



TEXAS
**Department of Family
and Protective Services**

Hearings and Legal Proceedings

Resource Guide

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Resource Guides

The purpose of Resource Guides is to provide information that helps you do your job better. This information includes reference material, procedures, and guidelines that help you complete the tasks you are required to do by policy.

It's important to remember that the information in Resource Guides **does not substitute for policy**. We may sometimes include policy statements, but only to show you the policy to which the information is related. We will highlight any policy that actually appears in the Resource Guide, and will almost always include a link to the actual policy. For example:

Per [4222.2 Re-Allowing Placement](#):

If the caseworker learns of a detailed justification for changing the status of and considering placements in a foster family that is on Disallowed Placement status, the caseworker must elevate this consideration through the regional chain of command to the regional director.

The policy in the handbook always takes precedence over what is in the Resource Guide. We try to keep policy and Resource Guides synchronized, but sometimes there is a delay. **If you have questions, always follow the policy in the Policy Handbook.**

Resource Guides provide important information on a range of topics, for the purpose of assisting and guiding staff to:

- make essential decisions
- develop strategies to address various issues
- perform essential procedures
- understand important processes
- identify and apply best practices

The information in the Resource Guides is not policy (except where noted), and the actions and approaches described here are not mandates. You should adapt the way you perform critical tasks to the individual needs and circumstances of the children and families with whom you work.

State office and field staff are working together to identify Resource Guide topics, define the content, and develop the appropriate guides. CPS will regularly post Resource Guides as they are developed, and update them as needed. Check the Resource Guides page, in the CPS Handbook, to see new or revised Guides.

We hope these Guides provide useful information to guide and assist CPS staff in effectively performing their job tasks. These Guides, combined with clear and concise policy in the Handbook, should help staff provide a high level of service to children in Texas.

LEGAL STATUSES AND ACTIONS

See [5251](#) Entering a Change in Legal Status or Legal Action Into IMPACT.

LEGAL STATUS

Legal status refers to DFPS's legal position in relation to a child. It includes temporary or permanent managing conservatorship, as well as the consummation of an adoption, the transition of a child or youth from DFPS conservatorship, and the termination of DFPS legal responsibility for the child or youth.

List of Legal Statuses

Below are the terms offered in the drop-down menus on the *Legal Status* page in IMPACT. The caseworker selects the appropriate item to describe a case's legal status.

Active Legal Status	Description
Care, Custody, & Control	Child has been removed due to exigent circumstances, but no hearing has been held and no written court order has been obtained.
TMC	<p>TMC (Temporary Managing Conservatorship) is a court-ordered temporary relationship between a child and a managing conservator (in IMPACT this always refers to DFPS).</p> <p>It is obtained when a Judge signs a temporary order giving the agency conservatorship, which may be at an ex-parte hearing, an adversary hearing, or a show cause hearing.</p> <p>Temporary means that there has not been a final trial and one or both of the parents still retain their parental rights to the child.</p>
PMC/ Rts Not Term	PMC (Permanent Managing Conservatorship) is a court ordered relationship between a child and a managing conservator (DFPS) resulting from a final trial. Rts Not Term means that the parental rights have not been severed by a court as the result of a final trial.

PMC/ Rts Term (All)	PMC/Rts Term (All) means that as the result of a final trial the court has ordered a relationship between a child and a managing conservator (DFPS) and the court has severed the parental rights of both parents. In this case the child is eligible for adoption.
PMC/ Rts Term (Father)	PMC/Rts Term (Father) means that as the result of a final trial the court has ordered a relationship between a child and a managing conservator (DFPS) and the court has severed the parental rights of the father and not the mother. In this case the child is not eligible for adoption.
PMC/ Rts Term (Mother)	PMC/Rts Term (Mother) means that as the result of a final trial the court has ordered a relationship between a child and a managing conservator (DFPS) and the court has severed the parental rights of the mother and not the father. In this case the child is not eligible for adoption.
Possessory Conservatorship	Possessory Conservatorship can be either temporary or permanent (after a final trial). It is a court ordered relationship between a child and a parent, relative, or fictive kin. DFPS is not named possessory conservator. A possessory conservator has fewer parental rights than a managing conservator and those rights are specifically outlined in the court's order.
Other Legal Basis	Use if conservatorship does not apply; primarily used for Case Related Special Request (CRSR) cases; this would include C-PB, C-TYC, and C-JPC stage situations.

