



Summaries of Laws affecting CASA and the Children We Serve  
from the 81<sup>st</sup> Legislative Session

**1. STRENGTHEN CASA’S ABILITY TO PROVIDE EFFECTIVE VOLUNTEER ADVOCACY TO MORE CHILDREN IN CPS CUSTODY**

<b>Bill # and Author/Sponsor</b>	<b>Status and Effective Date</b>	<b>Summary</b>
SB 1 Sen. Ogden/ Rep. Pitts	Signed by the Governor June 19, 2009. Effective September 1, 2009.	<p>General Appropriations Bill</p> <p>Highlights include:</p> <ul style="list-style-type: none"> <li>• \$7 million in additional funding for CASA to recruit, train and supervise an additional 4,000 volunteers</li> <li>• \$4 million in additional funding for Children’s Advocacy Centers</li> <li>• \$32.2 Million to fund rate increase for foster care services (foster homes and child placing agencies)</li> <li>• \$12.3 million to fund additional Family Based Safety Services staff to improve face-to-face contact with children and their parents (in family based safety services)</li> <li>• \$6.5 million to implement provisions of Federal Fostering Connections Act (including relative guardianship program authorized in SB 2080 and HB 1151)</li> <li>• \$3.6 million for more day care services for relative caregivers</li> <li>• \$8 million to strengthen services to youth transition from foster care (including seed money for 8 new transition centers)</li> <li>• \$5.4 million to strengthen CPS services to families</li> <li>• \$0.3 million to support the Special Immigrant Juvenile Status and other immigration-related processes</li> <li>• \$4.4 million to increase funding for at-risk prevention programs</li> <li>• \$2.8 million for additional staff at the Statewide Intake call center to maintain average hold times for callers</li> <li>• \$6.3 million for tablet PCs for all substitute care workers by the ends of the FY 10-11 biennium</li> </ul>

<b>Bill # and Author/Sponsor</b>	<b>Status and Effective Date</b>	<b>Summary</b>
SB 1369 Sen. Lucio/ Rep. Hunter	Signed by the Governor June 19, 2009.  Effective September 1, 2009.	<p>Ensures that new CASA are eligible to receive state funding and would emphasize that CASA's priority is serving children with volunteers. It also tightens up the appointment process for attorneys ad litem.</p> <p>CASA: CASA programs must: (1) provide advocacy services to abused or neglected children with the goal of obtaining permanent placement for the child in the child's best interest and (2) comply with the recognized standards for volunteer advocate programs.</p> <p>Any part of the funds Texas CASA receives for license plate sales can be used for public awareness. (Local programs also receive funds from license plate sales and these funds can be used like other state funds.)</p> <p>Requires measurable goals for number of volunteers and number of children receiving CASA services. The former required new CASA to provide services for 2 years before receiving state funding. New CASA programs need only wait six months (instead of 2 years) to receive state funding.</p> <p><u>AALs:</u> A local administrative judge must keep a list of all attorneys qualified to serve as attorneys ad litem. The list must contain all of the attorneys that meet the state and other requirements and have registered with the local administrative judge's court as an AAL.</p>
HB 1462 Rep. Pickett/ Sen. Uresti  Companion SB 1051	Signed by the Governor June 19, 2009. Effective September 1, 2009.	Allows state agencies to give their employees paid leave for up to five hours a month to attend mandatory training or to perform volunteer services for CASA. The Lieutenant Governor or the Speaker of the House determines the leave policy for legislators and employees of the Legislature. The head of the agency determines the leave program for legislative agencies.

