

CHAPTER 264

S.B. No. 351

An Act relating to changing the name of the Texas Department of Human Resources to the Texas Department of Human Services.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. NAME CHANGE. The name of the Texas Department of Human Resources is changed to the Texas Department of Human Services.

SECTION 2. REFERENCE IN LAW. Any reference in the law to the Texas Department of Human Resources means the Texas Department of Human Services.

SECTION 3. APPROPRIATIONS. All appropriations made by the legislature for the use and benefit of the Texas Department of Human Resources are available for the use and benefit of the Texas Department of Human Services.

SECTION 4. FORMS. Before ordering or purchasing new paper or forms to reflect the name change, the Texas Department of Human Services shall use all papers and forms in the possession of the Texas Department of Human Resources before the effective date of this Act.

SECTION 5. Subdivisions (1), (2), and (3), Section 11.001, Human Resources Code, are amended to read as follows:

- “(1) ‘Board’ means the Texas Board of Human *Services* [Resources].”
- “(2) ‘Department’ means the Texas Department of Human *Services* [Resources].”
- “(3) ‘Commissioner’ means the Commissioner of Human *Services* [Resources].”

SECTION 6. Section 21.001, Human Resources Code, is amended to read as follows:

“Section 21.001. DEPARTMENT OF HUMAN *SERVICES* [RESOURCES]. The Texas Department of Human *Services* [Resources] is composed of the Texas Board of Human *Services* [Resources], the Commissioner of Human *Services* [Resources], and other officers and employees required to efficiently carry out the purposes of this title.”

SECTION 7. Section 21.002, Human Resources Code, as amended, is amended to read as follows:

“Section 21.002. APPLICATION OF SUNSET ACT. The Texas Department of Human *Services* [Resources] is subject to the Texas Sunset Act, as amended (Article 5429k, Vernon’s Texas Civil Statutes); and unless continued in existence as provided by that Act the department is abolished and this title expires effective September 1, 1987.”

SECTION 8. Section 21.003, Human Resources Code, as amended, is amended to read as follows:

“Section 21.003. BOARD OF HUMAN *SERVICES* [RESOURCES]. (a) The Texas Board of Human *Services* [Resources] is responsible for the adoption of policies and rules for the government of the department.

“(b) The board is composed of three members appointed by the governor with the advice and consent of the senate and representing all geographic regions of the state. To qualify for an appointment to the board, a person must have demonstrated an interest in and knowledge of public welfare and must have had experience as an executive or administrator.

“(c) Members of the board serve for staggered terms of six years with the term of one member expiring on January 20 of each odd-numbered year.

“(d) After the biennial appointment of a new member, the board shall elect a presiding officer who shall preside over meetings of the board.

“(e) Two members of the board constitute a quorum for the transaction of business.

“(f) The board’s office is in Austin in a building designated by the State *Purchasing and General Services Commission* [Board of Control].

“(g) While performing their duties board members are entitled to per diem as prescribed by the General Appropriations Act.”

SECTION 9. Subsection (a), Section 21.004, Human Resources Code, is amended to read as follows:

“(a) The Commissioner of Human *Services* [~~Resources~~] is the executive and administrative officer of the department. The commissioner exercises all rights, powers, and duties imposed or conferred by law on the department unless the right, power, or duty is specifically delegated by the board to the department’s agents or employees.”

SECTION 10. Subsections (a), (b), and (c), Section 22.005, Human Resources Code, are amended to read as follows:

“(a) The children’s assistance fund and the medical assistance fund are separate accounts in the Texas Department of Human *Services* [~~Resources~~] fund. Money in the separate accounts may be expended only for the purposes for which the accounts were created or as otherwise provided by law.

“(b) The comptroller shall maintain a department of human *services* [~~resources~~] administration operating fund and a department of human *services* [~~resources~~] assistance operating fund as funds in the state treasury. The commodity distribution fund may not be included in these operating funds.

