

1-1 By: Frank, et al. (Senate Sponsor - Hughes) H.B. No. 567
 1-2 (In the Senate - Received from the House April 6, 2021;
 1-3 April 8, 2021, read first time and referred to Committee on State
 1-4 Affairs; April 20, 2021, reported favorably by the following vote:
 1-5 Yeas 8, Nays 0; April 20, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the procedures and grounds for terminating the
 1-20 parent-child relationship, for taking possession of a child, and
 1-21 for certain hearings in a suit affecting the parent-child
 1-22 relationship involving the Department of Family and Protective
 1-23 Services.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 107.003(b), Family Code, is amended to
 1-26 read as follows:

1-27 (b) In addition to the duties required by Subsection (a), an
 1-28 attorney ad litem appointed for a child in a proceeding under
 1-29 Chapter 262, ~~or~~ 263, or 264 shall:

1-30 (1) review the medical care provided to the child;

1-31 (2) in a developmentally appropriate manner, seek to
 1-32 elicit the child's opinion on the medical care provided;

1-33 (3) for a child at least 16 years of age:

1-34 (A) advise the child of the child's right to
 1-35 request the court to authorize the child to consent to the child's
 1-36 own medical care under Section 266.010; and

1-37 (B) ascertain whether the child has received the
 1-38 following documents:

1-39 (i) a certified copy of the child's birth
 1-40 certificate;

1-41 (ii) a social security card or a
 1-42 replacement social security card;

1-43 (iii) a driver's license or personal
 1-44 identification certificate under Chapter 521, Transportation Code;
 1-45 and

1-46 (iv) any other personal document the
 1-47 Department of Family and Protective Services determines
 1-48 appropriate; and

1-49 (4) seek to elicit in a developmentally appropriate
 1-50 manner the name of any adult, particularly an adult residing in the
 1-51 child's community, who could be a relative or designated caregiver
 1-52 for the child and immediately provide the names of those
 1-53 individuals to the Department of Family and Protective Services.

1-54 SECTION 2. Sections 107.004(d), (d-2), (d-3), and (e),
 1-55 Family Code, are amended to read as follows:

1-56 (d) Except as provided by Subsection (e), an attorney ad
 1-57 litem appointed for a child in a proceeding under Chapter 262, ~~or~~
 1-58 263, or 264 shall:

1-59 (1) meet before each court hearing with:

1-60 (A) the child, if the child is at least four years
 1-61 of age; or

2-1 (B) the individual with whom the child ordinarily
 2-2 resides, including the child's parent, conservator, guardian,
 2-3 caretaker, or custodian, if the child is younger than four years of
 2-4 age; and

2-5 (2) if the child or individual is not present at the
 2-6 court hearing, file a written statement with the court indicating
 2-7 that the attorney ad litem complied with Subdivision (1).

2-8 (d-2) An attorney ad litem appointed to represent a child in
 2-9 the managing conservatorship of the Department of Family and
 2-10 Protective Services or a child who is the subject of a proceeding
 2-11 under Chapter 264 shall, before each scheduled hearing under
 2-12 Chapter 263 or 264, determine whether the child's educational needs
 2-13 and goals have been identified and addressed.

2-14 (d-3) An attorney ad litem appointed to represent a child in
 2-15 the managing conservatorship of the Department of Family and
 2-16 Protective Services or a child who is the subject of a proceeding
 2-17 under Chapter 264 shall periodically continue to review the child's
 2-18 safety and well-being, including any effects of trauma to the
 2-19 child, and take appropriate action, including requesting a review
 2-20 hearing when necessary to address an issue of concern.

2-21 (e) An attorney ad litem appointed for a child in a
 2-22 proceeding under Chapter 262, ~~or~~ 263, or 264 is not required to
 2-23 comply with Subsection (d) before a hearing if the court finds at
 2-24 that hearing that the attorney ad litem has shown good cause why the
 2-25 attorney ad litem's compliance with that subsection is not feasible
 2-26 or in the best interest of the child. Additionally, a court may, on
 2-27 a showing of good cause, authorize an attorney ad litem to comply
 2-28 with Subsection (d) by conferring with the child or other
 2-29 individual, as appropriate, by telephone or video conference.