Closing Legal Status	Description
CVS Not Obtained	Use if DFPS is dismissed from the lawsuit at the time of, or prior to, the Adversary Hearing.
FPS Responsibility Terminated	Use if DFPS is dismissed from the lawsuit after the Adversary Hearing or if a youth turns 18 while in DFPS conservatorship.

Adoption Consummation	Use if a child's adoption is consummated in court.
Child Emancipated	Use if a child is emancipated by a court prior to turning 18.

Legal Status Discharge Reasons

IMPACT Legal Status Discharge Reasons	Comment
Reunification with home of removal	This would be the parent, if the child was removed from that parent, or the person with legal custody, if the child was removed from that person.
Other Parent	This is not the parent from whom the child was removed; this is a reunification with the other parent that has now received conservatorship.
Relative	This is a related person that has now received conservatorship.
Fictive Kin	This is a fictive kin person that has now received conservatorship.
Foster Family	This is only used if conservatorship was transferred to the Foster Family.
Adoption	The adoption has been consummated by a kinship or non-kinship person.
Emancipation	Use if court orders this before youth turns 18.
Aged Out	Use if youth turns 18 while in DFPS conservatorship.
Child Died	Self-evident
Runaway	Self-evident

Transfer to Other Agency	Use if court transfers conservatorship to another agency.
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LEGAL ACTION

Legal action refers to the broad range of legal events and court orders that relate to a child or family. In particular, it refers to types of:

- affidavits;
- court orders for DFPS services;
- court orders for DFPS conservatorship; and
- special court orders.

List of Legal Actions in IMPACT

To indicate a legal action, the caseworker chooses from among the subtypes listed for the action on the *Legal Action and Outcome Page* in IMPACT.

Action	Subtypes
Orders for Services (CCAA)	For Alternative Services In Aid of Investigation Mental Exam of Parent For Social /Home Study To Participate in Services Removal of Perpetrator Protective Order Medical/Physical Exam Other
Affidavit (CCAF)	Of Relinq. Of Mother’s Rt Of Relinq. Of Father’s Rt

CVS Orders (CCOR)	Ex Parte Hearing To Extend Ex-Parte Extend TMC Dismissal Date PMC to Relative PMC to Fictive Kin PMC to Parent PMC to Other Permanency Review Hearing Status Hearing Adversary Hearing Temporary Interlocutory Term. Mother Interlocutory Term. Any Father PMC to Agency, Rts Not Term All PMC to Agency, Rts Term All Placement Review Hearing Adoption Consummation Non Suit Extended Court Jurisdiction Past 18 Medical Consenter Authorization
Special Orders (CCUU)	DADS Guardianship To Consolidate To Transfer Jurisdiction Other TYC Involvement Starts JPC Involvement Starts TYC Involvement Ends JPC Involvement Ends

TIP SHEET ON ICPC VIOLATIONS

See [5314](#) Court Orders That Violate the Interstate Compact on the Placement of Children.

If a judge intends to order a placement into a receiving state without following the requirements of the Interstate Compact on the Placement of Children (ICPC) or

intends to dismiss DFPS from a lawsuit without the concurrence of the receiving state, the caseworker makes the following objections to the Court before the order is rendered:

- DFPS objects to making the placement or dismissing DFPS without following the requirements of the ICPC.
- A child in an approved placement is eligible to receive supervision to ensure the child's health and safety and is eligible for Medicaid benefits and other ongoing assistance to ensure the stability of the placement.
- A child in an unapproved placement or whose lawsuit is dismissed in the receiving state without complying with the ICPC does not receive these same services and it is not in the child's best interest to have the services jeopardized.
- DFPS requests to be allowed to comply with the requirements in the ICPC because the requirements are in the child's best interest.