“(c) On authorization by the department, the comptroller may transfer funds appropriated for the operation of the department, current revenues, and balances on hand into the department of human *services* [~~resources~~] administration operating fund or the department of human *services* [~~resources~~] assistance operating fund. On authorization by the department, the comptroller shall transfer designated funds between the two operating funds.”

SECTION 11. Subsection (b), Section 31.035, Human Resources Code, is amended to read as follows:

“(b) The comptroller shall draw warrants for the specified amounts on the proper accounts of the Texas Department of Human *Services* [~~Resources~~] fund and shall transmit the warrants to the commissioner. The commissioner shall supervise the delivery of the warrants to the persons entitled to them.”

SECTION 12. Subsection (c), Section 32.029, Human Resources Code, is amended to read as follows:

“(c) If the department elects to make direct vendor payments, the payments shall be made by vouchers and warrants drawn by the comptroller on the proper account of the Texas Department of Human *Services* [~~Resources~~] fund. The department shall furnish the comptroller with a list of those vendors entitled to payments and the amounts to which each is entitled. When the warrants are drawn, they must be delivered to the commissioner, who shall supervise the delivery to vendors.”

SECTION 13. Subsection (a), Section 32.030, Human Resources Code, is amended to read as follows:

“(a) The medical assistance fund is a special fund in the treasury and constitutes a separate account in the Texas Department of Human *Services* [~~Resources~~] fund. The fund may be expended only for the purpose of carrying out the provisions of this chapter.”

SECTION 14. Section 41.005, Human Resources Code, is amended to read as follows:

“Section 41.005. NOTIFICATION OF CHARTERS FILED WITH THE SECRETARY OF STATE. The secretary of state shall notify the Texas Department of Human *Services* [~~Resources~~] in writing of each charter filed with the secretary by a person who proposes to provide care for children under 18 years of age and who is required to be licensed by or registered with the department to provide that care. The secretary shall send a copy of the charter to the department.”

SECTION 15. Subdivisions (1) and (2), Section 45.022, Human Resources Code, are amended to read as follows:

“(1) ‘Appropriate public authorities,’ with reference to this state, means the Commissioner of the Texas Department of Human *Services* [~~Resources~~].

“(2) ‘Appropriate authority in the receiving state,’ with reference to this state, means the Commissioner of the Texas Department of Human *Services* [~~Resources~~].”

SECTION 16. Subdivision (7), Section 48.002, Human Resources Code, as amended, is amended to read as follows:

“(7) ‘Department’ means the Department of Human *Services* [~~Resources~~].”

SECTION 17. Subdivisions (1) and (7), Subsection (a), Section 50.001, Human Resources Code, are amended to read as follows:

“(1) ‘Board’ means the Texas Board of Human *Services* [~~Resources~~].”

“(7) ‘Department’ means the Texas Department of Human *Services* [Resources].”

SECTION 18. Subsection (n), Section 50.004, Human Resources Code, as amended, is amended to read as follows:

“(n) The council is subject to the Texas Sunset Act, as amended (Article 5429k, Vernon’s Texas Civil Statutes). Unless continued in existence as provided by that Act, the council is abolished and this section expires effective September 1, 1987. If the council is continued in existence beyond that date, subsequent sunset provisions should be made to conform with those of the Texas Department of Human *Services* [Resources].”

SECTION 19. Subsection (a), Section 51.003, Human Resources Code, is amended to read as follows:

“(a) The Texas Department of Human *Services* [Resources] shall contract for services with shelter centers that provide access to shelter and services to victims of family violence with consideration given to geographic distribution and need. These contracts are to expand existing shelter center services and may not result in reducing financial support a shelter center receives from another source. The contracts shall not provide for more than 75 percent of the cost of the shelter center program. The department shall develop a declining scale of state financial support for shelter centers, declining over a six-year period from the initiation of each individual contract, with no more than 50 percent of a shelter center program’s funding to be provided by the state after the sixth year. The balance each year shall be provided from other sources. The department may adopt rules which will allow exceptions to the above scale in individual instances when a shelter center shall demonstrate that exigent circumstances require such a waiver.”