2-30 SECTION 3. Section 161.001(c), Family Code, is amended to
 2-31 read as follows:

2-32 (c) Evidence of one or more of the following does not
 2-33 constitute clear and convincing evidence sufficient for a court to
 2-34 [A court may not] make a finding under Subsection (b) and order
 2-35 termination of the parent-child relationship [based on evidence
 2-36 that the parent]:

2-37 (1) the parent homeschooled the child;
 2-38 (2) the parent is economically disadvantaged;
 2-39 (3) the parent has been charged with a nonviolent
 2-40 misdemeanor offense other than:

2-41 (A) an offense under Title 5, Penal Code;
 2-42 (B) an offense under Title 6, Penal Code; or
 2-43 (C) an offense that involves family violence, as
 2-44 defined by Section 71.004 of this code;

2-45 (4) the parent provided or administered low-THC
 2-46 cannabis to a child for whom the low-THC cannabis was prescribed
 2-47 under Chapter 169, Occupations Code; ~~or~~

2-48 (5) the parent declined immunization for the child for
 2-49 reasons of conscience, including a religious belief; or

2-50 (6) the parent allowed the child to engage in
 2-51 independent activities that are appropriate and typical for the
 2-52 child's level of maturity, physical condition, developmental
 2-53 abilities, or culture.

2-54 SECTION 4. Section 161.101, Family Code, is amended to read
 2-55 as follows:

2-56 Sec. 161.101. PETITION ALLEGATIONS; PETITION AND MOTION
 2-57 REQUIREMENTS. (a) A petition for the termination of the
 2-58 parent-child relationship is sufficient without the necessity of
 2-59 specifying the underlying facts if the petition alleges in the
 2-60 statutory language the ground for the termination and that
 2-61 termination is in the best interest of the child.

2-62 (b) A petition or motion filed by the Department of Family
 2-63 and Protective Services in a suit for termination of the
 2-64 parent-child relationship is subject to Chapter 10, Civil Practice
 2-65 and Remedies Code, and Rule 13, Texas Rules of Civil Procedure.

2-66 SECTION 5. Section 261.001(4), Family Code, is amended to
 2-67 read as follows:

2-68 (4) "Neglect" means an act or failure to act by a
 2-69 person responsible for a child's care, custody, or welfare

3-1 evidencing the person's blatant disregard for the consequences of
 3-2 the act or failure to act that results in harm to the child or that
 3-3 creates an immediate danger to the child's physical health or
 3-4 safety and:

3-5 (A) includes:

3-6 (i) the leaving of a child in a situation
 3-7 where the child would be exposed to an immediate danger [~~a~~
 3-8 ~~substantial risk~~] of physical or mental harm, without arranging for
 3-9 necessary care for the child, and the demonstration of an intent not
 3-10 to return by a parent, guardian, or managing or possessory
 3-11 conservator of the child;

3-12 (ii) the following acts or omissions by a
 3-13 person:

3-14 (a) placing a child in or failing to
 3-15 remove a child from a situation that a reasonable person would
 3-16 realize requires judgment or actions beyond the child's level of
 3-17 maturity, physical condition, or mental abilities and that results
 3-18 in bodily injury or an immediate danger [~~a substantial risk~~] of
 3-19 [~~immediate~~] harm to the child;

3-20 (b) failing to seek, obtain, or follow
 3-21 through with medical care for a child, with the failure resulting in
 3-22 or presenting an immediate danger [~~a substantial risk~~] of death,
 3-23 disfigurement, or bodily injury or with the failure resulting in an
 3-24 observable and material impairment to the growth, development, or
 3-25 functioning of the child;

3-26 (c) the failure to provide a child
 3-27 with food, clothing, or shelter necessary to sustain the life or
 3-28 health of the child, excluding failure caused primarily by
 3-29 financial inability unless relief services had been offered and
 3-30 refused;