**2. HELP FOSTER YOUTH FIND PERMANENT HOMES AND BECOME HEALTHY ADULT CITIZENS**

<b>Bill # and Author/Sponsor</b>	<b>Status and Effective Date</b>	<b>Summary</b>
SB 43 Sen. Zaffirini/ Rep. Gonzalez Toureilles  Companion HB 4065	Signed by the Governor May 19, 2009. Effective immediately.	Increases the time a foster or former foster youth has to take advantage of the tuition fee waiver by allowing the youth to have until age 25 to first enroll in college. Clarifies that tuition and fees charged for a "dual credit" in which the student may receive both high school and college credit are eligible for the exemption. Clarifies that youth in conservatorship who age out of care are eligible regardless of whether the youth was living in paid or unpaid substitute care prior to turning 18.
SB 703 Sen. Nelson/ Rep. Rose	Signed by the Governor June 19, 2009. Effective September 1, 2009.	Directs DFPS and DSHS to enter into an MOU so that DFPS will not have to pay for verification of birth information or a certified copy of a birth certificate if a child is in the managing conservatorship of DFPS, parental rights have been terminated, and the child is eligible for adoption
SB 983 Sen. Davis/ Rep. Rose  Companion HB 705	Signed by the Governor May 19, 2009. Effective September 1, 2009.	Requires DFPS to provide important documents to any child who ages out of foster care. For any child who ages out of foster care, DFPS must provide a copy of his or her: <ul style="list-style-type: none"> <li>• birth certificate,</li> <li>• immunization records,</li> <li>• the information contained in the child's health passport,</li> <li>• a personal identification certificate, a social security card or its replacement, if appropriate, and</li> <li>• proof of enrollment in Medicaid days</li> </ul> at least 30 days before the child is discharged from foster care. DFPS, TEA, and DPS shall develop a plan to ensure that each child in DFPS PMC is given the opportunity to complete a driver's education course and obtain a driver's license before leaving conservatorship. This bill applies to any child in the conservatorship DFPS on or after September 1, 2009.

<b>Bill # and Author/Sponsor</b>	<b>Status and Effective Date</b>	<b>Summary</b>
SB 939 Sen. Watson/ Rep. Hughes	Signed by the Governor June 19, 2009.  Effective January 1, 2010.  Effective immediately. Applies to Fall Semester 2009 tuition and fees.	Requires MOUs between the Texas Education Agency and DFPS to evaluate educational outcomes for foster children, broadens eligibility for college tuition and fee to children who are not reunified with their parents by age 18, and enhances and improves permanency planning. Crafted to address deficiencies found in Texas under the Federal Child and Family Services Review.  <u>MOU</u> : Requires a MOU between DFPS and the Texas Education Agency to exchange appropriate information about students in foster care in order to evaluate educational outcomes.  <u>Tuition exemption</u> : Extends tuition waiver benefits to children in PMC of relatives (was formerly limited to adopted children and children aging out). Expands eligibility for children to receive tuition and fee waivers to any child who enrolls in a class no later than their 25 <sup>th</sup> birthday (was formerly 21 <sup>st</sup> birthday) and: <ul style="list-style-type: none"> <li>• was in the Department’s managing conservatorship and was adopted,</li> <li>• aged out of care,</li> <li>• placed in DFPS conservatorship after 14 years of age with parental rights terminated, or</li> <li>• placed in PMC with a person not the parent.</li> </ul> TEA and the Texas Higher Education Coordinating Board will develop outreach programs so that high school students in DFPS conservatorship are aware of the availability of the college tuition and fees exemption.
Effective to suits rendered on or after June 19, 2009.	Effective immediately.	<u>First Permanency Hearing</u> : Requires that the first permanency hearing after termination of parental rights and the naming of DFPS as conservator occur within 90 days rather than 180 days. Subsequent placement reviews will continue to be conducted at least once every six months until the child is adopted or the child becomes an adult.  <u>Permanency Plan</u> : Requires DFPS to have a permanency plan that includes both a primary permanency goal and an alternate permanency goal for all foster care children. If the permanency progress report recommends continued CPS involvement, it must also describe the permanency plan and ensure that a final order consistent with that permanency plan is accomplished. Requires DFPS to document compelling reason why permanency goal is in the best interest of the child if the permanency goal is not adoption, PMC with a relative, or returning the child to a parent. Courts can order DFPS to provide parent services for no more than six months after the placement review hearing if the court determines that reunification with a parent is in the best interest of the child and services are likely to result in the child’s safe return to the his or her parent.
SB 1332 Sen. Nelson/ Rep. Rose	Signed by the Governor June 19, 2009. Effective September 1, 2009.	Requires that DFPS to consider placing a child with a foster parent with whom the child previously resided if DFPS determines that placing the child with a relative or designated caregiver is not in the child’s best interest, and if the placement is available and is in the child’s best interest.

