

By: Orr

H.B. No. 4889

A BILL TO BE ENTITLED

AN ACT

relating to the rights and responsibilities of a foster parent.

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

SECTION 1. Subchapter A, Chapter 263, Family Code, is amended by adding Section 263.0081 to read as follows:

Sec. 263.0081. FOSTER PARENT'S BILL OF RIGHTS AND RESPONSIBILITIES. (a) In this section:

(1) "Child-placing agency" has the meaning assigned by Section 42.002, Human Resources Code.

(2) "Foster care" means the temporary placement of a child who is in the conservatorship of the department or an authorized agency in a facility licensed or certified under Chapter 42, Human Resources Code, in which care is provided for 24 hours a day.

(3) "Foster parent's bill of rights and responsibilities" means the rights and responsibilities described by Subsections (b) and (c).

(b) It is the policy of this state that, to the extent provided by state or federal law or policy, each foster parent has the right:

(1) to be free from being discriminated against on the basis of religion, race, color, sex, national origin, age, or disability;

(2) to be assured that all members of the foster

1 parent's family are safe from physical violence, emotional abuse,
2 and harassment;

3 (3) to be given standardized preservice training,
4 including cultural competence training and appropriate ongoing
5 training to meet mutually assessed needs and improve the foster
6 parent's skills;

7 (4) to receive timely financial reimbursement
8 commensurate with the level of care the foster child requires,
9 including any reimbursement for property damage caused by the child
10 in an amount not to exceed \$500;

11 (5) to receive post-placement counseling for loss,
12 secondary trauma, and grief;

13 (6) to communicate with other professionals who work
14 with foster children, including therapists, physicians, and
15 teachers;

16 (7) to be considered as a placement option for a foster
17 child who was formerly placed with the foster parent if the child
18 reenters foster care, subject to a determination that the placement
19 is consistent with the best interest of the child and any other
20 child in the foster parent's home;

21 (8) to file a grievance and be informed of the process
22 for filing a grievance;

23 (9) to have timely notice of and access to the appeals
24 process of the department or child-placing agency, as appropriate;

25 (10) to communicate and collaborate with the child's
26 service planning team to obtain further educational services for
27 the child to ensure the child's educational needs are met,

1 including an individualized education program, tutoring,
2 occupational therapy, speech therapy, and after school programs;

3 (11) to be free from acts of harassment and
4 retaliation by any other party when exercising a right under
5 Subdivision (9) or (10);

6 (12) to be given, in a consistent and timely manner,
7 any information that:

8 (A) is pertinent to the care and needs of the
9 child or to the child's permanency plan and essential to the foster
10 parent's understanding of the needs of and care required for the
11 child, including information regarding the foster child and the
12 foster child's family and information related to previous
13 placements; and

14 (B) the child's family consents to disclose
15 regarding the child or the child's family;

16 (13) to be provided a clear, written accounting of a
17 child-placing agency's plan concerning the placement of a foster
18 child in the foster parent's home, including a summary of the foster
19 parent's responsibility to support activities that promote the
20 foster child's right to relationships with the child's family and
21 cultural heritage;

22 (14) to provide input concerning the service plan for
23 the child and to have that input fully considered in the same manner
24 as information presented by any other child protective services
25 professional;

26 (15) except as otherwise provided by a court order or
27 when a child is at imminent risk of harm, to be given written notice

of and a description of the reasons for:

(A) changes in a foster child's case plan; or

(B) any plan to terminate the placement of the
child with the foster parent;

(16) to be notified of and attend all relevant
staffing and scheduled meetings regarding the foster child to allow
the foster parent to actively participate in the case-planning and
decision-making process with regards to the child, including
individual service planning meetings, administrative case reviews,
interdisciplinary staffings, and individualized education program
meetings;

(17) to be provided a fair, timely, and impartial
investigation of any complaint concerning the foster parent's
licensure;

(18) to be provided an opportunity to have a person of
the foster parent's choosing present during any investigation;

(19) to be presented with a specific explanation of
any licensing corrective action plan, including the specific
licensing standard violated;

(20) to be notified of all benchmarks that must be met
by the foster parent, including appointments for the child, home
visits, visiting the child at school, and visits with the child's
family in accordance with a visitation plan developed under Section
[263.107](#);