3-31 (d) placing a child in or failing to
 3-32 remove the child from a situation in which the child would be
 3-33 exposed to an immediate danger [~~a substantial risk~~] of sexual
 3-34 conduct harmful to the child; or

3-35 (e) placing a child in or failing to
 3-36 remove the child from a situation in which the child would be
 3-37 exposed to acts or omissions that constitute abuse under
 3-38 Subdivision (1)(E), (F), (G), (H), or (K) committed against another
 3-39 child;

3-40 (iii) the failure by the person responsible
 3-41 for a child's care, custody, or welfare to permit the child to
 3-42 return to the child's home without arranging for the necessary care
 3-43 for the child after the child has been absent from the home for any
 3-44 reason, including having been in residential placement or having
 3-45 run away; or

3-46 (iv) a negligent act or omission by an
 3-47 employee, volunteer, or other individual working under the auspices
 3-48 of a facility or program, including failure to comply with an
 3-49 individual treatment plan, plan of care, or individualized service
 3-50 plan, that causes or may cause substantial emotional harm or
 3-51 physical injury to, or the death of, a child served by the facility
 3-52 or program as further described by rule or policy; and

3-53 (B) does not include:

3-54 (i) the refusal by a person responsible for
 3-55 a child's care, custody, or welfare to permit the child to remain in
 3-56 or return to the child's home resulting in the placement of the
 3-57 child in the conservatorship of the department if:

3-58 (a) [~~(i)~~] the child has a severe
 3-59 emotional disturbance;

3-60 (b) [~~(ii)~~] the person's refusal is
 3-61 based solely on the person's inability to obtain mental health
 3-62 services necessary to protect the safety and well-being of the
 3-63 child; and

3-64 (c) [~~(iii)~~] the person has exhausted
 3-65 all reasonable means available to the person to obtain the mental
 3-66 health services described by Sub-subparagraph (b); or

3-67 (ii) allowing the child to engage in
 3-68 independent activities that are appropriate and typical for the
 3-69 child's level of maturity, physical condition, developmental

4-1 abilities, or culture [~~Subparagraph (ii)~~].

4-2 SECTION 6. Section 262.116(a), Family Code, is amended to
4-3 read as follows:

4-4 (a) The Department of Family and Protective Services may not
4-5 take possession of a child under this subchapter based on evidence
4-6 that the parent:

4-7 (1) homeschooled the child;

4-8 (2) is economically disadvantaged;

4-9 (3) has been charged with a nonviolent misdemeanor
4-10 offense other than:

4-11 (A) an offense under Title 5, Penal Code;

4-12 (B) an offense under Title 6, Penal Code; or

4-13 (C) an offense that involves family violence, as
4-14 defined by Section 71.004 of this code;

4-15 (4) provided or administered low-THC cannabis to a
4-16 child for whom the low-THC cannabis was prescribed under Chapter
4-17 169, Occupations Code; [~~or~~]

4-18 (5) declined immunization for the child for reasons of
4-19 conscience, including a religious belief;

4-20 (6) allowed the child to engage in independent
4-21 activities that are appropriate and typical for the child's level
4-22 of maturity, physical condition, developmental abilities, or
4-23 culture; or

4-24 (7) tested positive for marihuana, unless the
4-25 department has evidence that the parent's use of marihuana has
4-26 caused significant impairment to the child's physical or mental
4-27 health or emotional development.

4-28 SECTION 7. Section 262.201, Family Code, is amended by
4-29 amending Subsections (e), (g), (h), and (n) and adding Subsections
4-30 (g-1) and (q) to read as follows:

4-31 (e) The court may, for good cause shown, postpone the full
4-32 adversary hearing for not more than seven days from the date of the
4-33 attorney's appointment to provide the attorney time to respond to
4-34 the petition and prepare for the hearing. The court may shorten or
4-35 lengthen the extension granted under this subsection if the parent
4-36 and the appointed attorney agree in writing. If the court postpones
4-37 the full adversary hearing, the court shall extend a temporary
4-38 order, temporary restraining order, or attachment issued by the
4-39 court under Section 262.102(a) [~~or Section 262.1131~~] for the
4-40 protection of the child until the date of the rescheduled full
4-41 adversary hearing.

