

H.B. 1542

The bill reads: "An Act relating to the definition of the least restrictive setting for the placement of children in foster care". SECTION 1. Section 263.001(a), Family Code, is amended by amending Subdivision (3-a) and adding Subdivision (3-b) to read as follows: "(3-a) "Least restrictive setting" means that placement of a child that, in comparison to all other available placements, is the most family-like setting...(c) With respect to a child who is older than six years of age and who is removed from the child's home, if a suitable relative or other designated caregiver is not available as a placement for the child, placing the child in a foster home or general residential operation operating as a cottage home is considered the least restrictive setting. (d) With respect to a child is is six years of age or younger and who is removed from the child's home, if a suitable relative or other designated caregiver is not available as a placement for the child, the least restrictive setting for the child is placement in: (1) a foster family home; or (2) a general residential operation operating as a cottage home, only if the department determines it is in the best interest of the child."

SECTION 3. Section 264.001, Family Code, is amended by adding Subdivision (3-a) to read as follows: (3-a) "Least restrictive setting" means a placement for a child that, in comparison to all other available placements is the most family-like setting.

SECTION 4. Section 264.107, Family Code, is amended by adding Subsection (c) to read as follows: (c) In selecting a placement for a child, the department shall consider whether the placement is in the child's best interest. In determining whether a placement is in a child's best interest, the department shall consider whether the placement: (1) is the least restrictive setting for the child; (2) is the closest in geographic proximity to the child's home; (3) is the most able to meet the identified needs of the child; and (4) satisfies any expressed interests of the child relating to placement, when developmentally appropriate.

SECTION 5. (a) If the Department of Family and Protective Services receives a formal determination from the United States Department of Health and Human Services stating that implementing the changes in law made by this Act will result in a reduction in federal funding under either Title IV-E, Social Security Act (42 U.S.C. Section 670 et seq.) or a related source of federal funds, the Department of Family and Protective Services may not implement this Act. (b) For the purpose of Subsection (a) of this section, "formal determination" means a written opinion or penalty assessment contained in a Child and Family Services Review conducted by the Administration for Children and Families in the United States Department of Health and Human Services regarding the federal funding implications of the implementation of this Act.

SECTION 6. This Act takes effect September 1, 2017.