SECTION 20. Section 72.006, Human Resources Code, is amended to read as follows:

“Section 72.006. PRIOR LAW; PUBLIC INSTRUMENTALITY; COOPERATION OF STATE AGENCIES AND PERSONNEL. Nothing in this chapter shall be construed as amending prior statutory enactments which confer specific responsibilities on departments or agencies of this state for services to children and youth, including the Texas Department of Human *Services* [Resources], the Texas Department of Health, the Texas Department of Mental Health and Mental Retardation, the Texas Rehabilitation Commission, and the Central Education Agency. It is the intent of the legislature that the department be the public instrumentality for advocating, planning, developing, and coordinating services to optimize the development of children and youth throughout the state, but the department shall not directly administer the services except as authorized by law. All state agencies, officers, and employees shall cooperate with the department for the accomplishment of the purposes of this chapter.”

SECTION 21. Subsection (a), Section 73.002, Human Resources Code, is amended to read as follows:

“(a) The council is composed of one lay member and one representative each from the Texas Department of Health, the Texas Department of Mental Health and Mental Retardation, the Texas Department of Human *Services* [Resources], and the Central Education Agency. The governor with the advice and consent of the senate shall appoint the lay member, and the commissioner of each agency shall appoint that agency’s representative.”

SECTION 22. Subsection (a), Section 73.007, Human Resources Code, is amended to read as follows:

“(a) The Texas Department of Health, the Texas Department of Mental Health and Mental Retardation, the Texas Department of Human *Services* [Resources], and the Central Education Agency shall jointly develop and implement:

“(1) a general public awareness strategy focusing on the importance of prenatal care and early detection of developmental delay and the availability of state resources to meet the needs of developmentally delayed children under six years of age; and

“(2) a statewide plan for conducting regional training sessions for public and private service providers who have routine contact with children under six years of age that focuses on methods for early detection of developmental delay.”

SECTION 23. Subsection (a), Section 81.010, Human Resources Code, as amended, is amended to read as follows:

“(a) The Technical Advisory Council for Planning and Operations is established. The commissioner of education, the commissioner of human *services* [resources], the commissioner of mental health and mental retardation, the commissioner of the Texas Rehabilitation Commission, the superintendent of the Texas School for the Deaf, the executive director of the State Commission for the Blind, the chairman of the Texas Employment Commission, the executive director of the *Texas Department* [Governor’s Committee] on Aging, and the commissioner of health, or a designee of each, shall serve as ex officio members of the

council. In addition, the executive director of the Texas Commission for the Deaf shall appoint a member of the faculty of a college or university who specializes in the area of training for the deaf, and shall appoint two representatives of nonprofit organizations which provide services for the deaf to serve on the council."

SECTION 24. Subdivision (2), Section 102.001, Human Resources Code, as added by Subsection (a), Section 2, Article 4, Chapter 235, Acts of the 68th Legislature, Regular Session, 1983, is amended to read as follows:

"(2) 'Department' means the Texas Department of Human *Services* [Resources]."

SECTION 25. Subdivision (3), Section 102.001, Human Resources Code, as added by Chapter 936, Acts of the 68th Legislature, Regular Session, 1983, is amended to read as follows:

"(3) 'Alternate care' means services for the elderly provided by the Texas Department of Human *Services* [Resources] within the elderly individual's own home, neighborhood, or community, including:

"(A) day care;

"(B) foster care;

"(C) alternative living plans; and

"(D) supportive living services."

SECTION 26. Subsection (b), Section 102.002, Human Resources Code, as added by Chapter 936, Acts of the 68th Legislature, Regular Session, 1983, is amended to read as follows:

"(b) If a person providing services receives funds from the Texas Department of Human *Services* [Resources], the department shall require the person to implement and enforce this chapter."