<b>Bill # and Author/Sponsor</b>	<b>Status and Effective Date</b>	<b>Summary</b>
SB 2248 Sen. Zaffirini/ Rep. Patrick	Signed by the Governor June 19, 2009. Effective immediately.	Provides assistance for student transitioning from one to the next by transferring records to the new school, awarding credit for completed coursework, promoting access to extracurricular activities and tutoring programs, exchanging the MOU, providing for a student in transition when apply and seeking funding sources for higher education. A student placed in substitute care in Texas is eligible to enroll full-time in course provided through the state virtual school network. The Act applies beginning with the 2009-2010 school year.
HB 704 Rep. Rose/ Sen. Davis	Signed by the Governor May 23, 2009. Effective immediately.	Gives courts the option to extend continuing jurisdiction over a foster child who ages out of care, if requested by the youth. To be eligible for extended court jurisdiction, the youth must be continuing in voluntary foster care (living with a residential provider regulated by DFPS) and/or continuing to receive transitional services. Extended jurisdiction ends on the date the youth turns 21 or if the youth withdraws consent. Managing conservatorship by DFPS is not extended, but an attorney and/or guardian ad litem may be appointed or continued. The court may extend jurisdiction without the youth's consent only if the court believes that the youth may qualify for guardianship services, but this extended jurisdiction without consent ends when the guardianship issue is resolved..
HB 1012 Rep. Gonzalez Tourailles/ Sen. Harris	Signed by the Governor June 19, 2009. Effective September 1, 2009.	Clarifies a sibling's ability to seek access to a sibling if the siblings have been separated in a child abuse and neglect case. Requires a written agreed parenting plan for joint managing conservatorship to specify that a child's primary residence shall be in a certain geographic area. Standardizes the times of possession in a child custody order.
HB 1043 Rep. Orr/ Sen. Nelson	Signed by the Governor June 19, 2009. Effective September 1, 2009.	Gives individuals who are 25 years old or younger and were under the PMC of DFPS on the day before his or her 18th birthday hiring preference in employment in an executive branch state agency over other applicants for the same position who do not have a greater qualification. Does not apply to private secretary or deputy positions or an individual holding a strictly confidential relation to the employing officer.
HB 1629 Rep. Naishtat/ Sen. Uresti  Companion SB 1376	Signed by the Governor May 23, 2009. Effective immediately.	Supports current DFPS and Texas Youth Commission (TYC) efforts to improve service delivery for CPS youth in TYC placements and in TYC parole situations. Increases coordination between the court that hears the juvenile case and the family court that oversees the conservatorship case for the youth, and requires the family law court to review services and rehabilitation efforts at each permanency and placement review hearing. Prohibits the court from dismissing the case of a youth in DFPS permanent conservatorship while the youth is under TYC supervision unless the youth is adopted, or permanent conservatorship is transferred to another individual. Requires the DFPS and TYC to enter into Memorandum of Understanding (MOU) for data sharing with respect to common clients.