ADVERSARY HEARINGS

See [5430](#) Adversary Hearing and its subitems.

AGGRAVATED CIRCUMSTANCES

See [5440](#) Aggravated Circumstances.

A court may make a finding of aggravated circumstances with respect to a parent, if:

- the parent abandoned the child without providing the child with identification or a means for identifying the child;
- the child or another child of the parent is a victim of serious bodily injury or sexual abuse inflicted by the parent or by another person with the parent's consent;
- the parent has engaged in conduct against the child or another child of the parent that would constitute an offense under the following provisions of the Penal Code:
 - o [§19.02](#) (murder)
 - o [§19.03](#) (capital murder)
 - o [§19.04](#) (manslaughter)
 - o [§21.11](#) (indecent with a child)
 - o [§22.011](#) (sexual assault)
 - o [§22.02](#) (aggravated assault)
 - o [§22.021](#) (aggravated sexual assault)
 - o [§22.04](#) (injury to a child, elderly individual, or disabled individual)
 - o [§22.041](#) (abandoning or endangering child)

- o [§25.02](#) (prohibited sexual conduct)
- o [§43.25](#) (sexual performance by a child)
- o [§43.26](#) (possession or promotion of child pornography)
- o [§21.02](#) (continuous sexual abuse of young child or children)
- o [§43.05\(a\)\(2\)](#) (compelling prostitution)
- o [§20A.02\(a\)\(7\) or \(8\)](#) (trafficking of persons)
- the parent voluntarily left the child alone (or with another person who is not the child’s parent) for at least six months without expressing an intent to return and without providing adequate support for the child;
- the parent has been convicted of:
 - o the murder of another child of the parent and the offense would have been an offense under [18 U.S.C., §1111\(a\)](#) if it had occurred in the special maritime or territorial jurisdiction of the United States;
 - o the voluntary manslaughter of another child of the parent and the offense would have been an offense under [18 U.S.C., §1112\(a\)](#) if it had occurred in the special maritime or territorial jurisdiction of the United States;
 - o aiding or abetting, attempting, conspiring, or soliciting either of the two offenses immediately listed above; or
 - o the felony assault of the child or another child of the parent that resulted in serious bodily injury to the child or another child of the parent;
- the parent is required under any state or federal law to register with a sex offender registry.

Texas Family Code [§262.2015 \(b\)](#)

PREPARING FOR AND PARTICIPATING IN THE ADVERSARY HEARING: TIPS AND INFORMATION

The Caseworker’s Preparation

To prepare for a [Chapter 262](#) Adversary Hearing:

- Reread the case! Know the children’s ages. Know the names that the parents commonly use for each child.
- Contact witnesses and verify facts, if directed to do so by the attorney representing DFPS.
- Update the case information regarding the child’s status, including the child’s placement, the child’s medical information, and any significant developments.
- Review the affidavit and the investigative report.
- Check that all parties have been served, if it is regional practice for the caseworker to do so, and verify the date of the return on the proof of service. If all parties have not been served, notify the attorney representing DFPS.

- Check with the court's clerk about the date and time of the hearing, if it is regional practice for the caseworker to do so, and notify everyone involved.
- Notify the attorney representing DFPS about witnesses who may need to be subpoenaed, if it is regional practice for the caseworker to do so.
- Be prepared to explain why there is a substantial risk of continuing danger to the child, if the child is returned to the home.
- Prepare a chronology, listing important dates, and give a copy to the attorney representing DFPS.
(Have an extra copy ready, in case the parents' attorney takes one.)
- Submit to the court, at least 10 days before the hearing:
 - a copy of the [Form 2625](#) Child Caregiver Resource (if not previously submitted),
 - a copy of the results of any home assessment completed in response to the form, and
 - the name of the relative with whom the child is placed, or the reason why the placement was not made and the actions that DFPS is taking to place the child with the relative.
- Arrive early to court. The attorney representing DFPS may need to confer with you, and you may be the only one who can recognize the witnesses.
- Dress and act like a professional; do not chew gum in court.

