

By: Hancock

S.B. No. 2454

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

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

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

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

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

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

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

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

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

(10) to communicate and collaborate with the child's service planning team to obtain further educational services for the child to ensure the child's educational needs are met, including an individualized education program, tutoring, occupational therapy, speech therapy, and after school programs;

(11) to be free from acts of harassment and

retaliation by any other party when exercising a right under

Subdivision (9) or (10);

(12) to be given, in a consistent and timely manner,

any information that:

(A) is pertinent to the care and needs of the

child or to the child's permanency plan and essential to the foster

parent's understanding of the needs of and care required for the

child, including information regarding the foster child and the

foster child's family and information related to previous

placements; and

(B) the child's family consents to disclose

regarding the child or the child's family;

(13) to be provided a clear, written accounting of a

child-placing agency's plan concerning the placement of a foster

child in the foster parent's home, including a summary of the foster

parent's responsibility to support activities that promote the
foster child's right to relationships with the child's family and
cultural heritage;

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

(15) except as otherwise provided by a court order or
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;

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

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

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

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

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

(27) to be provided information on:

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

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

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

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

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

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

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

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

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

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

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

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

(6) cooperate with any reunification plan.

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

(1) provide the foster parent with:

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

(B) the grievance process; and

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

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

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

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

SECTION 3. Subchapter B, Chapter 264, Family Code, is

amended by adding Sections 264.1062 and 264.1074 to read as

follows:

Sec. 264.1062. PROSPECTIVE FOSTER PARENT APPEALS PROCESS.

The department shall establish a process for prospective foster parents to appeal a denied home assessment for potential placement.

Sec. 264.1074. IDENTIFICATION DOCUMENTATION FOR FOSTER

CHILDREN. As soon as possible after a child is placed in the managing conservatorship of the department, the department shall obtain the following documents for each child:

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

and

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

SECTION 4. Section 263.109(d), Family Code, as added by this Act, applies only to a visitation plan adopted or modified on

or after the effective date of this Act. A visitation plan adopted or modified before the effective date is governed by the law in effect on the date the visitation plan was adopted or modified, and the former law is continued in effect for that purpose.

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