(21) to communicate with the child's guardian ad litem
and set up independent meetings between the child and the guardian
ad litem;

1 (22) to attend and speak at all court hearings;

2 (23) to request to communicate with the child's
3 family, former foster parents, and prospective and finalized
4 adoptive parents;

5 (24) to participate in the planning and scheduling of
6 visits under the child's visitation plan developed under Section
7 263.107;

8 (25) to be informed of any services available to
9 foster parents;

10 (26) to be provided all current medical, dental,
11 behavioral, educational, and psychological records and information
12 of the child reasonably available not later than 15 days after the
13 date the child is placed with the foster parent;

14 (27) to be provided information on:

15 (A) whether the child was a victim of trafficking
16 under Section 20A.02, Penal Code; and

17 (B) appropriate resources to meet the needs of a
18 child described by Paragraph (A), including counseling or other
19 services;

20 (28) to be provided information on the national free
21 or reduced-price lunch program established under 42 U.S.C. Section
22 1751 et seq.;

23 (29) to be heard regarding child-placing agency
24 practices the foster parent questions;

25 (30) to be provided the child's social security
26 number, if available, as soon as possible after the child is placed
27 with the foster parent; and

1 (31) to meet with the child's caseworker.

2 (c) It is the policy of this state that, to the extent
3 provided by state or federal law or policy, each foster parent has
4 the responsibility to:

5 (1) report relevant information to the child-placing
6 agency necessary for the care of the child placed in the foster
7 parent's home;

8 (2) function within the established goals and
9 objectives of the service plan to improve the general welfare of the
10 child;

11 (3) recognize problems in a placement that require
12 professional advice and assistance and to use available resources;

13 (4) prepare a foster child for any future plans that
14 are made, including preparing the child for reunification,
15 termination of parental rights, or adoption;

16 (5) keep confidential all information shared with the
17 foster parent about the foster child and the child's family; and

18 (6) cooperate with any reunification plan.

19 (d) The department or the child-placing agency that places a
20 foster child with a foster parent shall:

21 (1) provide the foster parent with:

22 (A) a written copy of the foster parent's bill of
23 rights and responsibilities; and

24 (B) the grievance process; and

25 (2) orally inform the foster parent of the rights and
26 responsibilities provided by the foster parent's bill of rights and
27 responsibilities.

1 (e) The commissioner of the department shall ensure that the
2 rules and policies governing foster care are consistent with the
3 state policy outlined by Subsections (b) and (c).

4 SECTION 2. Section 263.109, Family Code, is amended by
5 adding Subsection (d) to read as follows:

6 (d) If the use of a controlled substance listed in Penalty
7 Group 1-B, Section 481.1022, Health and Safety Code, has been
8 relevant to a case, the court shall render an order requiring a
9 parent to submit to drug testing before the initial visit under an
10 original visitation plan may take place. At any hearing held under
11 this chapter after the date an original or amended visitation plan
12 is reviewed by the court, the court may render an order requiring a
13 parent to submit to additional drug testing as the court determines
14 appropriate to protect the health and safety of the child.

15 SECTION 3. Subchapter B, Chapter 264, Family Code, is
16 amended by adding Sections 264.1062 and 264.1074 to read as
17 follows:

18 Sec. 264.1062. PROSPECTIVE FOSTER PARENT APPEALS PROCESS.
19 The department shall establish a process for prospective foster
20 parents to appeal a denied home assessment for potential placement.

21 Sec. 264.1074. IDENTIFICATION DOCUMENTATION FOR FOSTER
22 CHILDREN. As soon as possible after a child is placed in the
23 managing conservatorship of the department, the department shall
24 obtain the following documents for each child:

25 (1) a certified copy of the child's birth certificate;
26 and

27 (2) a social security card or a replacement social

1 security card.

2 SECTION 4. Section 263.109(d), Family Code, as added by
3 this Act, applies only to a visitation plan adopted or modified on
4 or after the effective date of this Act. A visitation plan adopted
5 or modified before the effective date is governed by the law in
6 effect on the date the visitation plan was adopted or modified, and
7 the former law is continued in effect for that purpose.

8 SECTION 5. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2025.