Questions You May Be Asked When Testifying

- State your name.
- How are you employed?
- What are your job duties? (Be sure to explain your job duties in a way that illustrates how you are qualified to do the job that relates to your testimony.)
- Are you familiar with the child's situation?
- Tell the court how DFPS became involved with this child.
- What did the DFPS investigation reveal?
- What was the condition of the child when DFPS investigated?
- What, if anything, did the child say about the allegations? (This question may draw objections, so speak with the attorney representing DFPS about it before the hearing.)
- What, if anything, did the parents say about the allegations?
- Was there a danger to the physical health or safety of the child that was caused by an act or failure to act of the person entitled to possession of the child? If so, explain how the act or failure to act endangers the child's physical health or safety.

- Is it contrary to the child's welfare to remain in the home? If so, how is it contrary to the child's welfare?
- Did the urgent need for protection require the child's immediate removal?
- What reasonable efforts consistent with child safety were made to prevent or eliminate the need for removal?
- When was the child removed?
- Is there a substantial risk of continuing danger to the child if he or she is allowed to return home? If so, what is the risk? Why is the risk substantial?
- What actions has DFPS taken to locate a placement for the child?
- Is it in the best interest of the child to name DFPS as the temporary managing conservator of the child? If so, how is it in the child's best interest?
- Since the removal, please describe for the court what else the investigation has revealed.
- Have you located either the noncustodial parent or any relatives? If not, why not? If yes, why have you decided not to place the child with them?
- Did the parents complete [Form 2625](#) Child Caregiver Resource?
- Did you place the child with a person designated on Form 2625 Child Caregiver Resource? If not, why not?

Surviving Cross-Examination

A caseworker testifying at a Chapter 262 hearing needs to be prepared to demonstrate that the following are based on objective facts that are carefully documented:

- The investigation
- The affidavit
- The reasonable efforts, consistent with child safety, made to prevent or eliminate the need for removal
- The plans for the child

Be Prepared and Think Before You Answer

At the adversary hearing, a parent's attorney may attempt to portray the caseworker as biased or uninformed and the investigation as flawed.

If you avoid making biased statements, making conclusions that are unsupported by facts, and making inaccurate statements in the affidavit and in your testimony, it is more difficult for the parent's attorney to discredit you and your testimony.

Always listen carefully to the questions that a parent's attorney asks and take the time to think through before answering. If you are not certain of the answer, ask the attorney to repeat the question. If you are still uncertain, state that you are uncertain. Do not guess.

PERMANENCY HEARINGS FOR CHILDREN UNDER TEMPORARY DFPS CONSERVATORSHIP

See [5530](#) Permanency Hearings for Children Under Temporary DFPS Conservatorship and its subitems.

REQUIREMENTS FOR THE COURT IN A PERMANENCY HEARING BEFORE THE FINAL ORDER FOR A CHILD IN TMC

The following is a summary of the state and federal requirements for the court at a permanency hearing concerning a child who is under DFPS temporary managing conservatorship (TMC).

Texas Family Code [§§263.002](#), [263,0025](#), [263,0061](#), [263.306](#), [264.121](#), and [266.007](#)

42 U.S.C. [§675\(5\)\(B\) and \(C\)](#)

Persons Present

The court:

- identifies all persons and parties who are present at the hearing; and
- asks all parties present whether the child or the child's family has a Native American heritage and identifies any Native American tribe with which the child may be associated.

Appointments

At each permanency hearing, the court informs each parent not represented by an attorney that the parent has right to be represented by an attorney, and if the parent is indigent and appears in opposition to the suit, that the parent has the right to a court-appointed attorney.