4-42 (g) In a suit filed under Section 262.101 or 262.105, at the
4-43 conclusion of the full adversary hearing, the court shall order the
4-44 return of the child to the parent, managing conservator, possessory
4-45 conservator, guardian, caretaker, or custodian entitled to
4-46 possession from whom the child is removed unless the court finds
4-47 sufficient evidence to satisfy a person of ordinary prudence and
4-48 caution that:

4-49 (1) there was a danger to the physical health or safety
4-50 of the child, including a danger that the child would be a victim of
4-51 trafficking under Section 20A.02 or 20A.03, Penal Code, which was
4-52 caused by an act or failure to act of the person entitled to
4-53 possession and for the child to remain in the home is contrary to
4-54 the welfare of the child;

4-55 (2) the urgent need for protection required the
4-56 immediate removal of the child and reasonable efforts, consistent
4-57 with the circumstances and providing for the safety of the child,
4-58 were made to eliminate or prevent the child's removal; and

4-59 (3) reasonable efforts have been made to enable the
4-60 child to return home, but there is a substantial risk of a
4-61 continuing danger if the child is returned home.

4-62 (g-1) In a suit filed under Section 262.101 or 262.105, if
4-63 the court does not order the return of the child under Subsection
4-64 (g) and finds that another parent, managing conservator, possessory
4-65 conservator, guardian, caretaker, or custodian entitled to
4-66 possession did not cause the immediate danger to the physical
4-67 health or safety of the child or was not the perpetrator of the
4-68 neglect or abuse alleged in the suit, the court shall order
4-69 possession of the child by that person unless the court finds

5-1 sufficient evidence to satisfy a person of ordinary prudence and
5-2 caution that, specific to each person entitled to possession:

5-3 (1) the person cannot be located after the exercise of
5-4 due diligence by the Department of Family and Protective Services,
5-5 or the person is unable or unwilling to take possession of the
5-6 child; or

5-7 (2) reasonable efforts have been made to enable the
5-8 person's possession of the child, but possession by that person
5-9 presents a continuing danger to the physical health or safety of the
5-10 child caused by an act or failure to act of the person, including a
5-11 danger that the child would be a victim of trafficking under Section
5-12 20A.02 or 20A.03, Penal Code.

5-13 (h) In a suit filed under Section 262.101 or 262.105, if the
5-14 court finds sufficient evidence to make the applicable finding
5-15 under Subsection (g) or (g-1) [~~satisfy a person of ordinary~~
5-16 prudence and caution that there is a continuing danger to the
5-17 physical health or safety of the child and for the child to remain
5-18 in the home is contrary to the welfare of the child], the court
5-19 shall issue an appropriate temporary order under Chapter 105.

5-20 (n) If the [~~The~~] court does not order possession of [~~shall~~
5-21 place] a child by a [~~removed from the child's custodial parent with~~
5-22 the child's noncustodial] parent, managing conservator, possessory
5-23 conservator, guardian, caretaker, or custodian entitled to
5-24 possession under Subsection (g) or (g-1), the court shall place the
5-25 child [~~or~~] with a relative of the child [~~if placement with the~~
5-26 noncustodial parent is inappropriate,] unless the court finds that
5-27 the placement with [~~the noncustodial parent or~~] a relative is not in
5-28 the best interest of the child.

5-29 (g) On receipt of a written request for possession of the
5-30 child from a parent, managing conservator, possessory conservator,
5-31 guardian, caretaker, or custodian entitled to possession of the
5-32 child who was not located before the adversary hearing, the
5-33 Department of Family and Protective Services shall notify the court
5-34 and request a hearing to determine whether the parent, managing
5-35 conservator, possessory conservator, guardian, caretaker, or
5-36 custodian is entitled to possession of the child under Subsection
5-37 (g-1).