<b>Bill # and Author/Sponsor</b>	<b>Status and Effective Date</b>	<b>Summary</b>
HB 1912 Rep. Rodriguez/ Sen Uresti	Signed by the Governor June 19, 2009. Effective September 1, 2009.	<p>Requires DFPS to expand transition planning to children age 14 and older in PMC, including enrolling them in PAL services before they turn 16. Requires providers to assist youth age 14 and older to gain “experiential life skills training” which may include grocery shopping, balancing a checkbook, accessing transportation, etc. Makes youth over age 18 eligible for transitional living allowance benefits even when the youth is living with a person who is designated as a perpetrator of abuse or neglect if DFPS determines that despite the person’s prior history, the person no longer poses a threat to the health and safety of the youth. DFPS shall require a person with whom DFPS contract for transitional living services for foster you in obtaining:</p> <ul style="list-style-type: none"> <li>• Housing services</li> <li>• Job training and employment services</li> <li>• College preparation services</li> <li>• Services that will assist youth in obtaining a general education development certificate; and</li> <li>• Any other appropriate transitional living service identified by DFPS</li> </ul>

3. ENCOURAGE SAFE, PERMANENT HOMES WITH RELATIVES RATHER THAN FOSTER CARE

<b>Bill # and Author/ Sponsor</b>	<b>Status and Effective Date</b>	<b>Summary</b>
SB 1598 Sen. Watson/ Rep. Herrero  Companion HB 1940	Signed by the Governor June 19, 2009. Effective immediately.	Creates an authorization agreement that would allow adult aunts, adult uncles, adult siblings, and grandparents caring for a child to consent to medical and dental care, enroll the child in school, enroll the child in extracurricular activities, get health insurance, and employment of the child. Allows adult relative to apply for and receive public benefits on behalf of the child.
SB 1723 Sen. Van de Putte/ Rep. Guillen	Signed by the Governor June 19, 2009. Effective immediately.	Mandates that DFPS provide information manuals to voluntary caregivers, as well as relative or designated caregivers, regarding <ul style="list-style-type: none"> <li>• an index of telephone numbers, and</li> <li>• the rights and duties of relative or designated caregivers, and</li> <li>• the role of the voluntary caregiver, including information on how to obtain any documentation necessary to provide for a child's needs.</li> </ul>
SB 2080 Sen. Uresti/ Rep. McClendon	Signed by the Governor June 19, 2009. Effective September 1, 2009.	<p>Creates a task force to establish a strategy for reducing child abuse and neglect and improving welfare and health. The task force will submit a strategic plan no later than October 1, 2010. Task Force is abolished September 1, 2011.</p> <p>Implements the federal fostering Connections to Success and Increasing Adoptions Act of 2008 by creating:</p> <ul style="list-style-type: none"> <li>• a guardianship assistance program entitled the Permanency Care Assistance Program;</li> <li>• extended adoption assistance up to age 21 for eligible youth; and</li> <li>• extended foster care up to age 22 for eligible youth.</li> </ul> <p>The Permanency Care Assistance Program will provide financial assistance to relatives who assume permanent custody for children in the state's conservatorship, but only if the relative becomes a verified foster home for at least 6 months during which time the child lives with the relative. New assistance agreements are prohibited after August 31, 2017 unless further authorized by the legislature, although payments under existing agreements may continue after that date. Adopts the rules by April 1, 2010.</p> <p>Directs DSHS to establish a Texas Medical Child Abuse Resources and Education System (MEDCARES) grant program which will award grants to hospitals, health centers, and other entities involved in the detection, investigation, and treatment of child abuse and neglect for the purpose of improving assessment, diagnosis, and treatment.</p>