Placement and Permanency

At each permanency hearing before a final order is rendered, the court:

- reviews DFPS' efforts to:
 - locate and request service of citation on all persons entitled to service;
 - obtain the assistance of parents to locate a missing parent, alleged father, or relative;
 - ensure that the child has regular, ongoing opportunities to engage in age-appropriate normalcy activities, including activities not listed in the child's service plan;
 - ensure that substitute caregivers are following the reasonable and prudent parent standard when determining whether to allow a child to participate in extracurricular, enrichment, cultural, and social activities; the standard is

characterized by careful and sensible parental decisions that maintain the child's health, safety, and best interests while also encouraging the child's emotional and developmental growth;

- conduct an independent living skills assessment for all youth in DFPS' conservatorship who are at least 16 years of age;
- address the goals identified in the child's permanency plan, including the child's housing plan, and the results of the child's independent living skills assessment;
- provide, to a youth 16 years of age but younger than 18 years of age:
 - the youth's birth certificate;
 - a social security card or replacement social security card; and
 - a personal identification certificate (Chapter 521, Transportation Code).
- provide, to a youth 18 years of age or older or who has had the disabilities of minority removed:
 - the youth's birth certificate;
 - immunization records;
 - information contained in the youth's health passport;
 - a personal identification certificate (Chapter 521, Transportation Code);
 - a social security card or replacement social security card; and
 - proof of enrollment in Medicaid if appropriate.
- reviews the parties' compliance with temporary orders and the service plan, and the extent of progress toward improving the causes that made it necessary to place the child in foster care;
- determines whether to return the child to the child's parents if they are willing and able to provide a safe environment and the return is in the child's best interests; and
- estimates a likely date by which the child may be returned to and safely maintained in the child's home, placed for adoption, or placed in a permanent managing conservatorship.

The court reviews the permanency progress report to determine:

- whether the child's safety, well-being, and needs, including medical or special needs, are being met;
- whether the child's placement, including a child who has been placed outside the state, continues to be necessary and appropriate and in the child's best interest;
- the appropriateness of the primary and alternative permanency goals for the child developed in accordance with DFPS rule, and whether DFPS has made reasonable efforts to finalize the permanency plan, including the concurrent permanency goals in effect for the child;

- for a child 14 years old or older, whether services that are needed to assist the child in transitioning from substitute care to independent living are available in the child's community; and
- for a child whose permanency goal is another permanent living arrangement:
 - the desired permanency outcome for the child, by asking the child, and
 - whether, as of the hearing date, another planned permanent living arrangement is the best permanency plan for the child. If so, DFPS is required to provide compelling reasons why it continues to not be in the child's best interest to return home, be placed for adoption, or be placed with a fit and willing relative.

Special Living Arrangements

If a child is placed with his or her parents on a monitored return, the court:

- makes specific findings concerning the grounds for the order; and
- sets a new date not later than 180 days after the temporary order is rendered for dismissal, unless a trial on the merits is commenced.

Texas Family Code [263.403](#)

If a child is committed to the Texas Juvenile Justice Department (TJJD) or released under TJJD's supervision, the court:

- reviews the commitment or release; and
- determines whether the youth's needs for treatment, rehabilitation, and education are being met.

Texas Family Code [263.002](#)

Education

The court reviews the permanency progress report to determine whether:

- an education decision-maker for the child has been identified;
- the child's education needs and goals have been identified and addressed; and
- there have been major changes in the child's school performance or disciplinary events.

Texas Family Code [§263.306](#)

If a child is eligible for special education services the court, to ensure the child's educational rights child are protected in the special education process, may appoint a surrogate parent if:

- the child's school district is unable to locate or identify a parent for the child; or
- the child's foster parent is unwilling or unable to serve as a surrogate parent.

Texas Family Code [§263.0025](#)

Medical Care

The court reviews the permanency progress report to determine whether the child has been given an opportunity, in a developmentally appropriate matter, to express the child's opinion on any medical care provided.