SECTION 27. Subdivision (3), Section 103.003, Human Resources Code, is amended to read as follows:

"(3) 'Department' means the Texas Department of Human *Services* [Resources]."

SECTION 28. Subsection (b), Section 112.012, Human Resources Code, is amended to read as follows:

"(b) The commissioner or executive director of each of the following agencies serves as a voting ex officio member of the council, and from time to time may designate an employee from the commissioner's or executive director's agency to represent him on the council:

"(1) the Texas Department of Mental Health and Mental Retardation;

"(2) the Texas Department of Human *Services* [Resources];

"(3) the Texas Department of Health;

"(4) the Central Education Agency;

"(5) the Texas Rehabilitation Commission;

"(6) the State Commission for the Blind; and

"(7) the Texas Commission for the Deaf."

SECTION 29. Subsection (b), Section 131.001, Human Resources Code, is amended to read as follows:

"(b) The council consists of:

"(1) the governor;

"(2) the lieutenant governor;

"(3) the speaker of the house of representatives;

"(4) the chairman of the Texas Board of Human *Services* [Resources];

"(5) the chairman of the Texas Board of Health;

"(6) the chairman of the Texas Board of Mental Health and Mental Retardation;

"(7) the chairman of the State Board of Education;

"(8) two additional board chairmen of state agencies delivering health and human services, to be appointed by the governor;

"(9) two senators appointed by the lieutenant governor;

"(10) two members of the house of representatives appointed by the speaker of the house;

"(11) two members of the general public appointed by the governor;

"(12) two members of the general public appointed by the lieutenant governor; and

"(13) two members of the general public appointed by the speaker of the house."

SECTION 30. Subsection (e), Section 132.002, Human Resources Code, is amended to read as follows:

"(e) The governing board of each of the following agencies shall appoint one person to represent that agency on the council:

- “(1) the Texas Department of Human *Services* [Resources];
- “(2) the Texas Department of Mental Health and Mental Retardation;
- “(3) the Texas Department of Health;
- “(4) the Central Education Agency;
- “(5) the Texas Rehabilitation Commission;
- “(6) the Texas Commission for the Deaf;
- “(7) the State Commission for the Blind;
- “(8) the Texas Department on Aging; and
- “(9) the Texas Commission on Alcoholism.”

SECTION 31. Subsection (e), Section 133.002, Human Resources Code, is amended to read as follows:

“(e) The governing board of each of the following agencies shall appoint one person to represent that agency on the council:

- “(1) the Texas Department on Aging;
- “(2) the Texas Department of Human *Services* [Resources];
- “(3) the Texas Department of Health; and
- “(4) the Texas Department of Mental Health and Mental Retardation.”

SECTION 32. Subsection (f), Section 21.031, Education Code, as amended, is amended to read as follows:

“(f) A student enrolled in high school in grade 9, 10, 11, or 12 who is placed in temporary foster care by the *Texas* Department of Human *Services* [Resources] at a residence outside the residence district for the school or outside the school district is entitled to complete high school at the school in which the student was enrolled at the time of placement without payment of tuition.”

SECTION 33. Subsection (a), Section 52.40, Education Code, as amended, is amended to read as follows:

“(a) The board may cancel the repayment of a loan received by a student who earns a professional doctor of medicine degree or a doctorate of psychology degree and who is employed by the Texas Youth *Commission* [Council], Texas [State] Department of *Human Services* [Public Welfare], Texas Department of Corrections, or Texas Department of Mental Health and Mental Retardation prior to the date on which repayment of the loan is to commence.”

SECTION 34. Subdivision (7), Section 11.01, Family Code, as amended, is amended to read as follows:

“(7) ‘Authorized agency’ means a public social agency authorized to care for children or to place children for adoption, or a private association, corporation, or person approved for that purpose by the Texas Department of Human *Services* [Resources] through a license, certification, or other means.”

