findings</i> and Section 263.002, <i>Review of Placements by Court, Findings</i> , stipulating that at every hearing the court must review each child’s placement in the temporary or permanent managing conservatorship of the department. The court will find whether there is any continuing danger to the child in the home and whether it is contrary for to the child’s welfare to return home.	<b><u>Favorable</u></b>
<b>Burrows</b> 850612 pp. 13-17	This amendment strikes and replaces “satisfy a person of ordinary prudence and caution” with “show by clear and convincing evidence” in a number of places within the Family Code. This appears unnecessary as the original phrasing would encompass convincing evidence. It also removes the fact that a child has been a victim of neglect or abuse as one of the potential requirements for a governmental entity to acquire possession of a child without prior notice and a hearing. There appears no reason to remove this as a potential requirement in these circumstances.	<b><u>Unfavorable</u></b>
<b>Burrows</b> 850610 p. 18	This amendment strikes the term “solely” from Section 262.116, <i>Limits on Removal</i> , in which the statute provides the basis for removal based on the stipulated criteria which includes home-schooling, reasonable discipline, economically disadvantaged status, and non-violent misdemeanor offenses.	<b><u>Unfavorable</u></b>
<b>Leach</b> 850544 p. 19	This amendment would include refusal to vaccinate based on religious beliefs in the list of reasons a parent-child relationship may not be terminated. Other factors already on this list include: home-schooling, reasonable discipline, economically disadvantaged status, and non-violent misdemeanor offenses. While vaccination should never be reason to terminate a parent-child relationship, it is unlikely that this would be a reason for DFPS to become involved in a family case in the first place.	<b><u>Unfavorable</u></b>



<p><b>Burrows</b> 850611 pp. 20-21</p>	<p>This amendment changes language regarding the burden of proof required during a full adversary hearing. Changing the language from “satisfy a person of ordinary prudence and caution” to “produce in the mind of a reasonable person a firm belief or conviction” lowers the burden from evidence beyond a reasonable doubt to clear and convincing evidence. This change would increase the chances of a child being returned to a potentially harmful home environment by allowing doubt in the court’s findings.</p>	<p><b><u>Unfavorable</u></b></p>
<p><b>Leach</b> 850545 p. 22</p>	<p>This amendment would allow the foster parent, pre-adoptive parents, relative of child provided care, the director, or the director’s designee to be able to speak at a hearing of the child’s without being requested by either side to testify. Both parties may cross examine the witness.</p>	<p><b><u>Will of the House</u></b></p>
<p><b>Davis, Sarah</b> 850615 p. 23</p>	<p>This amendment expands on the provisions for medical examination consultations. This adds that medical or mental health services, treatments or procedures may not be conducted until the court has consulted with a provider. Exemptions would include, urgent care or a medical or mental health assessment ordered by the court. This will allow consultations to be more informed by allow assessments for any pre-existing conditions a child may have.</p>	<p><b><u>Favorable</u></b></p>
<p><b>Burrows</b> 850605 p. 24</p>	<p>This amendment allows parents the right to request that the court retain jurisdiction over the case for an additional six months beyond what’s currently authorized in statute. Currently, the court must hold a trial by the first Monday after the first anniversary of the decision appointing DFPS as the temporary managing conservator, or the case must be dismissed. HB 7 only allows the department itself to make this request. The amendment would give parents interested in making a good-faith effort to comply with the court’s mandated service plan extra time to do so.</p>	<p><b><u>Will of the House</u></b></p>
<p><b>Bernal</b> 850398 p. 25</p>	<p>This amendment is in regard to permanency hearings after a judge gives a final order. It would require that the court ensures that DFPS has provided the child who is at least 16, with birth certificate, social security card, driver's license or identification, medical health and health care, and provide the children with information on secondary education. This will help those 16 and up with the transition into independence.</p>	<p><b><u>Favorable</u></b></p>
<p><b>Turner</b> 850593 p. 26</p>	<p>The original section of the bill requires independent living skills assessment for youth 14 years of age or older in DFPS. This proposed amendment requires independent living skills assessment for youth that are at least 14 years old but younger than 16, and for all youth older than 16. This will give more youth life skills assessment to prepared for the real adult life. The proposed amendment also substitutes “interested parties” to “stakeholders” for the Preparation for the Adult Living Program.</p>	<p><b><u>Favorable</u></b></p>
<p><b>Gonzalez, M.</b> 850586 p. 27</p>	<p>This amendment prohibits the Department of Family Protective Services from hiring a caseworker that does not have at least a bachelor’s degree. The department will also give preference to applicants who received a bachelor’s or advanced degree in social work from an accredited university or college.</p>	<p><b><u>Favorable</u></b></p>
<p><b>Ortega</b> 850581 p. 28</p>	<p>This amendment clarifies that a foster parent listed under Section 102.003 (a) (12) under Family Code who is authorized to file an original suit may also intervene in a pending suit requesting possessory conservatorship. Section 102.003 (a) (12) states that this is a person who is the foster parent of a child placed by the DFPS in their home for at least 12 months ending not more than 90 days preceding the date of the filing of the petition. If this certain foster parent is applicable to file an original suit, then they should be granted leave to intervene by this amendment.</p>	<p><b><u>Favorable</u></b></p>