If psychotropic drugs are prescribed, the court reviews the permanency progress report to determine:

- whether the child has been provided appropriate non-pharmacological interventions, therapies, or strategies to meet the child's needs; or
- has been seen by the prescribing physician, physician assistant, or advanced practice nurse at least once every 90 days.

Texas Family Code [§263.306](#)

Hearings

The court assesses plans and services, and issues further orders to ensure that a final order is rendered before the dismissal date.

The court schedules the next permanency hearing for no later than 120 days later.

The court gives in open court notice to all parties of the mandatory dismissal date, next hearing, and trial date.

DISMISSAL DEADLINES AND THE FINAL ORDER REQUIREMENT

See [5542](#) Dismissal Deadlines and the Final Order Requirement

FORMULA FOR COMPUTING TIME:

(Day of year of starting point) + (Number of days in period) = (Day of due date*)

*If calculating for federal or licensing requirements, subtract one day from total to determine due date.

*If calculating the automatic dismissal date, this **occurs the first Monday after the first anniversary** (365 days) of the date the court rendered a temporary order appointing DFPS as temporary managing conservator.

EXAMPLE

An emergency hearing is held September 13. To determine the 180th day after DFPS is named TMC, find the day of the year for September 13, which is 256, and add 180 to arrive at 436. Find 436 in the table to determine the due date, which is March 11, 2014.

***NOTE:** Always remember to check a calendar for the appropriate year to determine whether the due date falls on a Saturday, Sunday, or legal holiday and,

if so, adjust accordingly. In the example above, both days are weekdays and neither is a holiday, so no adjustments are needed.

PERMANENCY HEARINGS FOR CHILDREN UNDER PERMANENT DFPS CONSERVATORSHIP

See [5580](#) Permanency Hearings After Final Orders for Children Under DFPS Permanent Managing Conservatorship (PMC) and its subitems.

REQUIREMENTS FOR THE COURT IN A PERMANENCY HEARING AFTER THE FINAL ORDER OF PERMANENT MANAGING CONSERVATORSHIP (PMC)

See [5580](#) Permanency Hearings After Final Orders for Children Under DFPS Permanent Managing Conservatorship (PMC).

The following summarizes the requirements for the court at a permanency hearing of DFPS permanent managing conservatorship (PMC), based on state and federal law, specifically Texas Family Code [§§263.002](#), [263.0025](#), [263.501](#), [263.503](#), [263.5031](#), [264.121](#) and [266.007](#), and 42 U.S.C. [§ 675 \(5\)\(B\) and \(C\)](#).

Placement and Permanency

The court:

- identifies all persons and parties present at the hearing; and
- reviews the efforts of DFPS in notifying persons entitled to notice.

The court reviews the permanency progress report to determine:

- the child's safety and well-being and whether the child's needs, including any medical or special needs, are being met;
- whether DFPS placed the child with a relative or other designated caregiver; the continuing necessity and appropriateness of the child's placement, including an out-of-state placement; and whether the placement continues to be in the child's best interest;
- the appropriateness of the child's primary and alternative permanency goals;
- whether DFPS has made reasonable efforts to finalize the permanency plan, including the concurrent permanency goals in effect for the child;
- *for a child in DFPS permanent managing conservatorship to whom parental rights are terminated*, whether DFPS has diligently attempted to place the child for adoption;
- *for a child in DFPS permanent managing conservatorship to whom parental rights have not been terminated*, whether to order DFPS to provide services to a parent for not more than six months after the date of the permanency hearing if:

- o the child has not been placed with a relative or other individual, including a foster parent, who is seeking permanent managing conservatorship of the child; and
 - o the court determines that further efforts at reunification with a parent are in the child's best interest and likely to result in the child's safe return to the parent;
- whether DFPS has identified a family or other caring adult who has made a permanent commitment to the child;
- whether, as of the hearing date, another planned permanent living arrangement is the best permanency plan for the child. If so, DFPS is required to provide compelling reasons why it continues to not be in the best interest of the child to return home, be placed for adoption, be placed with a legal guardian, or be placed with a fit and willing relative.
- whether DFPS has conducted an independent living skills assessment for all youth in DFPS' conservatorship who are at least 16 years of age;
- whether DFPS has addressed the goals identified in the child's permanency plan, including the child's housing plan, and the results of the child's independent living skills assessment;
- whether DFPS has provided, to a youth 16 years of age but younger than 18 years of age:
 - o the youth's birth certificate;
 - o a social security card or replacement social security card; and
 - o a personal identification certificate (Chapter 521, Transportation Code).
- whether DFPS has provided, to a youth 18 years of age or older or who has had the disabilities of minority removed:
 - o the youth's birth certificate;
 - o immunization records;
 - o information contained in the youth's health passport;
 - o a personal identification certificate (Chapter 521, Transportation Code);
 - o a social security card or replacement social security card; and
 - o proof of enrollment in Medicaid if appropriate.
- *for a child age 14 and older*, whether needed services are available in the child's community to assist the child in transitioning from substitute care to successful adulthood;
- whether DFPS has identified a family or other caring adult who has made a permanent commitment to the child;
- whether DFPS has put forth effort to ensure that the child has had regular, ongoing opportunities to engage in age-appropriate normalcy activities, including activities not listed in the child's service plan; and
- whether substitute caregivers are following the reasonable and prudent parent standard when determining whether to allow a child to participate in

extracurricular, enrichment, cultural, and social activities; the standard is characterized by careful and sensible parental decisions that maintain the child's health, safety, and best interests while at the same time encouraging the child's emotional and developmental growth.

Special Living Arrangements

For a child placed in institutional care, the court determines whether efforts have been made to find the least restrictive placement consistent with the child's best interest and special needs.

Texas Family Code [§263.5031](#)

If a child is committed to the Texas Juvenile Justice Department (TJJD) or released under TJJD's supervision, the court:

- reviews the commitment or release; and
- determines whether the youth's needs for treatment, rehabilitation, and education are being met.

Texas Family Code [§263.002](#)

Education

The court reviews the child's permanency progress report to determine:

- whether an educational decision-maker has been identified;
- whether the child's education needs and goals have been identified and addressed; and
- whether there are major changes in the child's school performance or there have been serious disciplinary events.

Texas Family Code [§263.5031](#)

If a child is eligible for special education services the court, to ensure the child's educational rights are protected in the special education process, may appoint a surrogate parent if:

- the child's school district is unable to locate or identify a parent for the child; or
- the foster parent of the child is unwilling or unable to serve as a surrogate parent.

Texas Family Code [§263.0025](#)

Medical Care

The court reviews the child's permanency progress report to determine whether the child is receiving appropriate medical care, and whether the child has had an opportunity, in a developmentally appropriate manner, to express an opinion on such care.

If psychotropic drugs are prescribed, the court reviews the child's permanency progress report to determine whether the child has been provided appropriate non-pharmacological interventions, therapies, or strategies to meet the child's needs,

and whether the prescribing physician, physician assistant, or advanced practice nurse has seen the child at least once every 90 days.

Texas Family Code [§263.5031](#)

Future Hearings

The court also:

- sets the next permanency review hearing for DFPS PMC within six months; and
- continues to set permanency review hearings for DFPS PMC within six months, until DFPS is no longer the child's managing conservator.

Texas Family Code [§263.501](#)

Discretionary – Youth Aging Out of Foster Care

Although the court must begin to review a child's plans for transitioning to a successful adulthood beginning at age 14, the court must consider additional matters for all youth at the final permanency review hearing for DFPS PMC.

If a child is 17 1/2 years old, the court:

- discusses whether the child intends to remain in extended foster care after turning 18 and, if so, schedules the case for a review hearing six months from the date of the final permanency review for DFPS PMC hearing; and
- authorizes (regardless of the child's plans) that the child begin a trial independence period of 12 months, beginning on the date that the child leaves foster care on or after turning 18 and ending on the last day of the month 12 months from the date the child leaves care.

Texas Family Code [§§263.6015, 263.602](#)