SECTION 35. Subsection (c), Section 11.05, Family Code, as amended, is amended to read as follows:

“(c) A court shall have jurisdiction over a suit affecting the parent-child relationship if it has been, correctly or incorrectly, informed by the Texas Department of Human *Services* [Resources] that the child has not been the subject of a suit affecting the parent-child relationship and the petition states that no other court has continuing jurisdiction over the child.”

SECTION 36. Subsection (c), Section 11.07, Family Code, as amended, is amended to read as follows:

“(c) On the receipt of a petition requesting further action concerning the child in the court of continuing jurisdiction, the clerk shall file the petition and all other papers relating to the request for further action in the file of the suit affecting the parent-child relationship under the same docket number as the prior proceeding, except that if the petition requests the adoption of the child and if the petition alleges that the child has been placed for adoption with the petitioners by the Texas Department of Human *Services* [Resources] or by an agency authorized by the department to place children for adoption, the clerk shall file the petition and all other papers relating to the suit in a new file having a new docket number.”

SECTION 37. Subsection (a), Section 11.071, Family Code, as amended, is amended to read as follows:

“(a) The petitioner or the court shall request from the Texas Department of Human *Services* [Resources] identification of the court that last had jurisdiction of the child in a suit affecting the parent-child relationship unless:

“(1) the petition alleges that no court has continuing jurisdiction of the child, and the issue is not disputed by the pleadings; or

“(2) the petition alleges that the court in which the suit, petition for further remedy, or motion to modify has been filed has acquired and retains continuing jurisdiction of the child as the result of a prior proceeding, and the issue is not disputed by the pleadings.”

SECTION 38. Subsection (b), Section 11.12, Family Code, as amended, is amended to read as follows:

“(b) The social study may be made by any state agency, including the Texas Department of Human Services [Resources], or any private agency, or any person appointed by the court. If an authorized agency is the managing conservator, the social study shall be made by the authorized agency. The social study shall be made according to criteria established by the court.”

SECTION 39. Subsection (a), Section 11.17, Family Code, as amended, is amended to read as follows:

“(a) Except as provided by Subsection (b) of this section, the clerk of each court having jurisdiction of suits affecting the parent-child relationship shall transmit to the Texas Department of Human Services [Resources] a copy of the decree entered in each suit affecting the parent-child relationship, together with the name and all prior names, birthdate, and place of birth of the child. The department shall maintain these records in a central file according to the name, birthdate, and place of birth of the child, the court which rendered the decree, and the docket number of the suit.”

SECTION 40. Subsection (c), Section 11.18, Family Code, as amended, is amended to read as follows:

“(c) If the court orders the Texas Department of Human Services [Resources] to prepare the social study prescribed by Section 11.12 of this code, the court shall award a reasonable fee for the preparation of the study to the department. The department’s fee shall be taxed as costs, and shall be paid directly to the department. The department may enforce the order for the fee in its own name.”

SECTION 41. Section 11.20, Family Code, as amended, is amended to read as follows:

“Section 11.20. REPRESENTATION OF DEPARTMENT. In any suit brought under Subtitle A or C of this title in which the Texas Department of Human Services [Resources] is seeking to be named conservator of a child, the department shall be represented in the trial court by the prosecuting attorney who represents the state in criminal cases in the district or county court of the county where the suit is filed or transferred or by the attorney general.”

SECTION 42. Subsection (b), Section 13.03, Family Code, as amended, is amended to read as follows:

“(b) The court may fix a reasonable fee for each court-appointed examiner and may require the fee to be paid by any or all of the parties or by the Texas Department of Human Services [Resources], if the department is a party of the suit, in the amounts and in the manner directed, or the court may tax all or part or none of the fee as costs in the suit.”

SECTION 43. Subsection (a), Section 13.21, Family Code, as amended, is amended to read as follows:

“(a) If a statement of paternity has been executed by the father of an illegitimate child, the father or mother of the child or the Texas Department of Human Services [Resources] may file a petition for a decree designating the father as a parent of the child. The statement of paternity must be attached to the petition.”