5-38 SECTION 8. Section 263.002, Family Code, is amended by
5-39 amending Subsection (c) and adding Subsection (d) to read as
5-40 follows:

5-41 (c) At each permanency hearing before the final order, the
5-42 court shall review the placement of each child in the temporary
5-43 managing conservatorship of the department who has not been
5-44 returned to the child's home. At the end of the hearing, the court
5-45 shall order the department to return the child to the child's parent
5-46 or parents unless the court finds, with respect to each parent,
5-47 that:

5-48 (1) there is a continuing danger to the physical
5-49 health or safety of the child; and

5-50 (2) returning the child to the child's parent or
5-51 parents [~~The court shall make a finding on whether returning the~~
5-52 child to the child's home is safe and appropriate, whether the
5-53 return is in the best interest of the child, and whether it] is
5-54 contrary to the welfare of the child [~~for the child to return home~~].

5-55 (d) This section does not prohibit the court from rendering
5-56 an order under Section 263.403.

5-57 SECTION 9. Section 263.401, Family Code, is amended by
5-58 adding Subsection (b-3) to read as follows:

5-59 (b-3) A court shall find under Subsection (b) that
5-60 extraordinary circumstances necessitate the child remaining in the
5-61 temporary managing conservatorship of the department if:

5-62 (1) a parent of a child has made a good faith effort to
5-63 successfully complete the service plan but needs additional time;
5-64 and

5-65 (2) on completion of the service plan the court
5-66 intends to order the child returned to the parent.

5-67 SECTION 10. Subchapter E, Chapter 263, Family Code, is
5-68 amended by adding Section 263.4011 to read as follows:

5-69 Sec. 263.4011. RENDERING FINAL ORDER; EXTENSION. (a) On

6-1 timely commencement of the trial on the merits under Section
 6-2 263.401, the court shall render a final order not later than the
 6-3 90th day after the date the trial commences.

6-4 (b) The 90-day period for rendering a final order under
 6-5 Subsection (a) is not tolled for any recess during the trial.

6-6 (c) The court may extend the 90-day period under Subsection
 6-7 (a) for the period the court determines necessary if, after a
 6-8 hearing, the court finds good cause for the extension. If the court
 6-9 grants a good cause extension under this subsection, the court
 6-10 shall render a written order specifying:

6-11 (1) the grounds on which the extension is granted; and

6-12 (2) the length of the extension.

6-13 (d) A party may file a mandamus proceeding if the court
 6-14 fails to render a final order within the time required by this
 6-15 section.

6-16 SECTION 11. Section 263.403(a-1), Family Code, is amended
 6-17 to read as follows:

6-18 (a-1) Unless the court has granted an extension under
 6-19 Section 263.401(b), the department or the parent may request the
 6-20 court to retain jurisdiction for an additional six months as
 6-21 necessary for a parent to complete the remaining requirements under
 6-22 [in] a service plan [and specified] in a transition monitored
 6-23 return under Subsection (a)(2)(B) [the temporary order that are
 6-24 mandatory for the child's return].

6-25 SECTION 12. Section 264.203, Family Code, is amended to
 6-26 read as follows:

6-27 Sec. 264.203. REQUIRED PARTICIPATION. (a) The department
 6-28 may file a suit requesting [Except as provided by Subsection (d),]
 6-29 the court to render a temporary [on request of the department may]
 6-30 order requiring the parent, managing conservator, guardian, or
 6-31 other member of the [subject] child's household to:

6-32 (1) participate in the services for which the
 6-33 department makes a referral or services the department provides or
 6-34 purchases for:

6-35 (A) alleviating the effects of the abuse or
 6-36 neglect that has occurred; [or]

6-37 (B) reducing a continuing danger to the physical
 6-38 health or safety of the child caused by an act or failure to act of
 6-39 the parent, managing conservator, guardian, or other member of the
 6-40 child's household [the reasonable likelihood that the child may be
 6-41 abused or neglected in the immediate or foreseeable future]; or

6-42 (C) reducing a substantial risk of abuse or
 6-43 neglect caused by an act or failure to act of the parent, managing
 6-44 conservator, guardian, or member of the child's household; and

6-45 (2) permit the child and any siblings of the child to
 6-46 receive the services.

