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S.B. No. 1349

A BILL TO BE ENTITLED

AN ACT

relating to placing a child in the possessory conservatorship of the child's parents in certain situations.

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

SECTION 1. Subchapter E, Chapter 263, Family Code, is amended by adding Section 263.409 to read as follows:

Sec. 263.409. MODIFICATION OF FINAL ORDER. (a) A parent may file suit to modify a final order rendered under this subchapter if the final order:

(1) appoints as the child's managing conservator a person who is not the child's parent, other than the department; and

(2) did not terminate the rights of the parent of the child.

(b) In a suit to modify a final order authorized by this section, the court may order the return of the child to the child's parent if the court finds it is in the best interest of the child.

SECTION 2. Section 263.501(a), Family Code, is amended to read as follows:

(a) If the department is appointed ~~[has been named]~~ as a child's managing conservator in a final order that does not include termination of parental rights, or if the department is not dismissed from the suit in a final order that appoints a person who is not the child's parent as the child's managing conservator and that does not include termination of parental rights, the court

1 shall conduct a permanency hearing after the final order is
2 rendered at least once every six months until the department:

3 (1) is no longer the child's managing conservator; or

4 (2) is dismissed from the suit.

5 SECTION 3. Subchapter F, Chapter 263, Family Code, is
6 amended by adding Section 263.504 to read as follows:

7 Sec. 263.504. RETURNING CHILD TO PARENT. (a) At each
8 permanency hearing after the date the court rendered the final
9 order appointing the department as the child's managing conservator
10 without terminating parental rights, the department shall review
11 the child's placement to determine whether the child could be
12 returned to the child's parent.

13 (b) At each permanency hearing after the date the court
14 rendered the final order appointing a person who is not the child's
15 parent as the child's managing conservator without terminating
16 parental rights or dismissing the department from the suit, the
17 department shall review the child's placement to determine whether
18 the child could be returned to the child's parent.

19 (c) The department may recommend reunification with the
20 child's parent if the department finds:

21 (1) the parent of the child has remedied the condition
22 or conditions that led to removal of the child;

23 (2) the parent of the child is willing and able to care
24 for the child; and

25 (3) the best interest of the child will be served by
26 placing the child with the child's parent.

27 (d) The court may return the child to the child's parent if

1 the court finds it is in the best interest of the child.

2 (e) This section does not affect a parent's right under
3 other applicable law to seek a modification of an order issued under
4 this subchapter.

5 SECTION 4. The change in law made by this Act applies to a
6 permanency hearing held on or after the effective date of this Act
7 regardless of the date on which the Department of Family and
8 Protective Services is named the child's managing conservator.

9 SECTION 5. This Act takes effect September 1, 2021.