SECTION 44. Section 13.24, Family Code, as amended, is amended to read as follows:

“Section 13.24. VALIDATION OF PRIOR STATEMENTS. A statement acknowledging paternity or an obligation to support a child which was signed by the father before January 1, 1974, is valid and binding even though the statement is not executed as provided in Section 13.22 of this code and is not filed with the Texas [State] Department of Human Services [Public Welfare] or with the court.”

SECTION 45. Subsections (c) and (d), Section 15.03, Family Code, as amended, are amended to read as follows:

“(c) The affidavit may contain:

“(1) a designation of any qualified person, the Texas Department of Human Services [Resources], or any authorized agency as managing conservator of the child;

“(2) a waiver of process in a suit to terminate the parent-child relationship brought under Section 15.02(1)(K) of this code, or in a suit to terminate joined with a petition for adoption under Section 16.03(b) of this code; and

“(3) a consent to the placement of the child for adoption by the Texas Department of Human Services [Resources] or by an agency authorized by the Texas Department of Human Services [Resources] to place children for adoption.

“(d) An affidavit of relinquishment of parental rights which designates as the managing conservator of the child the Texas Department of Human Services [Resources] or an agency authorized by the Texas Department of Human Services [Resources] to place children for adoption is irrevocable. Any other affidavit of relinquishment is revocable unless it expressly provides that it is irrevocable for a stated period of time not to exceed 60 days after the date of its execution.”

SECTION 46. Subsection (e), Section 15.041, Family Code, as amended, is amended to read as follows:

“(e) In a suit to adopt a child or in a suit brought by the Texas Department of Human Services [Resources] or an authorized agency for the purpose of terminating all legal relationships and rights which exist or may exist between the child’s parents and the child, the court may render a decree terminating all legal relationships and rights which exist or may exist between a child and a man who has executed an affidavit of waiver of interest in the child, including the right to seek voluntary legitimation of the child, if the court finds that rendition of the decree is in the best interest of the child.”

SECTION 47. Subsection (d), Section 16.03, Family Code, as amended, is amended to read as follows:

“(d) If an affidavit of relinquishment of parental rights contains a consent that the Texas Department of Human Services [Resources] or an authorized agency may place the child for adoption and appoints the department or agency managing conservator of the child, no further consent by the parent is required and the adoption decree shall terminate all rights of the parent without further termination proceedings.”

SECTION 48. Subsection (a), Section 16.032, Family Code, is amended to read as follows:

“(a) Before placing a child for adoption with any person other than the child’s stepparent, grandparent, aunt, or uncle by birth, marriage, or prior adoption, the Texas Department of Human Services [Resources], an authorized agency, or the child’s parent or guardian shall compile a report on the available health, social, educational, and genetic history of the child to be adopted. If the child has been placed for adoption by any person or entity other than the department, an authorized agency, or the child’s parent or guardian, it is the duty of the person or entity who places the child for adoption to prepare the report.”

SECTION 49. Section 17.011, Family Code, is amended to read as follows:

“Section 17.011. **LIVING CHILD AFTER ABORTION.** An authorized representative of the Texas Department of Human Services [Resources] may assume the care, control, and custody of a child born alive as the result of an abortion as defined in Subsection (b) of Section 15.022 of this code and, if so, shall file a petition under Section 17.02 of this code and comply with all the provisions of Section 11.09 of this code. A child the possession of whom is assumed under this section need not be delivered to the court except on the order of the court.”