6-47 (b) A suit requesting an order under this section may be
 6-48 filed in a court with jurisdiction to hear the suit in the county in
 6-49 which the child is located [The department may request the court to
 6-50 order the parent, managing conservator, guardian, or other member
 6-51 of the child's household to participate in the services whether the
 6-52 child resides in the home or has been removed from the home].

6-53 (c) Except as otherwise provided by this subchapter, the
 6-54 suit is governed by the Texas Rules of Civil Procedure applicable to
 6-55 the filing of an original lawsuit [If the person ordered to
 6-56 participate in the services fails to follow the court's order, the
 6-57 court may impose appropriate sanctions in order to protect the
 6-58 health and safety of the child, including the removal of the child
 6-59 as specified by Chapter 262].

6-60 (d) The petition shall be supported by a sworn affidavit by
 6-61 a person based on personal knowledge and stating facts sufficient
 6-62 to support a finding that:

6-63 (1) the child has been a victim of abuse or neglect or
 6-64 is at substantial risk of abuse or neglect; and

6-65 (2) there is a continuing danger to the physical
 6-66 health or safety of the child caused by an act or failure to act of
 6-67 the parent, managing conservator, guardian, or other member of the
 6-68 child's household unless that person participates in services
 6-69 requested by the department [If the court does not order the person

7-1 ~~to participate, the court in writing shall specify the reasons for~~
 7-2 ~~not ordering participation].~~

7-3 (e) In a suit filed under this section, the court may render
 7-4 a temporary restraining order as provided by Section 105.001.

7-5 (f) The court shall hold a hearing on the petition not later
 7-6 than the 14th day after the date the petition is filed unless the
 7-7 court finds good cause for extending that date for not more than 14
 7-8 days.

7-9 (g) The court shall appoint an attorney ad litem to
 7-10 represent the interests of the child immediately after the filing
 7-11 but before the hearing to ensure adequate representation of the
 7-12 child. The attorney ad litem for the child shall have the powers
 7-13 and duties of an attorney ad litem for a child under Chapter 107.

7-14 (h) The court shall appoint an attorney ad litem to
 7-15 represent the interests of a parent for whom participation in
 7-16 services is being requested immediately after the filing but before
 7-17 the hearing to ensure adequate representation of the parent. The
 7-18 attorney ad litem for the parent shall have the powers and duties of
 7-19 an attorney ad litem for a parent under Section 107.0131.

7-20 (i) Before commencement of the hearing, the court shall
 7-21 inform each parent of:

7-22 (1) the parent's right to be represented by an
 7-23 attorney; and

7-24 (2) for a parent who is indigent and appears in
 7-25 opposition to the motion, the parent's right to a court-appointed
 7-26 attorney.

7-27 (j) If a parent claims indigence, the court shall require
 7-28 the parent to complete and file with the court an affidavit of
 7-29 indigence. The court may consider additional evidence to determine
 7-30 whether the parent is indigent, including evidence relating to the
 7-31 parent's income, source of income, assets, property ownership,
 7-32 benefits paid in accordance with a federal, state, or local public
 7-33 assistance program, outstanding obligations, and necessary
 7-34 expenses and the number and ages of the parent's dependents. If the
 7-35 court determines the parent is indigent, the attorney ad litem
 7-36 appointed to represent the interests of the parent may continue the
 7-37 representation. If the court determines the parent is not
 7-38 indigent, the court shall discharge the attorney ad litem from the
 7-39 appointment after the hearing and shall order the parent to pay the
 7-40 cost of the attorney ad litem's representation.