<b>Bill # and Author/Sponsor</b>	<b>Status and Effective Date</b>	<b>Summary</b>
SB 2385 Sen. Shapleigh/ Rep. Naishtat Companion HB 1068	Signed by the Governor June 19, 2009. Effective September 1, 2009.	Requires DFPS to file a number of documents at the adversary hearing and subsequent hearings including: <ul style="list-style-type: none"> <li>• a copy of the child placement resources form;</li> <li>• a copy of any completed home study; and</li> <li>• the name of a relative and designated caregiver, if any, with whom the child was placed.</li> </ul> If DFPS has not placed with a relative or other designated caregiver by the time of the hearing, the case worker will be required to file a statement explaining why no designated caregivers have been selected for placement.
HB 1151 Rep. Thompson/ Sen. Nelson	Signed by the Governor June 19, 2009. Effective September 1, 2009.	Implements the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 by creating: <ul style="list-style-type: none"> <li>• a guardianship assistance program entitled the Permanency Care Assistance Program</li> <li>• extended adoption assistance and permanency care assistance up to age 21 for eligible youth if they were adopted or in the PMC of DFPS at the age of 16 or later; and</li> <li>• extended foster care up to age 21 for eligible youth who are still in school, enrolled in job training, or are unable to do so due to a disability</li> </ul> The Permanency Care Assistance Program will provide financial assistance to relatives who assume permanent custody of a child in the state's conservatorship, but only if the relative becomes a verified foster home for at least 6 months during which the child lives with the relative. Also requires DFPS to include "trauma-informed training" be provided to foster and adoptive parents, kinship caregivers, and caseworkers

**4. CHILD PROTECTIVE SERVICES REFORM-RELATED LAWS**

<b>Bill # and Author/ Sponsor</b>	<b>Status and Effective Date</b>	<b>Summary</b>
SB 1050 Sen. Uresti/ Rep. McClendon	Signed by the Governor June 19, 2009. Effective September 1, 2009.	Lays out requirements and guidelines for the disclosure of information related to child fatalities that result from abuse or neglect, upon request. It is intended to implement the CAPTA requirement that directs states to provide for the disclosure of such information. Requires DFPS to disclose: <ul style="list-style-type: none"> <li>• age and sex of child;</li> <li>• date of death;</li> <li>• whether in DFPS conservatorship at the time of death; and</li> <li>• whether the child resided with parents or guardians at time of death.</li> </ul> Requires DFPS to release specific additional information depending on whether the child was living with parent/guardian/managing conservator or in substitute care at the time of death.
SB 1646 Sen. Van de Putte/ Rep. Naishtat Companion HB 3259	Signed by the Governor June 19, 2009. Effective immediately.	Creates a Council of Children and Families, including the DFPS Commissioner or her designee. The Council will: <ul style="list-style-type: none"> <li>• coordinate the state's health, education and human services to ensure that children and families have access to needed services;</li> <li>• improve coordination in state agencies, advisory councils on issues affecting children, and local levels of service;</li> <li>• prioritize and mobilize resources for children; and</li> <li>• facilitate an integrated approach to providing services for children and youth</li> </ul>
SB 1824 Sen. Lucio/ Rep. Lucio III	Signed by the Governor June 19, 2009. Effective September 1, 2009.	Creates and Interagency Task Force for Children with Special Needs to improve the coordination, quality and efficiency of services for children with special needs, defined as children younger than 22 years of age diagnosed with a chronic illness, intellectual or other developmental disability, or serious mental illness. DFPS will be part of the task force. Duties include: <ul style="list-style-type: none"> <li>• coordinating with federal agencies to compile a list of opportunities to increase flexible funding for services for children with special needs;</li> <li>• conducting a review of state agency policies and procedures related to service delivery for children with special needs;</li> <li>• performing a needs assessment; and</li> <li>• developing a five year plan to improve services for children with special needs.</li> </ul>
SB 1838 Sen. Patrick/ Rep. Zerwas Companion HB 494	Signed by the Governor May 20, 2009. Effective September 1, 2009.	Terminates the parent-child relationship if the court finds that the parent has been convicted of the murder of the other parent, the attempted murder of the other parent, or the solicitation of a murder of the other parent, if the termination is in the best interest of the child.