SECTION 50. Subsection (a), Section 17.03, Family Code, as amended, is amended to read as follows:

“(a) An authorized representative of the Texas Department of Human Services [Resources], a law enforcement officer, or a juvenile probation officer may take possession of a child without a court order under the following conditions and no others:

“(1) upon discovery of a child in a situation of danger to the child’s physical health or safety when the sole purpose is to deliver the child without unnecessary delay to the parent, managing conservator, possessory conservator, guardian, caretaker, or custodian who is presently entitled to possession of the child;

“(2) upon the voluntary delivery of the child by the parent, managing conservator, possessory conservator, guardian, caretaker, or custodian who is presently entitled to possession of the child;

“(3) upon personal knowledge of facts which would lead a person of ordinary prudence and caution to believe that there is an immediate danger to the physical health or safety of the child and that there is no time to obtain a temporary restraining order or attachment under Section 17.02 of this code;

“(4) upon information furnished by another which has been corroborated by personal knowledge of facts and all of which taken together would lead a person of ordinary prudence and caution to believe that there is an immediate danger to the physical health or safety of the child and that there is no time to obtain a temporary restraining order or attachment under Section 17.02 of this code;

“(5) upon personal knowledge of facts that would lead a person of ordinary prudence and caution to believe that the child has been the victim of sexual abuse; or

“(6) upon information furnished by another that has been corroborated by personal knowledge of facts and all of which taken together would lead a person of ordinary prudence and caution to believe that the child has been the victim of sexual abuse.”

SECTION 51. Subsection (a), Section 18.01, Family Code, as amended, is amended to read as follows:

“(a) In a suit affecting the parent-child relationship in which the Texas Department of Human Services [Resources] or any authorized agency has been named by the court or in an affidavit of relinquishment of parental rights as the managing conservator of a child, the court shall hold a hearing to review the conservatorship appointment and the placement of the child by the department or authorized agency in foster home care, group home care, or institutional care.”

SECTION 52. Subsection (a), Section 18.02, Family Code, is amended to read as follows:

“(a) If a parent, managing conservator, or guardian of the person of a child who is not subject to the continuing jurisdiction of a court under this title voluntarily agrees to surrender the custody, care, or control of a child to the Texas Department of Human Services [Resources], the department, not later than 60 days after taking possession of or exercising control of the child, shall file a suit affecting the parent-child relationship under this title, establishing a court of continuing jurisdiction for the child, and requesting a review of the placement of the child in foster home care, group home care, or institutional care.”

SECTION 53. Section 18.03, Family Code, is amended to read as follows:

“Section 18.03. PERSONS ENTITLED TO NOTICE. The following persons are entitled to at least 10 days’ notice of a hearing to review a child placement and are entitled to present evidence and be heard at the hearing:

“(1) the Texas Department of Human Services [Resources];

“(2) the foster parent or director of the group home or institution where the child is residing;

“(3) each parent of the child;

“(4) the managing conservator or guardian of the person of the child; and

“(5) any other person or agency named by the court to have an interest in the welfare of the child.”

SECTION 54. Subsection (a), Section 18.04, Family Code, as amended, is amended to read as follows:

“(a) If the Texas Department of Human Services [Resources] or authorized agency returns a child to a parent for custody, care, or control, the department or authorized agency shall notify the court having continuing jurisdiction of the suit of the department’s action and so long as the child remains under the custody, care, or control of the parent, no review of that placement is required under this chapter.”

SECTION 55. Section 18.06, Family Code, as amended, is amended to read as follows:

“Section 18.06. DISPOSITION OF CHILD. At the conclusion of a placement review hearing under this chapter, the court, in accordance with the best interest of the child, may order:

“(1) that the foster care, group home care, or institutional care be continued;

“(2) that the child be returned to his or her parent or guardian;

“(3) if the child has been placed with the Texas Department of Human Services [Resources] under a voluntary agreement, that the department institute further proceedings to appoint the department as managing conservator or to terminate parental rights in order to provide permanent placement for the child or to make the child available for adoption;

“(4) if the parental rights of the child have already been terminated or the department or authorized agency has custody, care, and control of the child under an affidavit of relinquishment of parental rights naming the department or authorized agency as managing conservator, that the department or authorized agency attempt to place the child for adoption; or

“(5) the Texas Department of Human Services [Resources] or authorized agency to provide services to ensure that every effort has been made to enable the parents to provide a family for their own children.”

