

By: Darby, Swanson, Frank

H.B. No. 1790

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the notice provided to certain individuals on
3 termination of the parent-child relationship and on placement of a
4 child in the managing conservatorship of the Department of Family
5 and Protective Services.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Subchapter C, Chapter 161, Family Code, is
8 amended by adding Section 161.2081 to read as follows:

9 Sec. 161.2081. NOTICE OF TERMINATION FOR CERTAIN RELATIVES.

10 Immediately after a court renders an order terminating the
11 parent-child relationship in a suit filed by the Department of
12 Family and Protective Services, the department shall notify each
13 individual described by Section 102.006(c) who has been identified
14 under Section 262.1095 that:

15 (1) the parent-child relationship has been
16 terminated; and

17 (2) the individual has 90 days after the date the order
18 is rendered to file an original suit or a suit for modification
19 requesting managing conservatorship of the child in accordance with
20 Section 102.006(c).

21 SECTION 2. Section 262.1095, Family Code, is amended by
22 amending Subsections (a) and (b) and adding Subsection (d-1) to
23 read as follows:

24 (a) When the Department of Family and Protective Services or

1 another agency takes possession of a child under this chapter, the
2 department:

3 (1) shall provide information as prescribed by this
4 section in writing to each adult the department is able to identify
5 and locate who is:

6 (A) related to the child within the third degree
7 by consanguinity as determined under Chapter 573, Government Code;

8 (B) an adult relative of the alleged father of
9 the child if the department has a reasonable basis to believe the
10 alleged father is the child's biological father; or

11 (C) identified as a potential relative or
12 designated caregiver, as defined by Section 264.751, on the
13 proposed child placement resources form provided under Section
14 261.307; and

15 (2) may provide information as prescribed by this
16 section to each adult the department is able to identify and locate
17 who has a long-standing and significant relationship with the
18 child.

19 (b) The information provided under Subsection (a) must:

20 (1) state that the child has been removed from the
21 child's home and is in the temporary managing conservatorship of
22 the department;

23 (2) explain the options available to the individual to
24 participate in the care and placement of the child and the support
25 of the child's family, the methods by which the individual may
26 exercise those options, and any requirements the individual must
27 satisfy to exercise those options, including:

1 (A) the requirement that the individual be
2 evaluated by the Department of Family and Protective Services under
3 Section 262.114 before the individual may serve as a substitute
4 caregiver; and

5 (B) the deadlines before which the individual
6 must respond to exercise those options;

7 (3) identify the [~~state that some~~] options available
8 to the individual that may be lost if the individual fails to
9 respond in a timely manner; [~~and~~]

10 (4) include, if applicable, the date, time, and
11 location of the hearing under Subchapter C, Chapter 263; and

12 (5) include information regarding the procedures and
13 timeline for a suit affecting the parent-child relationship under
14 this chapter.

15 (d-1) Immediately after the Department of Family and
16 Protective Services identifies and locates an individual described
17 by Subsection (a)(1), the department shall provide the information
18 required by this section.

19 SECTION 3. The changes in law made by this Act apply only to
20 a suit affecting the parent-child relationship filed on or after
21 the effective date of this Act. A suit affecting the parent-child
22 relationship filed before the effective date of this Act is
23 governed by the law in effect immediately before the effective date
24 of this Act, and the former law is continued in effect for that
25 purpose.

26 SECTION 4. This Act takes effect September 1, 2021.