<b>Bill # and Author/Sponsor</b>	<b>Status and Effective Date</b>	<b>Summary</b>
HB 1041 Rep. Parker/ Sen. West	Signed by the Governor June 19, 2009. Effective immediately.	Mandates school district adoption and implementation of a policy addressing sexual abuse of children to be included in the district improvement plan. Teachers, students, and parents gain awareness regarding sexual abuse of children including knowledge of likely warning signs indicating that a child may be a victim of sexual abuse. Creates a nine member task force to establish a strategy to abolish child abuse and neglect and to improve child welfare. Governor, lieutenant governor, and the speaker of the house will appoint members of the task force no later than October 1, 2009 and will abolish the task force on September 1, 2011.
HB 2225 Rep. Parker/ Sen. Nelson	Signed by the Governor June 19, 2009. Effective immediately.	Creates a 9-member adoption review committee that, along with DFPS, will conduct an extensive review of the foster care system to: <ul style="list-style-type: none"> <li>• identify obstacles to permanent placement, including adoption, and</li> <li>• develop ways to improve the system by: <ul style="list-style-type: none"> <li>○ reducing length of time in substitute care,</li> <li>○ reducing the number of foster children places outside their home county, and</li> <li>○ enhancing the adoption procedures</li> </ul> </li> </ul> The adoption review committee expires September 1, 2011.
HB 2386 Rep. Castro/ Sen. Uresti  Companion SB 2106	Signed by the Governor May 27, 2009. Effective September 1, 2009.	Amends current law relating to the sealing of juvenile records by authorizing juvenile courts to immediately seal the record of an eligible juvenile, if the juvenile successfully completes a drug court program or another special program ordered by the court. Gives judges the necessary discretion to encourage juveniles to participate in intervention programs deemed to be successful in their communities.
HB 2876 Rep. Patrick/ Sen. Carona	Signed by the Governor June 19, 2009. Effective immediately.	Permits Administrative Law Judges to order the release of certain information in hearings relating to the license or certification of a professional involving child abuse and neglect investigations. The information must be edited to protect the identity of any person who makes a report of abuse or neglect.
HB 3137 Rep. Gallegos/ Sen. Nelson	Signed by the Governor June 19, 2009. Effective immediately.	Requires DFPS to develop a statement that lists the rights and responsibilities of foster parents in licensed and CPA-verified foster homes. Child care licensing must distribute this statement to the licensed foster homes and child placing agencies PAs, and each CPA (including CPS) must distribute the statement to their verified foster homes.
HB 3689 Rep. McClendon/ Sen. Hinojosa	Signed by the Governor June 19, 2009. Effective immediately.	Requires a coordinated strategic plan that includes the development of common data sources and data sharing among TYC, TJPC, DFPS, DSHS, TEA and other state agencies that serve youth in the juvenile system. Adds DFPS to the list of agencies required to accept and disclose information concerning “special needs offenders.” Requires DFPS to enter into an MOU with other agencies relating to the continuity of care and services programs for juveniles with “mental impairments” in the juvenile justice system.
Companion SB 1020		

**5. MISCELLANEOUS LAWS THAT MAY AFFECT CASA PROGRAMS**

<b>Bill # and Author/ Sponsor</b>	<b>Status and Effective Date</b>	<b>Summary</b>
SB 61 Sen. Zafrini/ Rep. Vaught  Companion HB 528	Signed by the Governor May 29, 2009. Effective September 1, 2009.	Raises the age to 8 under which a child must be secured in a child passenger safety seat system, unless the child is taller than 4'9". Changes the fines for someone who drives a vehicle and fails to properly secure a child under age 8 in a car seat. CCL will revise the relevant minimum standards in accordance with this bill.
HB 671 Rep. Darby/ Sen. Seliger	Signed by the Governor June 19, 2009. Effective September 1, 2009.	Increases the penalty for theft from a nonprofit corporation to the next higher category of offense.

\*\*Thank you to Texans Care for Children for providing summaries for some of these bills.