<p><b>Ortega</b> 850583 pp. 29-30</p>	<p>This amendment clarifies that a foster parent may be granted leave to intervene in a pending suit of possessory conservatorship if they meet the requirements to file original suit under Section 102.003 (a) (12), Family Code. Section 102.003 (a) (12) states that this is a person who is the foster parent of a child placed by the DFPS in their home for at least 12 months ending not more than 90 days preceding the date of the filing of the petition. If this certain foster parent is applicable to file an original suit, then they should be granted leave to intervene by this amendment.</p>	<p><b><u>Favorable</u></b></p>
<p><b>Klick</b> 850589 pp. 31-32</p>	<p>This amendment adds in that during the guardian ad litem’s exit interview, they would be required to also interview and teachers and welfare service providers. It also add in new duties of the guardian ad litem. This will further solidify the role of the guardian ad litem into the case.</p>	<p><b><u>Favorable</u></b></p>
<p><b>Giddings</b> 850596 p. 33</p>	<p>This amendment requires that the attorney ad litem continuously review a child's health and well-being while, including the effects of trauma and take action when necessary. This will encourage an attorney ad litem to protect a child's well being a codifying their role.</p>	<p><b><u>Favorable</u></b></p>
<p><b>Giddings</b> 850602 pp. 34-41</p>	<p>This amendment adds provisions for discharging the attorney ad litem after the final order of permanency. If the criteria laid out for discharging the attorney ad litem are not met they will remain the child's representation. In the hearings following the final order an attorney ad litem may be appointed if the child does not already have one. This will ensure that the child has adequate representation, with their best interest in mind.</p>	<p><b><u>Favorable</u></b></p>
<p><b>Coleman</b> 850571 pp. 42-44</p>	<p>This amendment requires that counties who have not created a family drug court program to conduct a study. A family drug court program specializes in substance abuse related, this requires a county to measure the effectiveness such a program would have on a parent who suffers from substance abuse issues. This also requires the the study to measure the effectiveness of case management for such a program. The amendment outlines those who should be involved in conducting the study. It also implements a grant funding, which would be subject to available appropriated funds and would be administered by the Health and Human Services Commission (HHSC). This could potentially help parents who are involved in the foster care system and are suffering from substance abuse related issues or substance use disorder, which in turn would encourage family reunification.</p>	<p><b><u>Favorable</u></b></p>
<p><b>Burrows</b> 850606 p. 45</p>	<p>This amendment removes Section 263.402(b) from existing statute, which concerns the ability of parties in a suit to contest the court’s failure to dismiss their case. The court is required to dismiss the case unless they hold a hearing by the first Monday following the appointment of DFPS as the child’s temporary managing conservator, and this would create an opportunity for parents to challenge the court for failing to follow its own procedures.</p>	<p><b><u>Will of the House</u></b></p>
<p><b>Burrows</b> 850609 p. 46</p>	<p>This amendment repeals subsections c,d,e from section 264.009 of the family code, regarding the council for the Department of Family Services during a court proceeding. All three subsections relate to attorney who are not within the Attorney General’s office but are either deputized, contracted or employed by DFPS. This would eliminate non-state attorneys from representing the department.</p>	<p><b><u>Will of the House</u></b></p>
<p><b>Keough</b> 850564 p. 47</p>	<p>This amendment raises the bar for court appointed service to a parent by requiring there must be a preponderance of evidence that abuse or neglect has or may occur. It also adds that prior to ordering participation the court must inform the parent or guardian of their right to an attorney and if found to be indigent they court may appoint an attorney. While it is important to allow anyone participating in the program legal representation and inform them of the right to do so, court ordered services are meant to address serious concerns regarding the parents-child relationship. Increasing the burden of proof may take away necessary service for a parent who may not have already harmed a child but who hold a capacity to do so if certain behaviors are not addressed.</p>	<p><b><u>Unfavorable</u></b></p>

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<p><b>Price</b> 850592 p. 48</p>	<p>Currently, it is required for a person or agency appointed as the guardian or managing conservator of a person younger than 18 years of age, and they are acting as an employee or agent of the state, to receive consent from the person, in pursuant to an application for court-ordered mental health services or emergency detention or an order for protective custody. If the person does not consent, the person may be admitted for inpatient services. This amendment seeks to eliminate the requirement of this consent, and allows the person without their consent to be requested for admission to an inpatient mental health facility. Unless the person is harmful to themselves or others, there should always be required consent.</p>	<p><b><u>Will of the House</u></b></p>
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