SECTION 56. Section 21.26, Family Code, as amended, is amended to read as follows:

“Section 21.26. REPRESENTATION OF PLAINTIFF. The prosecuting attorney, upon the request of the court or the Texas Department of Human Services [Resources], shall represent the plaintiff in any proceeding under this chapter.”

SECTION 57. Section 21.31, Family Code, as amended, is amended to read as follows:

“Section 21.31. STATE INFORMATION AGENCY. The Texas Department of Human Services [Resources] is the state information agency under this chapter, and it shall:

“(1) compile a list of the courts and their addresses in this state having jurisdiction under this chapter and transmit the same to the state information agency of every other state which has adopted this chapter or a substantially similar act; and

“(2) maintain a register of such lists received from other states and transmit copies thereof as soon as possible after receipt to every court in this state having jurisdiction under this chapter.”

SECTION 58. Section 32.04, Family Code, is amended to read as follows:

“Section 32.04. DECREE. After a hearing, for good cause shown, the court may order the name of the minor changed as requested in the petition if it finds that the change is in the best interest of the minor. A copy of the decree shall be sent to the Texas [State] Department of Human Services [Public Welfare] if the petition alleged that the minor is subject to the continuing jurisdiction of a court under Subtitle A of this title.”

SECTION 59. Section 34.011, Family Code, is amended to read as follows:

“Section 34.011. FORM. The Texas Department of Human Services [Resources] shall promulgate a form and cause a sample to be distributed for the reporting of suspected occurrences of child abuse as required by Section 34.01 of this code. Copies of the form shall be distributed to all licensed hospitals in this state to be available for use without charge by hospital employees, physicians, patients, and other persons. The form shall include a statement that child abuse reports are confidential and that information contained in the reports, including the name of the person making the report, may be used only for the purposes consistent with the investigation of child abuse. The form shall give the address of the Texas Department of Human Services [Resources]. Hospital employees, physicians, patients, and other persons must complete the form and return it to the Texas Department of Human Services [Resources].”

SECTION 60. Subsections (a) and (c), Section 34.02, Family Code, as amended, are amended to read as follows:

“(a) Nonaccusatory reports reflecting the reporter’s belief that a child has been or will be abused or neglected, or has died of abuse or neglect, has violated the compulsory school attendance laws on three or more occasions, or has, on three or more occasions, been voluntarily absent from his home without the consent of his parent or guardian for a substantial length of time or without the intent to return shall be made to any local or state law enforcement agency, and in addition shall be made to:

“(1) the Texas Department of Human Services [Resources]; or

“(2) the agency designated by the court to be responsible for the protection of children.”

“(c) All reports received by any local or state law enforcement agency shall be referred to the Texas Department of Human Services [Resources] or to the agency designated by the court to be responsible for the protection of children. The department or designated agency immediately shall notify the appropriate state or local law enforcement agency of any report it receives, other than from a law enforcement agency, that concerns the suspected abuse or neglect of a child or death of a child from abuse or neglect.”

SECTION 61. Subsection (a), Section 34.05, Family Code, as amended, is amended to read as follows:

“(a) The Texas Department of Human Services [Resources] or the agency designated by the court to be responsible for the protection of children shall make a thorough investigation promptly after receiving either the oral or written report. The primary purpose of the investigation shall be the protection of the child.”

SECTION 62. Section 34.06, Family Code, is amended to read as follows:

“Section 34.06. CENTRAL REGISTRY. The Texas [State] Department of Human Services [Public Welfare] shall establish and maintain in Austin, Texas, a central registry of reported cases of child abuse or neglect. The department may adopt rules and regulations as are necessary in carrying out the provisions of this section. The rules shall provide for cooperation with local child service agencies, including hospitals, clinics, and schools, and cooperation with other states in exchanging reports to effect a national registration system.”

SECTION 63. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on February 20, 1985, by the following vote: Yeas 31, Nays 0;
passed the House on May 16, 1985, by a non-record vote.

Approved: June 5, 1985

Effective: August 26, 1985