7-41 (k) The court may, for good cause shown, postpone any
 7-42 subsequent proceedings for not more than seven days after the date
 7-43 of the attorney ad litem's discharge to allow the parent to hire an
 7-44 attorney or to provide the parent's attorney time to prepare for the
 7-45 subsequent proceeding.

7-46 (l) An order may be rendered under this section only after
 7-47 notice and hearing.

7-48 (m) At the conclusion of the hearing, the court shall deny
 7-49 the petition unless the court finds sufficient evidence to satisfy
 7-50 a person of ordinary prudence and caution that:

7-51 (1) abuse or neglect has occurred or there is a
 7-52 substantial risk of abuse or neglect or continuing danger to the
 7-53 physical health or safety of the child caused by an act or failure
 7-54 to act of the parent, managing conservator, guardian, or other
 7-55 member of the child's household; and

7-56 (2) services are necessary to ensure the physical
 7-57 health or safety of the child.

7-58 (n) If the court renders an order granting the petition, the
 7-59 court shall:

7-60 (1) state its findings in the order;

7-61 (2) make appropriate temporary orders under Chapter
 7-62 105 necessary to ensure the safety of the child; and

7-63 (3) order the participation in specific services
 7-64 narrowly tailored to address the findings made by the court under
 7-65 Subsection (m).

7-66 (o) If the court finds that a parent, managing conservator,
 7-67 guardian, or other member of the child's household did not cause the
 7-68 continuing danger to the physical health or safety of the child or
 7-69 the substantial risk of abuse or neglect, or was not the perpetrator

8-1 of the abuse or neglect alleged, the court may not require that
8-2 person to participate in services ordered under Subsection (n).

8-3 (p) Not later than the 90th day after the date the court
8-4 renders an order under this section, the court shall hold a hearing
8-5 to review the status of each person required to participate in the
8-6 services and the child and the services provided, purchased, or
8-7 referred. The court shall set subsequent review hearings every 90
8-8 days to review the continued need for the order.

8-9 (q) An order rendered under this section expires on the
8-10 180th day after the date the order is signed unless the court
8-11 extends the order as provided by Subsection (r) or (s).

8-12 (r) The court may extend an order rendered under this
8-13 section on a showing by the department of a continuing need for the
8-14 order, after notice and hearing. Except as provided by Subsection
8-15 (s), the court may extend the order only one time for not more than
8-16 180 days.

8-17 (s) The court may extend an order rendered under this
8-18 section for not more than an additional 180 days only if:

8-19 (1) the court finds that:

8-20 (A) the extension is necessary to allow the
8-21 person required to participate in services under the plan of
8-22 service time to complete those services;

8-23 (B) the department made a good faith effort to
8-24 timely provide the services to the person;

8-25 (C) the person made a good faith effort to
8-26 complete the services; and

8-27 (D) the completion of the services is necessary
8-28 to ensure the physical health and safety of the child; and

8-29 (2) the extension is requested by the person or the
8-30 person's attorney.

8-31 (t) At any time, a person affected by the order may request
8-32 the court to terminate the order. The court shall terminate the
8-33 order on finding the order is no longer needed.

8-34 SECTION 13. The following provisions of the Family Code are
8-35 repealed:

8-36 (1) Section 262.113;

8-37 (2) Section 262.1131; and

8-38 (3) Sections 262.201(b) and (j).

8-39 SECTION 14. Section 161.101, Family Code, as amended by
8-40 this Act, applies only to a petition or motion filed by the
8-41 Department of Family and Protective Services on or after the
8-42 effective date of this Act. A petition or motion filed by the
8-43 department before that date is governed by the law in effect on the
8-44 date the petition or motion was filed, and the former law is
8-45 continued in effect for that purpose.

8-46 SECTION 15. The changes in law made by this Act apply only
8-47 to a suit filed by the Department of Family and Protective Services
8-48 on or after the effective date of this Act. A suit filed by the
8-49 department before that date is governed by the law in effect on the
8-50 date the suit was filed, and the former law is continued in effect
8-51 for that purpose.

8-52 SECTION 16. This Act takes effect September 1, 2021.

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